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02 December 2013

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

**MEETING:** Regulatory Board  
**DATE:** 10 December 2013  
**TIME:** 6.00 pm  
**PLACE:** Council Chamber, Town Hall, Gosport  
**Democratic Services contact:** Vicki Stone

LINDA EDWARDS  
BOROUGH SOLICITOR

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### **MEMBERS OF THE BOARD**

The Mayor (Councillor Beavis (ex-officio)  
Chairman of the Policy and Organisation Board (Councillor Hook) (ex-officio)

Councillor Ronayne(Chairman)  
Councillor Mrs Hook (Vice Chairman)

Councillor Ms Ballard	Councillor Gill
Councillor Carter CR	Councillor Hazel
Councillor Ms Diffey	Councillor Jessop
Councillor Farr	Councillor Langdon
Councillor Geddes	Councillor Wright

### **FIRE PRECAUTIONS**

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

**In the event of the fire alarm sounding, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow 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.**

**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**

### **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 4 NOVEMBER 2013

4. DEPUTATIONS – STANDING ORDER 3.5

*(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Friday, 06 December 2013. 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 Friday, 06 December 2013).*

6. **REPORTS OF THE BOROUGH SOLICITOR**

*Schedule of planning applications with recommendations.  
(grey sheets – pages 1- 59)*

PART II  
Contact Officer:  
Debbie Gore  
Ext: 5455

7. ANY OTHER ITEMS

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

### **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.

<b>INDEX</b>				
<b><u>Item</u></b>	<b><u>Page No</u></b>	<b><u>Appl. No.</u></b>	<b><u>Address</u></b>	<b><u>Recommendation</u></b>
01.	03-19	13/00231/FULL	Pooles Peugeot Camp Road Gosport Hampshire PO13 0XU	Grant Permission
02.	20-35	13/00411/OUT	154 Fareham Road Gosport Hampshire	Grant Permission
03.	36-49	13/00311/FULL	Middlecroft Gospel Hall Middlecroft Lane Gosport Hampshire PO12 3DH	Grant Permission
04.	50-54	13/00207/FULL	Bay House Enterprise Academy Military Road Gosport Hampshire PO12 3AF	Grant Permission
05.	55-59	13/00298/FULL	Bay House Enterprise Academy Military Road Gosport Hampshire PO12 3AF	Grant Permission

**ITEM NUMBER: 01.**  
**APPLICATION NUMBER: 13/00231/FULL**  
**APPLICANT: First Wessex**  
**DATE REGISTERED: 01.07.2013**

**DEMOLITION OF EXISTING CAR SALES GARAGE AND ERECTION OF 6 NO. TWO BEDROOM HOUSES, 6 NO. THREE BEDROOM HOUSES AND BLOCK OF 2 NO. ONE BEDROOM FLATS AND 3 NO. TWO BEDROOM FLATS WITH ASSOCIATED ACCESS, CAR PARKING, CYCLE AND REFUSE STORES (as amended by plans received 17.09.13 and 01.10.13 and amplified by information received 27.09.13, 01.10.13 and 08.11.13)**

**Pooles Peugeot Camp Road Gosport Hampshire PO13 0XU**

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

The application site, which is 0.31 hectares in area, is located in the northern part of the Borough, to the west side of the A32 beyond an existing petrol station, to the south side of Camp Road and within 650m of the Portsmouth Harbour SSSI/SPA/Ramsar site. It is a flat site that has previously been occupied and used for the purposes of car sales, repairs and servicing. There is existing access to the site from Camp Road where there are presently two areas of dropped kerb. The section of dropped kerb to the east end of the site is approximately 7m long and the section to west is approximately 24m long. The site frontage is approximately 55m long and the site extends to a maximum depth of 67m where it abuts the rear boundaries of the properties to the south in Tarius Close. Vehicular and pedestrian access to the rear of the site is along the boundary with no. 5 Camp Road to the west. The site is currently occupied by three main buildings. The front elevation of the larger of the three is sited approximately 20m from Camp Road. The building is approximately 50m long, 16m deep and has a pitched roof running east to west. The apex of the roof is approximately 8m high. This building has a canopy approximately 12m deep on its northern side which has been partially infilled with glazing at its eastern end. The second building is sited in the south east corner of the site and is a two storey brick building with a white painted exterior. The building is 14m long, 7m wide and approximately 8m high to the apex of the pitched roof which runs north to south. The roof has gable ends to the north and south. The building stands on the eastern boundary and is approximately 7m north of the southern boundary. The third building is a flat roof building approximately 2.5m high and is approximately 6m long and 4m wide and is located on the southern boundary to the north east of no. 4 Tarius Close.

The site has previously been marketed. This commenced in 2007 on a confidential basis whilst the car business was still in operation. Some interest from house builders was received but it was not followed up as the site owners remained hopeful that the site could continue as a business but as this was unsuccessful, in 2011, the business was closed. The site has remained unoccupied since 2011.

The residential properties in Tarius Close are two storey, red brick properties with windows in the first floor, rear elevations serving bedrooms. The terraces are configured to account for the shape of the highway. Numbers 1 to 7 comprise an 'L' shaped building which abuts the central part of the southern boundary of the application site. Numbers 8 to 12 Tarius Close are in a straight terrace; only number 8 and 9 abut the south east corner of the site with 10, 11 and 12 extending to the east across the southern boundary of the petrol station.

Number 5 Camp Road is a semi-detached bungalow which has been extended into the roof space. There is a dormer window on the southern roof slope. There is also a single storey extension to the rear of the property approximately 3m deep and there is an attached, flat roof garage on the east side which abuts the application site boundary. There are two outbuildings within the rear garden. The first is located to the south of the rear elevation and is parallel with a stagger in the western boundary. This building is approximately 2.5m long, 1.5m wide and 2.5m high to the top of the pitched roof which runs north east to south west. The second is a larger, timber summer house sited at the southern end of the garden. This building is approximately 5m long, 5m wide and 3.5m

high to the top of the pitched roof over. The pitch drops down towards the application site and the building is set off the eastern boundary by approximately 1m. The rear garden serving this property extends along the western boundary of the application site where the boundary is treated with a timber fence approximately 1.8m high. Approximately 22m south from Camp Road there is an existing gate in the fence which provides access between this neighbour and the application site.

The existing petrol station is occupied by a single storey shop building at its northern end. The main canopy, under which the petrol pumps are sited, is at the centre of the site. There are a series of ancillary facilities including a car wash, air and water towards the southern end of the site. The boundary between the petrol station and application site is treated with a mix of timber fence and sheet paneling ranging from 1.8m high up to approximately 3m and the second of the existing buildings on the application site. The petrol station is open from 5am until 11pm, 7 days per week.

To the north of the application site, beyond Camp Road, is residential development which comprises a mix of two storey properties on the corner of Camp Road and Fareham Road with bungalows to the west of this fronting Camp Road. The bungalows have gable ends fronting the highway.

This application proposes the demolition of the existing structures on the site and redevelopment to provide 17 residential units comprising 6 no. three bedroom houses, 6 no. two bedroom houses, 3 no. two bedroom and 2 no. one bedroom flats together with associated access, car parking, cycle and refuse stores. The existing dropped kerb to the eastern side of the northern boundary of the site is to be closed and a new access to the site is proposed to the centre of the northern boundary of the site. An access road would then run north to south through the site with a parking and turning area to the east. The residential units would be divided into four blocks across the site. The first, Block A, would be located to the north west corner of the site and would comprise 3 no. three bedroom houses and 2 no. two bedroom houses. The three bedroom houses would be located to the centre of the terrace and the two smaller units to the western and eastern ends. The properties would face Camp Road and have rear gardens extending south. The building would be 25m long, 10.4m wide and 8.8m high under a hipped roof. There would be a stagger in the building where the two westernmost properties would stand approximately 2m further south. A separation distance of 0.8m would be retained to the western boundary of the application site. The existing dropped kerb to the western end of the north elevation is to be shortened to provide access to two proposed car parking spaces to the front of the two westernmost properties within Block A.

Block B would also be sited along the northern boundary facing Camp Road. This terrace of four properties would contain 2 no. three bedroom and 2 no. two bedroom houses. The building would be 20m long, 10.4m wide and 8.8m high under a hipped, pitched roof. Like Block A, the gardens serving these properties would extend south from the rear elevation of the properties. A separation distance of 0.8m would be retained to the eastern boundary. Block C would be located to the south west corner of the site and would contain 1 no. three bedroom and 2 no. two bedroom dwellings. The building would be 15.4m long, 10.4m wide and 8.4m high under a hipped, pitched roof. The front of the properties would face east with rear gardens extending west from the rear elevation to abut the western boundary of the site. Each of these properties would have a single, Oriel, bedroom window in the rear, west elevation at first floor level. The Oriel windows would face south west.

Block D, located to the south east corner of the site, would contain 3 no. two bedroom and 2 no. one bedroom flats. The building would be a maximum of 11.8m wide across the northern section, decreasing to 7.2m wide at the southern end, 17m long and 8.8m high under a hipped, pitched roof staggered to take account of the range in the width of the building. There would be a section of flat roof towards the centre of the roof. Access to the building would be to the east end of the north elevation with all of the circulation space being concentrated along the east side of the building. The two ground floor flats would have enclosed balcony areas on the west elevation. The first floor flats would have Juliette balconies from their lounges facing north and south respectively and the second floor flat would have a balcony at the northern end of the west elevation. A separation distance of 2m would be retained to the eastern boundary and 12m to the southern boundary. Beyond Block D to the south would be a communal garden a maximum of 15.8m wide and approximately 13m long.

Within the garden a cycle and refuse store is proposed. This building would be 5.5m long, 5m wide and 2.2m high under a flat roof. Access would be from the north and west sides.

The gardens serving the houses range between 9m and 12m deep, a total of 21 car parking spaces is proposed across the site, 18 of which are to be unallocated. Each of the houses would have its own cycle and refuse storage. There would be a separate cycle and refuse store for Block D which would provide parking for 8 cycles. There are to be some areas of soft landscaping between the car parking spaces and along the dwellings. The existing southern and eastern boundaries are to be replaced with a mix of timber fence and brick wall ranging in height from 2m to 3m along the eastern elevation to provide an acoustic barrier. It is proposed to retain and repair the existing boundary fence along the west side of the site.

The application is accompanied by a Ground Investigation report, an Environmental Noise Assessment, Traffic surveys and information, an Extended Phase 1 Habitat Survey and other supporting ecological information.

Amended plans have been submitted to address concerns raised regarding the impact on neighbouring properties and the impacts of noise. The amended plans show a change in the shape of the roof from gables to hips over all four blocks, two additional car parking spaces to the north of Block A, new 2m high close boarded fence and brick wall along the southern boundary of the site and a mix of 2.5m - 3m high acoustic fencing along the eastern boundary of the site.

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

12/00546/FULL - Demolition of existing car sales garage and erection of 8 no. two bedroom houses and 8 no. three bedroom houses with associated access, car parking, cycle and refuse stores - withdrawn to address issues - 28.05.13

### ***Relevant Policies***

National Planning Policy Framework (NPPF), March 2012

Gosport Borough Local Plan Review, 2006:

- R/DP1  
General Standards of Development within the Urban Area
- R/DP3  
Provision of Infrastructure, Services and Facilities
- R/T2  
New Development
- R/T3  
Internal Layout of Sites
- R/T11  
Access and Parking
- R/H4  
Housing Densities
- R/H5  
Affordable Housing
- R/OS8  
Recreational Space for New Residential Developments
- R/OS11  
Protection of Areas of National Nature Conservation Importance
- R/OS12  
Locally Designated Areas of Nature Conservation Importance
- R/OS13  
Protection of Habitats Supporting Protected Species
- R/ENV4  
Treatment of Foul Sewage and Disposal of Surface Water
- R/ENV10



Noise Pollution  
R/ENV11  
Minimising Light Pollution  
R/ENV12  
Air Quality  
R/ENV5  
Contaminated Land

### **Consultations**

Streetscene Waste & Cleansing	No objection. Adequate space shown for bin storage at individual and communal storage areas. Each property will require 1 x 240 litre domestic bin and 1 x 240 litre recycling bin. Pathways to collection points must be satisfactory widths. Dropped kerbs must be provided adjacent to communal bin stores. The new road must be constructed to Hampshire County standard or bin collection points must be made available adjacent to Camp Road taking into consideration bin carry distance of 30m.
Housing Strategic	No objection.
Economic Prosperity	No objection. Whilst it is regrettable that no employment uses have been attracted to the site, it has been satisfactorily demonstrated that there have been reasonable attempts to let it for this purpose.
Crime Prevention & Design	Accesses to the rear of properties encourage crime such as burglary and theft. All rear access gates should, therefore, be fitted with a key operated lock. Vehicle parking for plots 1 and 9 appears to be some way from the front of the respective properties. This may encourage residents to park on the road which may leave their vehicles vulnerable to crime. Ideally the parking spaces would be located in closer proximity to the doors serving this property. Ideally parking should be allocated to avoid risk of confrontation relating to parking spaces. The first floor windows to the rear of plots 10, 11 and 12 are angled which reduces opportunity for natural surveillance. All communal entrances should be secured to a suitable standard and the development should be well lit.
HCC Education Office	No education contribution is required.
Southern Water	No objection. There are no records of public sewers crossing the site, however, if a sewer is found an investigation of that sewer to ascertain its condition, the number of properties it serves and potential means of access will be required.

Hampshire Fire And Rescue Service

No objection. Access to the proposed site and buildings should be in accordance with Approved Document B5 of the Building Regulations. Whilst there is no legal requirement to adhere to the following is advised:

- water supplies for fire fighting should be investigated;
- the installation of sprinklers should be investigated.

Natural England

No objection, subject to a contribution towards the mitigation of recreational disturbance along the coast.

HCC Ecology

No objection. There is an Extended Phase 1 Habitat Survey accompanying the planning application which provides a sound assessment of the current ecological value of the site and concludes that, overall, the site is of minimal ecological value. The bulk of the site comprises hardstanding and buildings with very little vegetation present besides some patches of rough herbage typical of such urban locations. It is understood that there is some evidence from residents that protected species may be using the site. The ecological report accompanying the application is sound and the report author is appropriately qualified. There is no evidence to justify a disagreement with the conclusions of the report. The site is mainly hardstanding and does not, therefore, support any substantial areas of semi-natural vegetation which would either support or attract species such as badgers or reptiles.

#### Badgers

It is understood that there is anecdotal evidence of badger activity within adjacent residential gardens which is likely given the high population of badgers in Gosport. The evidence presented within the ecology report states clearly that there is no evidence of badgers within the application site. In planning terms, the issue is whether badgers are likely to be impacted by the proposed works at the application site. If there is any direct interference with a sett this would contravene the Protection of Badgers Act 1992 and any works would require licensing. The applicant should simply ensure that suitable precautions are taken to protect badgers during demolition and construction.

#### Bats

The applicant's ecological survey states that the on site buildings are of negligible potential for supporting roosting bats. If bats have been seen flying around within the area it is possible that they are feeding and not necessarily roosting.

#### Reptiles

It has been reported that there are slow worms present within nearby residential gardens which is possible as this species are associated with gardens even in urban areas. The application site appears to offer no suitable habitat for supporting reptiles.

In conclusion, based on the evidence available, there is no justifiable reason to disagree with the conclusions of the information supporting the planning application.

This proposal will, potentially, increase recreational pressure on the designated sites at Portsmouth Harbour. The advice of Natural England should be sought in respect of this matter.

#### Local Highway Authority

No objection. Satisfactory visibility splays from the site access appear acceptable. The existing north eastern access to the site has an 'H' bar marking on the highway which prevents parking across the access. The existing disabled bay on the highway will need to be replaced before the development is commenced. A Section 278 agreement will be required for the works to the highway to be carried out. Visitors to the development may park on the adjoining highway. Planting species that overhang or interrupt the use of the parking spaces should not be used. Drainage should be provided to ensure that no water from the site runs onto the highway and vice versa and no parts of the buildings shall overhang the highway. No contribution towards Transport Infrastructure, Services and Facilities is required.

#### Environmental Health

##### Noise

The use of an acoustic barrier, mechanical ventilation heat recovery (MVHR) systems within the residential units along with appropriate glazing, will result in an acceptable level of noise within the proposed residential units. The acoustic barrier should be required by condition. All works on site should be carried out between 0800 and 1800 Monday to Friday and 0900 and 1300

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on Saturday's.

**Air Quality**

There are no concerns with regard to the impacts of benzene from the petrol pumps on the proposed residential properties.

**Contamination**

Subject to the recommendations made within the Ground Investigation report being secured by condition, there is no risk from contamination.

**Light**

Any additional lighting should not cause glare or spillage that is harmful to the neighbouring residential properties. This should be controlled by condition.

**Building Control**

No objection. An application for Building Regulation approval will be necessary. Fire Brigade access to Blocks C and D needs to comply with B5 in terms of distance from the road (45m) to the building. Internal layout appears acceptable.

***Response to Public Advertisement***

14 letters of objection to original plans

Issues raised:

- harmful impact on wildlife
- presence of slow worms, bats, badgers, foxes and squirrels
- the ecological report is inaccurate and was carried out at the wrong time of year
- too many dwellings
- the design is out of keeping with the surrounding area
- proposal is overbearing, out of scale
- overlooking, loss of privacy and overshadowing
- concerns regarding smells from the refuse store
- communal garden space within the development could be used for anti-social behaviour
- impact of noise from development
- impact of noise from the petrol station
- impact of noise and dust from construction
- impact on existing gardens from construction
- impact of additional lighting
- harmful impact on vulnerable people surrounding the development
- lack of public transport to serve the development
- inadequate car parking that will compromise highway safety
- removal of disabled parking bay on the highway
- removal of parking restrictions along the north side of Camp Road would address concerns about the removal of the disabled parking bay
- the new access road will abut an existing boundary fence and there may be damage to the fence from cars driving into it
- the height of the boundary around the site is too low and there is a risk of people climbing over into adjoining sites
- concerns regarding security
- existing fences should not be removed or altered
- a brick wall around the site would provide better security
- noted that the Crime Prevention Officer concurs with concerns regarding security

- concern regarding access to the rear of neighbouring properties from communal areas
- crime prevention concerns relating to parking problems and the arrangement of windows
- concern regarding littering
- concern about the erection of a wall and the impact on adjoining trees
- proposed trees will impact on existing fences and gardens
- proposed trees will not overcome overlooking concerns
- unclear who will maintain walls, fences and lawns
- shortage of affordable housing does not justify impacting harmfully on existing residents
- impact of pollution and contamination
- concerns re asbestos, benzene and health risks
- hazard and health risk resulting from people smoking, lighting fires, letting off fireworks, having barbeques, using mobile telephones and using CB radios adjacent to the existing petrol station
- health risk from residential properties being sited in such close proximity to a petrol station
- risk of explosion from workmen smoking on the site due to proximity of petrol station to the site
- disposal of hazardous waste
- clarification regarding planting of new trees should be provided. Tree roots of new trees can cause damage to existing properties
- lack of time to comment on application and associated documents
- concern regarding lack of public consultation carried out by the applicant
- work has already started on site
- maintenance is a concern
- the proposal will devalue existing properties
- existing residents should be compensated if the development goes ahead
- stress to existing residents caused by the proposed development

#### 15 letters of objection to amended plans

##### Issues raised:

- harmful impact on wildlife
- unsatisfactory assessment of the impact on wildlife
- lack of evidence provided to address the loss of the employment use
- too many dwellings
- density exceeds policy
- overlooking
- subsidence
- flooding and drainage
- lack of car parking
- inclusion of five more parking spaces than the withdrawn application is welcomed
- lack of public transport to serve the development
- erection of a wall along boundary is welcomed
- lack of satisfactory boundary treatment
- bollards along site perimeter would prevent damage to fences by cars
- crime prevention should be more carefully considered
- security is a concern
- question over general impact on existing residents
- existing residents should be more carefully considered
- trees will damage existing properties
- trees will not provide screening
- tree roots will impact on fuel storage
- siting of bin and cycle store is inappropriate
- bin and cycle store is a fire hazard and climbing aid
- littering and risk of fly tipping
- noise pollution
- harmful impact from noise, activity and dust from construction activity
- affordable housing inappropriate in this location
- lack of playing space on the site
- hazard and health risk resulting from people smoking, lighting fires, letting off fireworks, having barbeques, using mobile telephones and using CB radios adjacent to the existing petrol station
- concern regarding the proximity of the refuse store to the petrol station and the siting of the petrol

- station to the nearby munitions store
- the issues raised previously have not been satisfactorily addressed
- the application is being 'pushed' through to increase the Council's revenue
- the Council has the authority to require the number of dwellings to be reduced
- the safety and security of existing residents is being traded off against profit for the Council from the New Homes Bonus Scheme and Council Tax

1 anonymous letter of support to amended plans

Issues raised:

- the proposed development will not add to traffic on the A32 and should go ahead

### ***Principal Issues***

1. Whilst not a material planning consideration, advice has been sought from Hampshire Petroleum Service in respect of the risk of fire and explosion from the proposed development relative to its siting adjacent to the existing petrol station. The Service only normally provides guidance in respect of the siting of proposed petrol stations and there is no guidance on new residential development or its proximity to existing petrol stations. Nevertheless, the guidance relating to proposed petrol stations sets out that a separation of 12m is required between existing residential development and proposed tank fill points and 9m from dispensers. Although there is no requirement to comply with these distances in respect of this proposal for residential development, the guidance separation distances will be met. The fire resistance of proposed residential development is addressed through the Building Regulations and no objection has been raised to this application from Building Control and the proposed development complies with Building Regulation B5 in respect of access to the site for fire engines. The control of asbestos and hazardous substances is a matter for the Health and Safety Executive, any future fly tipping would be addressed as it occurred and subsidence is private legal matter. The application has been advertised in accordance with the Council's publicity procedure and there is no requirement for pre-application consultation to be undertaken by the applicant. Investigative or site clearance works are unlikely to require planning permission and the future maintenance of the site is a matter for the owner of the land. The value of individual properties is not a material planning consideration and the application has been carefully considered taking into account all relevant, material planning considerations including the impacts on neighbouring properties. Each planning application is considered and determined on its own merits and any revenue generation from the New Homes Bonus Scheme or Council Tax are not material planning considerations to which any weight is being given in the assessment of this application.

2. The main issues for consideration are, therefore, the principle of the development, affordable housing provision, the appropriateness of the design and impact on the streetscene, the impact on the neighbouring properties, the quality of the environment for prospective occupiers, land contamination, foul and surface water drainage, highway and pedestrian safety, open space and the impact on protected species and sites of importance for nature conservation.

3. Whilst the site has been marketed and attempts have been made to retain the business on the site, the site is not a designated employment site and there is, therefore, no policy requirement to justify the loss of employment on this site. The site is located in the Urban Area and the principle of residential development is, therefore, acceptable. The proposal would also help to make efficient re-use of an existing Brownfield site that, since being vacated, has begun to fall into a state of disrepair and does not currently contribute positively towards the visual amenities of the area. Policy R/H5 of the Gosport Borough Local Plan Review requires the provision of 40% of the dwellings to be affordable which is to be secured through a Section 106 agreement.

4. The area surrounding the application site is characterised by a mix of single and two storey residential development together with the existing commercial development on Fareham Road including the existing petrol station to the east. The density of the proposed development reflects the existing residential development in the locality. The proposal will provide a visually pleasing development with the mix of materials providing visual interest as viewed from the public domain. The final materials are recommended to be controlled by condition to ensure that they are of an

appropriate type and texture to reflect the existing buildings in the area. The use of a variety of window shapes and sizes will provide visual interest to the elevations, particularly when viewed from Camp Road to the north. Amended plans have been provided to introduce hipped roofs across the site to reduce the mass and bulk of the individual buildings and to better reflect the existing development along Camp Road, most notably the existing two storey properties to the west. The presence of gardens to the north side of the site will soften the appearance of the development in the streetscene and improve the quality of the streetscene as compared to the existing, large areas of hard standing. The flatted Block D, whilst greater in mass than Blocks A, B and C, is sited to the rear of the site and will be partially screened from the public domain by Blocks A and B as viewed from the north, the existing properties in Tarius Close to the south and the petrol station canopy when viewed from Fareham Road to the east. The use of a hipped, pitched roof, the mix of window shapes and varied materials will minimise the overall bulk of this building. The building will also be set off the eastern boundary of the site; further away than the existing two storey building that currently stands on the site and the windows on the east elevation will result in a visually acceptable building as viewed from Fareham Road which is a main route through this part of the Borough. The communal refuse and cycle store which will serve Block D will have a simple, unobtrusive appearance and the mass of this building has been minimised through the use of a flat roof. Overall the appearance of the development is acceptable and the proposal will enhance the quality of the streetscene in compliance with the NPPF and Policies R/DP1, R/H5 and R/H4 of the Gosport Borough Local Plan Review.

5. Appendix B of the Gosport Borough Local Plan Review sets out guideline residential separation distances between the opposing rear elevations of two and three storey properties of 28m and 15m between three storey windowed elevations and opposing gable ends. The separation between the southern, side elevation of Block D and the neighbouring properties to the south in Tarius Close will be over 23m. The proposed building is wider and higher than the existing, nevertheless, Block D is sited to the north of these neighbours and the shape of the roof has been amended to provide a hipped roof instead of a gable end. The proposed building will be further away from the rear of these neighbours than the existing building on the site. As a result, there will be no harmful impact to privacy or overshadowing of these neighbouring properties. The windows in the south elevation of Block D are secondary windows to the rooms they serve with the main, larger windows being in the west elevation. To address any concerns regarding overlooking of nos. 8 to 12 Tarius Close a condition is proposed to require the first floor windows in the south elevation of Block D to be obscure glazed and fixed shut. The balcony at second floor level in the west elevation of Block D will be at an oblique angle, 23m from the north east of no. 3 Tarius Close and 28m from the rear of no. 2 Tarius Close. The siting of the balcony at the north end of the west elevation of Block D, together with the design of the roof over, will result in only an oblique level of overlooking towards these neighbouring properties. The Juliette balconies at first floor level are positioned within the enclave created by the irregular shape of the west elevation of Block D and, as a result, there will be no harmful impact on the amenities of the occupiers of these neighbouring properties. The windows in the southern end of the west elevation of Block D will be offset to the north east from the rear elevations of the properties to the south in Tarius Close. A minimum separation of 16m will be provided rising to over 20m to the rear of no. 2 Tarius Close. The arrangement between these existing residential properties and the west elevation of Block D is acceptable and there will be no harmful overlooking.

6. The garden space to the south side of Block D will be enclosed by a minimum of 1.8m high close boarded fence, rising to 2m across part of the southern boundary, the retention of the existing block wall along the remainder of this boundary and the provision of a 2.5m high acoustic fence along the east. Access to the garden space will be provided along the rear, east side of Block D, however, access along this route will be controlled through the provision of a gate. This space will, therefore, be used by the occupiers of Block D and will not be open to members of the public which will minimise the likelihood of anti-social behaviour in this area. The arrangement of this garden space adjacent to gardens serving the adjoining neighbouring properties is a common arrangement in this type of residential environment. The provision of the boundary treatments is proposed to be controlled by condition to ensure that the privacy and amenities, including security of the neighbouring residential properties, is retained. The height and size of the refuse and cycle store will not have an overbearing impact on the neighbouring properties. It will create concentrations of

activity at the application site boundary which directly adjoins the neighbouring properties, however, the store is to be a solid and enclosed building and will not be in constant use meaning that noise associated with this activity will be minimal. The type of materials to be used in the construction of the store is recommended to be controlled by condition to ensure it is suitably robust and will appropriately prevent harmful noise and odour from emanating. Acceptable levels of refuse storage are to be provided across the site which will reduce the likelihood of littering and the provision of bin collection areas within 30m of Camp Road are proposed to be controlled by condition which is achievable and required for all developments of this type.

7. The separation between the south, side elevation of Block C and the north elevation of nos. 1, 2 and 3 Tarius Close will range between 11m and 15m. Although this falls below the guidance set out in Appendix B in part, Block C will be to the north of these neighbours, there will be no windows in the south elevation at first floor level of Block C and the hipped roof over this block will slope away from these neighbours. The space between the south elevation of Block C and north boundary fence of the neighbours in Tarius Close will be a private garden serving the southernmost property in Block C. This arrangement of gardens backing onto one another is considered to be acceptable. A new 2m high close boarded fence is proposed along the section of boundary to the rear of nos. 1 and 2 Tarius Close and its appearance and implementation are recommended to be controlled by condition. To ensure the security, privacy and amenities of the occupiers of nos. 2 and 3 Tarius Close are retained, a new 2m high brick wall is proposed along the rear boundary of these properties where they abut the proposed new access road and car parking spaces. To avoid the risk of vehicular collision with this wall and any subsequent harmful impacts on the amenities of the occupiers of the neighbouring properties there is space to provide bollards to the north side of the wall. These will be required by condition and to ensure that existing trees and shrubs in neighbouring properties can be retained, without being harmed during the development process, a method statement regarding the provision of the new boundary treatments is recommended to be required by condition.

8. Block A will be sited 0.8m from the east, side elevation of no. 5 Camp Road. There are no windows at first floor in the west side elevation of this block and, as a result, no overlooking. The rear elevation of the proposed properties will be positioned 2m further north than the rear elevation of no. 5 Camp Road. As a result any overlooking will be partially obscured by the roof over this neighbouring property and will only be oblique which is a common arrangement in this type of residential environment and is, therefore, considered acceptable. The existing outbuilding adjacent to the east boundary of no. 5 Camp Road will provide some physical and visual separation from the proposed development as viewed from within the curtilage of this property. The existing access gate in the eastern boundary fence of no. 5 Camp Road will be blocked by the bin and cycle store serving the westernmost property in Block A, however, access to private land is a private legal matter.

9. Block C will be offset to the south east of no. 5 Camp Road at a separation of 13m. The use of a hipped roof will ensure that there will be no harmful overshadowing or overbearing impact. The use of Oriel windows at first floor in the rear, west elevation of Block C will ensure that there will be no harmful overlooking of the private amenity space immediately south of the dwelling. A separation distance of at least 10m will be retained between the Oriel windows and the southern, secondary part of the garden serving no. 5 Camp Road which is considered to be an acceptable relationship. The ground floor windows within each of the proposed properties will provide natural surveillance over the gardens serving the individual properties. At present, access to the rear of the application site runs along the eastern boundary of no. 5 Camp Road. The presence of the gardens and pedestrian access route to the gardens serving the proposed properties is considered to be acceptable and is common in this type of residential environment. The existing boundary treatment is to be repaired and retained which will ensure the privacy and security of the occupiers of this neighbouring property. To avoid any future harmful impacts to the amenities of the occupiers of no. 5 Camp Road, a condition is recommended to remove the permitted development rights to prevent alterations to the roof of Block C.

10. The two storey properties along the northern side of the site will face the existing properties on the north side of Camp Road in a traditional street pattern. This type of relationship is common in



this residential area and is acceptable. Some noise and disturbance will result from cars, cycles and pedestrians accessing and moving around the site generally, nevertheless, compared to the historic use of the site for car sales, service and repair, it is not considered that this will be harmful. To ensure that there is no harm to the amenities of the occupiers of the neighbouring properties during development, including inappropriate disposal of waste on the site, it is recommended to secure a Construction Environmental Management Plan by condition. Damage to private property, including boundary fences and walls, is a private legal matter, however, a condition requiring approval of the hard and soft landscaping, including details of lighting, is recommended to ensure that hard and soft landscaping within the site is appropriate and robust and that the siting of new trees will not harmfully impact on existing properties. Crime prevention measures to reduce the perception of and likelihood of crime are proposed to be secured by condition. In conclusion, the proposed development is considered to be acceptable, will not have a harmful impact on the amenities of the occupiers of the neighbouring properties and complies with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review and the NPPF.

11. Each of the properties, including the flats, will have access to private outdoor amenity space. The space serving the flats will be communal. Appendix B of the Gosport Borough Local Plan Review sets a guideline depth of 10.5m for private gardens. The proposed gardens range between 8m and 12m in depth which is in keeping with the pattern and layout of existing, surrounding development. In considering the previous, withdrawn application, concern was raised about the impact of air quality on the site on the prospective occupiers of the properties. Amendments have been made to the layout of the proposed development to ensure that there are no habitable rooms, on the eastern boundary of the site facing the petrol station. As a result, the previous concerns about air quality, and in particular, benzene, have been overcome. The Noise Impact Assessment satisfactorily demonstrates that, subject to the provision of mechanical ventilation heat recovery (MVHR) systems within the dwellings and the provision of the acoustic fence ranging from 1.8m to 3m along the eastern boundary of the site, there will be no harmful impacts from noise pollution on prospective occupiers of the site. As the site has previously been used for car repairs and servicing it is possible that contaminants have leached into the ground. However, the Ground Investigation report accompanying the application demonstrates that, subject to mitigation measures, there is no risk to human health, air, water or ground as a result of any site contamination. Adequate drainage is proposed to be secured by condition to avoid any harmful surface water flooding. Subject to conditions to secure the provision of MVHR in the residential units, the provision of the acoustic fence and ground contamination mitigation measures the proposal complies with the NPPF and Policies R/DP1, R/ENV12, R/ENV10 and R/ENV5 of the Gosport Borough Local Plan Review.

12. The site has historically operated unrestricted for car sales, service and repair business whereby the number of vehicles accessing and leaving the site, and associated vehicles parking in the surrounding highway was unrestricted. Based on an unallocated car parking arrangement the Draft Car Parking SPD indicates that 22 car parking spaces are appropriate for the proposed development. The application proposes 21 spaces with 18 of those to be unallocated. The site is within 60m of the bus route on the A32, 300m of the BRT route and the site is located within 700m of the amenities in the Brewers Lane Neighbourhood Centre. In addition, long stay cycle parking for each of the units is to be provided on site and the provision of short stay cycle parking is recommended to be controlled by condition. The alterations to the existing dropped kerb will result in a larger area of the highway adjoining the front of the site being available for on street car parking. It is not, therefore, considered that the proposal will result in harmful levels of overspill parking on the surrounding highway. Satisfactory sight lines can be achieved from the site and clear pedestrian routes in and around the site are shown. There is an existing disabled parking bay on the public highway adjacent to the proposed site access which will need to be relocated by Hampshire County Council at a cost to the developer. A condition is recommended to secure this. Conditions are proposed to control the type and arrangement of hardsurfacing on the site so that the delineation between the internal carriageway and footway is clear and the provision and retention of car and cycle parking. The proposal is, therefore, acceptable in respect of highway and pedestrian safety and complies with the NPPF and Policies R/T2, R/T3 and R/T11 of the Gosport Borough Local Plan Review.

13. The proposal will introduce an additional 17 residential units which could result in increased recreational pressure on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SSSI/SPA/Ramsar site is designated. To address this impact the applicant has confirmed a willingness to enter into a Section 106 agreement to make a contribution towards the provision of open space and the impact of recreational disturbance within the Borough to help provide an alternative area of recreational space accessible for residents of the new development. In lieu of provision of outdoor playing space on site the applicant is required to enter into a Section 106 agreement to make a contribution towards public open space facilities within the Borough. The applicant has confirmed a willingness to enter a planning obligation to secure both open space and the impact of recreational disturbance. Without these obligations the proposal is unacceptable. It is noted that surrounding residents indicate that there have been sightings of a number of protected species on and around the site including bats, badgers and slow worms. The application is accompanied by an Extended Phase 1 Habitat Survey that has been carried out by a suitably qualified ecologist and considered by Hampshire County Council Ecology section. The information supporting the application has been completed to an acceptable standard and consultation has been carried with the appropriate nature conservation bodies. The site presently has a low ecological value and there is no evidence to indicate that the Habitat Survey that has been carried out is incorrect. Subject to a condition to secure Badger Management Measures during development, the proposal will not impact harmfully on protected species. Foxes and squirrels are not formally protected species, nevertheless, as there is limited vegetation on the site it is unlikely that the site provides habitat for these species and the development would not, therefore, have a subsequent harmful impact to biodiversity. The proposal will not, therefore, harm the interest's features of the Portsmouth Harbour SSSI/SPA/Ramsar site. Subject to the completion of the Section 106 agreement to secure commuted sums towards open space and the impact of recreational disturbance, the proposal complies with the NPPF and Policies R/DP3, R/OS8, R/OS11, R/OS12 and R/OS13 of the Gosport Borough Local Plan Review.

### **RECOMMENDATION: Grant Permission**

Subject to Section 106 agreement relating to

1. the provision of 40% affordable housing
2. the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and the impact of recreational disturbance

### **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:

27938-PD215

27938-PD201 Rev E

27938-PD202 Rev A

27938-PD203 Rev A

27938-PD204 Rev A

27938-PD205 Rev B

27938-PD206 Rev A

27938-PD209 Rev C

27938-PD210 Rev A

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

3. Before development, excluding demolition, is commenced, details of the proposed finished floor levels of the development and proposed site levels shall be submitted to and agreed, in writing, by

the Local Planning Authority. The development shall be carried out in accordance with the agreed levels unless otherwise agreed, in writing, by the Local Planning Authority.

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

4. No development shall take place until a detailed Construction Environmental Management Plan (CEMP) for the development has been submitted to and approved, in writing, by the Local Planning Authority. The CEMP shall contain details of:

- (a) the location of the site compound and any buildings within it;
- (b) the means of enclosure of the site compound and hoardings to be erected around the site;
- (c) the provisions to be made for the parking of contractors, site operatives, employees and visitors vehicles;
- (d) access to the site for demolition and construction vehicles;
- (e) the provision for wheel washing facilities;
- (f) measures to control the emission of dust, dirt and smoke from the site during construction.

The development shall be carried out in accordance with the approved CEMP unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the environment is protected and that the construction works on site do not impact surrounding properties and/or adjacent occupiers and to comply with the National Planning Policy Framework and Policies R/DP1, R/T2, R/T3, R/T10, R/T11 R/ENV2, R/ENV4, R/ENV10 and R/ENV12 of the Gosport Borough Local Plan Review.

5. No development shall commence until details of the proposed means of foul and surface water disposal shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved foul and surface water disposal details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that adequate disposal of foul and surface water sewerage is provided on site and to comply with Policies R/DP1 and R/ENV4 of the Gosport Borough Local Plan Review and the NPPF.

6. Before development is begun details of the hard landscaping works including the types of materials to be used and the method of construction, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the development is occupied. These details shall include hard surfacing materials and lighting.

Reason - In the interests of the amenities of the occupiers of the neighbouring properties and prospective occupiers, in the interests of the appearance of the locality, to ensure the development does not impact harmfully on existing trees and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

7. Before development above slab level is commenced, details of the soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. These details shall include a planting scheme showing species, numbers, densities, heights and a future maintenance scheme.

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 and the NPPF.

8. The approved soft landscaping scheme shall be completed within the next planting season following first occupation of the first residential property, and any trees or plants which die are removed or become seriously damaged or diseased during the first five years, shall be replaced with others of identical species (or as may otherwise be agreed, in writing, by 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 and the NPPF.

9. Before development above slab level is commenced, details, including samples, of all external facing and roofing materials shall be submitted to and approved, in writing, by the Local Planning

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

Reason - To ensure the external appearance of the development is satisfactory, to ensure that noise and odours are appropriately controlled within the bin and cycle stores, and to comply with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review and the NPPF.

10. The development shall not be occupied until short stay cycle parking has been provided in accordance with a scheme to be submitted to and approved, in writing, by the Local Planning Authority. The short stay cycle parking shall be retained for the parking of cycles at all times thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure a satisfactory level of short stay cycle parking is provided on the site and to comply with Policies R/T3 and R/T11 of the Gosport Borough Local Plan Review and the NPPF.

11. Block D shall not be occupied until the long stay cycle parking and refuse store to serve that block has been provided in accordance with the details shown on approved plans 27938-PD201 Rev E and 27938-PD205 Rev B unless otherwise agreed, in writing, by the Local Planning Authority. The long stay cycle parking and refuse store for block D shall be retained for the parking of cycles and storage of refuse at all times thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that satisfactory levels of long stay cycle parking and refuse storage are provided on site and to comply with Policies R/T3, R/T11 and R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

12. Blocks A, B and C shall not be occupied until the long stay cycle parking and refuse stores for those blocks have been provided in accordance with details to be submitted to and approved, in writing, by the Local Planning Authority. The long stay cycle parking and refuse stores for blocks A, B and C shall be retained for the parking of cycles and storage of refuse at all times thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that satisfactory levels of long stay cycle parking and refuse storage are provided on site and to comply with Policies R/T3, R/T11 and R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

13. The development shall not be occupied until the areas shown on the approved plan for access and the parking and turning of vehicles shall have been made available, surfaced, and marked out, and these areas shall be retained for those purposes at all times.

Reason - In the interests of highway safety and to ensure adequate access and parking is provided and retained, and to comply with Policies R/T3 and R/T11 of the Gosport Borough Local Plan Review and the NPPF.

14. The development shall not be occupied until the boundary treatments have been provided in accordance with the details shown on plan 27938-PD201 Rev E and details, including samples of materials and method of installation, to be submitted to and approved, in writing, by the Local Planning Authority. The approved boundary treatments shall be retained at all times unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure a satisfactory appearance to the development, to ensure the amenities of the occupiers of the neighbouring residential properties are preserved, to ensure the prospective occupiers have a satisfactory level of amenity, to ensure existing trees are not detrimentally impacts and to comply with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review and the NPPF.

15. The development shall not be occupied until the windows outlined in red on plans 27938-PD205 Rev B have been fitted with non openable, obscure glazing. The windows shall be retained in that condition at all times unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To preserve the amenities of the occupiers of the neighbouring properties and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

16. The development shall not be occupied until bin collection areas have been provided in accordance with a scheme to be submitted to and approved, in writing, by the Local Planning

Authority. The approved bin collection areas shall be retained for the purposes of storing bins at all times.

Reason - To ensure a satisfactory appearance to the development, to preserve the amenities of the existing, surrounding residential properties, to ensure a satisfactory level of amenity for prospective occupiers and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

17. The development shall not be occupied until bollards have been provided along the southern boundary of the site between the points marked 'A' and 'A' on plan 27938-PD201 Rev E in accordance with a scheme to be submitted to and approved, in writing, by the Local Planning Authority.

Reason - To preserve the amenities of the occupiers of the neighbouring properties and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

18. Before development above slab level is carried out details of crime prevention measures to be used in the development shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To reduce the likelihood of crime and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

19. No development above slab level shall be commenced until, details of the mechanical ventilation heat recovery (MVHR) systems to be installed in each of the houses and flats shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure a satisfactory internal environment for prospective occupiers and to comply with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review and the NPPF.

20. The development shall not be occupied until the mechanical ventilation heat recovery (MVHR) system approved by condition 19 above has been installed in each flat and house in accordance with the approved details. The approved MVHR systems shall be retained in that condition at all times thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure a satisfactory internal environment for prospective occupiers and to comply with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review and the NPPF.

21. The development shall not be occupied until the dwellings have been fitted with glazing to accord with the Glazing Performance Requirement set out in Table II of section 5.5 of the Environmental Noise Assessment. The approved glazing shall be retained in that condition at all times thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure a satisfactory internal environment for prospective occupiers and to comply with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review and the NPPF.

22. The development shall not be occupied until the acoustic fence along the east boundary of the site has been constructed in accordance with the details shown on plans 27938-PD201 Rev E and 27938-PD209 Rev C and contained within section 5 (Recommendations for Noise Attenuation Measures) of the Environmental Noise Assessment. The acoustic fence shall thereafter be retained in accordance with those details at all times unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure a satisfactory internal environment for prospective occupiers and to comply with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review and the NPPF.

23. No development shall commence until measures to secure the relocation of the existing disabled parking bay on Camp Road have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure that satisfactory sight lines from the site can be achieved and to comply with Policies R/T2, R/T3 and R/T11 of the Gosport Borough Local Plan Review and the NPPF.

24. No development shall be carried out other than in accordance with the measures contained within sections 6.14.1 and 6.14.2 of the Ground Investigation (report no. 728056) unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future uses of the land, neighbouring land, surface water, groundwater and wider environment are mitigated to ensure that the development can be carried out safely without any unacceptable risks to workers, neighbours and off site receptors and to comply with the NPPF and Policies R/DP1 and R/ENV5 of the Gosport Borough Local Plan Review.

25. No development shall be occupied until a validation report, carried out by an independent, competent person, to confirm that the measures contained within sections 6.14.1 and 6.14.2 of the Ground Investigation (report no. 728056) (the remediation measures) has been submitted to and approved, in writing, by the Local Planning Authority. The validation report shall include photographic evidence of the remediation measures and as built drawings of the development unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future uses of the land, neighbouring land, surface water, groundwater and wider environment are mitigated to ensure that the development can be carried out safely without any unacceptable risks to workers, neighbours and off site receptors and to comply with the NPPF and Policies R/DP1 and R/ENV5 of the Gosport Borough Local Plan Review.

26. If contamination not previously identified is found to be present at the site then no further development or site clearance shall be carried out until a remediation strategy detailing how this unsuspected contamination is to be dealt with has been submitted to and approved, in writing, by the Local Planning Authority. Development shall proceed in accordance with the approved remediation strategy.

Reason: To ensure that risks from land contamination to the future uses of the land, neighbouring land, surface water, groundwater and wider environment are mitigated to ensure that the development can be carried out safely without any unacceptable risks to workers, neighbours and off site receptors and to comply with the NPPF and Policies R/DP1 and R/ENV5 of the Gosport Borough Local Plan Review.

27. No development shall begin until measures to secure the off site highway works have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure highway and pedestrian safety and to comply with Policies R/T2, R/T3 and R/T11 of the Gosport Borough Local Plan Review.

28. No development shall be occupied until the measures approved by condition 27 have been carried out in accordance with those details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure highway and pedestrian safety and to comply with Policies R/T2, R/T3 and R/T11 of the Gosport Borough Local Plan Review and the NPPF.

29. No development shall begin until Badger Management Measures have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved measures.

Reason - To ensure that protected species are satisfactorily preserved and to comply with Policies R/OS12 and R/OS13 of the Gosport Borough Local Plan Review and the NPPF.

30. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no alterations or enlargements permitted by Part 1, Schedule 2, Classes B and C shall be carried out to the dwellings in block C without the prior consent, in writing, of the Local Planning Authority.

Reason - In order to protect the amenities of the occupiers of the neighbouring properties and to with Policy R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

**ITEM NUMBER: 02.**  
**APPLICATION NUMBER: 13/00411/OUT**  
**APPLICANT: Mr Harry Hutchinson Oceanic Estates Ltd**  
**DATE REGISTERED: 11.09.2013**

**OUTLINE APPLICATION - ERECTION OF DRIVE-THROUGH RESTAURANT (CLASS A3/A5) AND DRIVE-THROUGH COFFEE SHOP (CLASS A3/A5) WITH ASSOCIATED ACCESS AND CAR PARKING (as amplified by email received 27.09.13, letter and Technical Note received 5.11.13 and supporting documentation received 7.11.13)**  
**154 Fareham Road Gosport Hampshire**

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

The application site is located on the north-eastern side of Fareham Road (A32), within the Urban Area Boundary, the Coastal Zone Policy Area and an Existing Employment Area, as defined on the Proposals Map of the Gosport Borough Local Plan Review. The site is also located within the military Safeguarded Area for Bedenham, Fleetlands and Frater and the Safeguarded Area for the Aerodrome at Lee-on-the-Solent. Fareham Creek is located approximately 450 metres to the north, beyond a number of other industrial buildings and storage/parking areas, and is designated a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar Site, due to its importance for nature conservation, principally with regard to overwintering birds.

The land, the subject of this application, is located immediately beyond a row of trees that are formally protected by Tree Preservation Order G124. The Tree Preservation Order includes 27 no. individual trees and 2 no. groups of trees. The site currently comprises grass and rubble, associated with the recent demolition of a former office block and is enclosed, for the most part, by wooden hoarding. The land is located between Barwell Lane and Lederle Lane, both of which are private roads that provide access to a number of industrial (Class B) units. Both roads are the subject of 15 mile per hour (mph) speed restrictions. Barwell Lane is a one-way road, with no access permitted onto Fareham Road. The junction of Barwell Lane with Fareham Road is designed so as not to permit access for traffic travelling in a northerly direction (ie, the junction is configured to inhibit right turns into Barwell Lane). Lederle Lane provides access both on to and off of the A32, via a traffic light controlled T-junction. The junction provides both left and right-turn lanes. A right-turn lane on the A32 provides access on to Lederle Lane for northbound traffic on the A32. The A32, which is subject to a 40 mph speed restriction, has dedicated bicycle lanes on both sides of the road. A pelican crossing is sited to the front of the application site. There are 2 no. bus stops within 100 metres of the application site, on opposite sides of the A32.

The application site is 0.97 hectares and forms part of the larger site that was previously occupied by the Cyanamid factory. Over time, a number of the industrial buildings, associated with the former factory, have been demolished. Some of the buildings have been replaced under separate planning permissions, including Apex House, over 200 metres to the north of the application site, which was approved in 2009, under planning permission reference K12345/75. A two storey, industrial unit has also recently been approved adjacent to Apex House, under planning permission reference 13/00052/FULL. North of these sites, is the land occupied by Seldon Masts.

In 2012, planning permission reference K12345/76 granted consent to use the existing Cyanamid site (i.e., the land and buildings), including the land the subject of this planning application, 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 were approved 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.

In July 2013, the land to the north of the application site, was granted planning permission, under reference 13/00178/FULL, for the erection of a two storey building for flexible Class B1(b) and (c),

B2 and B8 use, together with associated access, parking, storage yard and landscaping. The plans show that a new access from Lederle Lane would be provided, positioned in excess of 250 metres from the junction with Fareham Road. The planning permission was granted subject to a number of planning conditions, some of which were removed, or amended in September 2013, through the grant of planning permission reference 13/00318/VOC.

Immediately to the north of the application site is the partially demolished, two storey, former main factory building, with a footprint of approximately 11,680 square metres. The remainder of this building, including a five storey office complex (and a number of associated extensions/outbuildings) was recently demolished, under planning reference KD13. The office complex that was demolished was located on part of the land the subject of this planning application. Consent was recently granted under planning permission reference 13/00266/FULL for the re-roofing and re-cladding of the main building, together with the installation of portal rafters and new doors, windows and loading bays

To the north-east of the site, and beyond Lederle Lane, is an open, grassed area used by Fleetlands Football Club. This site is designated as Existing Open Space and a Site of Importance for Nature Conservation (SINC) on the Proposals Map of the Gosport Borough Local Plan Review, due to its importance as a feeding ground for Brent Geese. Immediately to south of this area and to the east of the application site, there are 2no. detached, dwellinghouses. The dwellings, which are located eastern side of Lederle Lane, have frontage car parking and windows in their western (front) elevations. The front elevations are sited over 20 metres from the application site. To the south of the site, and on the opposite side of Fareham Road, are two storey, residential properties. The front elevations are set back approximately 15 metres from the back edge of the highway. The majority of the properties use the front of the plot for the parking of vehicles. There is a separation distance of approximately 35 metres from the front elevations of the dwellings and the south western boundary of the application site.

This application is for the erection of a drive-through restaurant (Class A3/A5) and drive through coffee shop (Class A3/A5). It is in Outline form with approval sought for means of access only. Layout, appearance, scale and landscaping are not being considered at this stage.

Indicative plans have been submitted showing how the proposed development could be provided on the site. The indicative plans show a drive-through restaurant with a floor area of 305 sq. metres. The drive-through coffee shop is shown to have a floor area of 209 sq. metres. The indicative plans show the buildings to have a modern design and be of single storey scale. The plans show that the proposed buildings to be set back from the road frontage by approximately 20 metres.

It is indicated that the development would be served by a total of 46 no. car parking spaces. The proposed drive-through restaurant would be served by a total of 24 no. spaces. The drive-through coffee shop would be served by a total of 22 no. spaces. The spaces would be for use by both staff and customers of the drive-throughs. The plans show that an additional 72 no. spaces would be provided for use in association with the permitted Class B uses, to the north of the application site.

Each building would be served by a drive-through lane, where customers would drive up to a customer order point to order and collect food. Customers would also be able to "eat-in".

The submitted plans show how road markings could be used to guide/manage traffic through the site.

2no. new accesses are proposed. 1 no. access from Barwell Lane and 1 no. access from Lederle Lane. The proposed access from Barwell Lane would be sited approximately 35 metres from the junction with Fareham Road. It would be 6.8 metres wide, with a radii of 6 metres. The access would allow two-way entry into and out of the application site, however, as Barwell Lane does not permit access back onto the A32, the applicant anticipates that this access will only likely be used for entry and due to the configuration of the junction between Barwell Lane and Fareham Road, only by vehicles travelling southbound along the A32 (no right turn is permitted into Barwell Lane for northbound traffic).



The proposed access to the site from Lederle Lane would be 6 metres wide with an 8 metre radii. The access would be sited over 50 metres from the traffic light controlled junction with Fareham Road.

The plans show that 14 no. bicycle parking spaces would be provided, for use by both staff and customers.

The applicant anticipates that the majority of the deliveries to the site would be made by articulated vehicles, up to 16.5 metres in length. It is anticipated that the drive-through facilities would receive 3 no. deliveries a week.

The applicant has indicated that the proposed drive-through restaurant and drive-through coffee shop would generate circa 50 no. jobs. The proposed uses would operate seven days a week, from 0600 - 2400 hours.

The application is supported by a Transport Statement, a Traffic Distribution Comparisons Technical Note, an Environmental Noise Assessment, a Contamination Assessment and an Arboricultural Report.

The Transport Statement analyses the predicted peak and daily trips associated with the proposed drive-through uses, the anticipated car parking requirements, access and visibility requirements, servicing requirements and the impact of the development on the local road network. The Transport Assessment indicates that the proposed development would likely generate 600 no. daily vehicle trips. The applicant anticipates, however, that a large percentage of the vehicular trips associated with the proposed drive-throughs will not be directly associated with the proposed uses, but will, rather, be made by vehicles already using the local highway network. The Transport Statement anticipates that 80% of the trips to the drive-through restaurants will already exist on the highway network, and will primarily, be 'pass-by' trips, such as drivers stopping for a coffee on the way to work, or for food on the way home. In light of this, the Transport Statement concludes that the proposed drive-through uses, together with the extant planning permission reference 13/00178/FULL, would result in 183 no. less daily movements (including 32 no. less movements in the morning peak and 23 no. less movements in the evening peak), when compared to the existing planning permission for mixed Class B uses at the site, as permitted by planning permission reference K12345/76 and when considering the previous traffic movements associated with the demolished office block.

The Traffic Distribution Comparisons Technical Note was submitted in order to provide a comparison of the trip distributions through the Fareham Road/Lederle Lane signalised junction for the existing and proposed uses at the site. The Technical Note analyses the traffic movements during various periods of the day, including during the peak morning, lunchtime and evening periods. The Technical Note analyses the likely number of vehicular movements through the Lederle Lane/Fareham Road junction, when compared to the previous movements associated with the demolished, five storey, office block. The anticipated trips associated with the proposed A3/A5 drive-through uses have been calculated in accordance with the TRICs database, as adopted by Hampshire County Council. The TRICs database is a national system of trip generation analysis for different uses. The Technical Note concludes that, when compared the previous office use at the site, the proposed development would result in 42 no. less movements through the junction in the morning peak and 7 no. additional trips through the junction in the evening peak. There is anticipated to be an additional 41 no. movements through the junction in the lunchtime peak, when compared to the previous office use.

The Environmental Noise Assessment analyses the likely levels of noise associated with the proposed uses, once operational (i.e., noise associated with traffic movements, plant and extraction equipment, the closing of vehicle doors, the use of the Customer Order Point), relative to existing background noise levels.

The Contamination Assessment involved a site walk-over, ground investigation, collection, logging and assessment of excavated material/soil samples, using a total of 6 no. trial pits across the site.

The Arboricultural Report assesses the health and life expectancy of the protected trees at the front of the application site. The Report confirms that no trees would be removed to facilitate the development and outlines tree protection measures to be implemented during the construction period.

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

154 Fareham Road (including application site)

13/00318/VOC - variation/removal of conditions 3, 4, 5, 7, 8, 11, 12 and 13 of planning permission reference 13/00178/FULL relating to samples of external materials, new accesses, open storage, percussive piling, the submission of an environmental mitigation strategy, the removal of trees/shrubs and details and completion of landscape scheme - permitted 12.09.13

13/00266/FULL - re-roofing, re-cladding and installation of portal rafters together with alterations to elevations to provide new windows, doors and loading bays - permitted 12.09.13

13/00178/FULL - erection of two storey building for flexible class B1(b) and (c), B2 and B8 use together with associated access, parking, storage yard and landscaping - permitted 11.07.13

KD13 - demolition consultation - prior approval not required 29.10.12

K12345/76 - use of land and buildings for flexible class B1 (b) and (c), B2 and B8 use (including open storage) with ancillary B1(a) and alterations to existing car parking and existing access from Lederle Lane - permitted 25.10.12

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

154 Fareham Road (excluding application site)

Land to the north of the application site

13/00052/FULL - erection of two storey industrial unit (Class B1, B2 and B8) with associated parking and access - permitted 03.07.13

Tree Preservation Order G.125 - 27 no. and 2 no. groups of trees - confirmed 11.07.12

Development known as Apex House

K12345/75 - erection of two storey industrial unit (Class B2 and B8) with associated parking and access (amended scheme to K12345/73) - permitted 13.11.09

### ***Relevant Policies***

National Planning Policy Framework (NPPF), March 2012

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/T3

Internal Layout of Sites  
R/T4  
Off-site Transport Infrastructure  
R/T11  
Access and Parking  
R/EMP3  
Protection of Existing Employment Sites from Inappropriate Development  
R/EMP5  
Extension of Existing Employment Uses and Redevelopment of Redundant Employment Sites  
R/EMP7  
Low Employment Generating Uses  
R/S2  
Location of Additional Shopping & Leisure Floorspace  
R/OS11  
Protection of Areas of National Nature Conservation Importance  
R/OS13  
Protection of Habitats Supporting Protected Species  
R/ENV2  
River and Groundwater Protection  
R/ENV4  
Treatment of Foul Sewage and Disposal of Surface Water  
R/ENV5  
Contaminated Land  
R/ENV9  
Safeguarded Areas  
R/ENV10  
Noise Pollution  
R/ENV12  
Air Quality  
R/ENV14  
Energy Conservation  
R/ENV15  
Renewable Energy

### **Consultations**

Environment Agency (Hants & IOW)	Update to be provided.
Natural England	<p>No objection. The proposal, if undertaken in accordance with the details submitted, would not have a significant effect on the interest features for which the Portsmouth Harbour Ramsar has been classified. It is not, therefore, necessary to undertake an Appropriate Assessment.</p> <p>The development will not harm the nature conservation interests of the Portsmouth Harbour SSSI.</p> <p>The application may provide opportunity to incorporate features that would benefit the interests of biodiversity.</p>
Southern Water	<p>The applicant should be aware that a sewer crosses the site. All existing infrastructure should be protected during building operations. No development should be located within 3 metres of the centre line of the sewer.</p>

HCC Ecology

No objections. The County Council has no overriding ecological concerns in respect to the proposed development. The site is unlikely to be of particular ecological value. Details of landscaping will need to be controlled by condition. Opportunities should be taken to enhance biodiversity. The enhancements should be proportionate to the scale of development proposed.

Crime Prevention & Design

The development should not result in queuing traffic on the A32. When the drive-through uses are closed, there is potential for the car parking area to be used for anti-social driving activities. To reduce opportunities for such behaviour, it is recommended that traffic calming measures be incorporated into the design/layout of the car park. A uniform level of lighting should be provided throughout the proposed car parking area.

Building Control

The development will require consent under the Building Regulations.

Economic Prosperity

The preferred use of the site would be for Class B uses to help support the local economy. It is noted, however, that circa 50 no. jobs would be created as a result of the development proposal and this is potentially comparable to the number of jobs that could be achieved through Class B uses.

Environmental Health

No objection. The submitted Noise Assessment is acceptable. Its recommendations with regard to plant specification should be adhered to. The submitted Land Contamination Assessment is acceptable and there is no further requirement for further investigation, assessment or remediation. Demolition and construction works should be undertaken in accordance with the BRE Pollution Control Guide - Controlling particles, vapours and noise pollution from construction sites 2003. All works operations that result in noise being audible at the site boundary should only be undertaken between the hours of 0800 - 1800, Monday - Fridays, and 0900 - 1300 hours on Saturdays. No noisy operations should be undertaken on Saturday afternoons, Sundays or Bank Holidays. Smoke and dust on site should be controlled in accordance with the BRE Pollution Control Guide - Controlling particles, vapours and noise pollution from construction sites 2003.

Any additional lighting to the building and/or car parking areas should not cause glare or spillage which may cause nuisance to neighbouring premises. The contractor should demonstrate best practice by adopting the recommendations of Guidance notes for the reduction of Light Pollution 2000 - The Institute of Light Engineers. The applicant should be aware that, in order to comply with the Licensing Act 2003, it will be necessary to apply for a premises licence authorising the sale of late night refreshment. The applicant should be advised to contact the Licensing Authority to discuss this requirement at their earliest opportunity. The applicant should consult the Borough Council's Environmental Health department to discuss the details of any proposed odour mitigation, extraction requirements and kitchen design, which can be controlled by a suitably worded condition.

Streetscene Parks & Horticulture

Update to be provided.

Streetscene Waste & Cleansing

Update to be provided.

Local Highway Authority

No objection. The traffic light sequencing at the Lederle Lane junction is operated dynamically under SCOOT control (Split Cycle Offset Optimisation Technique) between 0600 - 1900 hours each day. The overall cycle time can vary between 60 and 120 seconds but usually remains at 120 seconds during peak periods. The cycle time is dictated by the busiest junction along this particular section of the A32. Observations of the SCOOT system during evening peak hours shows that the main road green light time often runs between 90-100 seconds with the Lederle Lane green light time at 10-13 seconds. The systems include loop detection. All stages operate on demand and the signals should only change to serve Lederle Lane when a vehicle is waiting. The stage lengths are variable and change from cycle to cycle depending on the flows. SCOOT control is the best method of control for this junction as it provides progression for traffic flows on the A32. In light of this and based on the submitted information, the traffic associated with the proposed development should not, therefore, have a harmful impact on the continued use of Barwell Lane and Lederle Lane by other users of the industrial site. The internal layout of the site shows that the roads and car parking spaces can be configured so that any queuing traffic can be

accommodated within the site itself. The proposed accesses will allow vehicles (including larger delivery vehicles) to enter and exit the site without having to make multiple turns. They are, therefore, acceptable.

Pedestrian access and crossing is acceptable.

The proposed level of car parking and bicycle parking is acceptable and complies with Hampshire County Council's "Hampshire Parking: Standards and Strategy" guidance.

The Technical Note submitted in support of the application uses the traffic distribution data agreed with the County Council, which is based on weekday data from the Highway Authority's Automatic Traffic Counter on the A32. The Technical Note demonstrates that the impact on the Lederle Lane/A32 junction will not result in a harmful increase in vehicles using the junction, when compared with the previous office use of the site during the morning and evening weekday peak hours and the period 1300-1400 hours (the predicted peak traffic generation period for the proposed development).

The Local Planning Authority and Local Highway Authority will need to be vigilant of the piecemeal redevelopment of the overall site to ensure that adequate car parking can be provided and there is no harmful impact on the traffic conditions on the A32. In the interests of highway safety, a condition should be attached that prevents development commencing until such a time that a Construction Management Plan, including details on the provision to be made for contractor's parking, construction traffic access, wheel washing facilities, the turning of delivery vehicles and lorry routing, as well as provisions for removing mud from vehicles, has been submitted to and approved, in writing, by the Local Planning Authority. The condition should ensure that the approved details are carried out/provided before the development commences and retained throughout the construction period.

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

10 letters of objection

Issues raised:-

- approving the development would set an undesirable precedent for further retail development
- questions the reference to trade counters at the site in some of the supporting documentation/plans

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- questions whether there is a demand for the proposed uses
  - the proposed development is contrary to Local Plan Policies
  - the site should be retained for industrial uses
  - the proposed development will negatively affect existing fast food outlets in the Borough
  - drive-through uses should be located on a retail park
  - the development will increase traffic problems/congestion on the A32
  - any increase in traffic on the A32 would be contrary to Hampshire County Council's "My Journey" initiative
  - due to the proposed opening hours, traffic will be arriving at and leaving the site throughout the day
  - the proposed development will make it dangerous for residents to exit their driveways
  - traffic queuing on Lederle Lane will restrict access on to and off of the driveways on Lederle Lane
  - the bus service in the area is poor
  - inadequate provision is made for pedestrians
  - there are no pavements on the eastern side of Lederle Lane
  - the development will result in noise and light pollution
  - noise assessments should have been undertaken from neighbouring properties
  - pollution associated with car fumes
  - concern about opening hours
  - concern about smells associated with the cooking of food
  - concern about litter
  - questions whether any trees will be removed
  - if approved, the proposed Class A3/A5 uses could change to Class A1 retail units without planning permission by virtue of the Town and Country Planning (General Permitted Development) Order, 1995 (as amended)
  - the proposed development does not create skilled jobs for local people, resulting in further out-commuting and congestion on the A32
  - concern about anti-social behaviour which could increase crime rates

### ***Principal Issues***

1. All planning applications must be considered on their individual merits and against the relevant local and national planning policies. There is no current planning application for trade counter uses at the site. The NPPF states that Local Planning Authority's should contribute to building strong, responsive and competitive economies; vibrant and healthy communities that meet the needs of present and future generations; high quality built environments, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; protect and enhance the natural, built and historic environment and; improve biodiversity, using natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change.

2. In accordance with the above objectives, the Local Planning Authority must consider the acceptability of the proposed development in land use terms, including its potential to contribute to sustainable economic development; whether the proposal can be delivered without prejudicing the access and servicing arrangements of adjacent uses, or the future, redevelopment of adjoining land; whether the quantum of development proposed can be accommodated on the site without harming the character or visual amenity of the locality, or the amenity of adjacent users/occupiers; whether appropriate provisions can be made for access, car and bicycle parking, refuse storage and collection and servicing and; whether the development can be delivered without having a harmful impact on the interests of land contamination and nature conservation, including trees.

3. The site is located within an Existing Employment Site, as defined on the Proposals Map of the Gosport Borough Local Plan Review. The key objective of Policy R/EMP3 of the Gosport Borough Local Plan Review, is to protect existing employment sites from inappropriate development. Employment generating development has historically been regarded as falling within the B Use Classes. Whilst the proposed A3/A5 uses would not fall within this category, the site has been vacant for a number of years. It has not, therefore, been contributing to employment generation within the Borough for a considerable period of time. In addition, the National Planning Policy

Framework applies a more flexible approach to employment generation and places significant emphasis on the need to support and promote economic growth through the planning system, especially where proposals provide employment opportunities and/or contribute to the local economy. Policies R/EMP3, R/EMP5 and R/EMP7 of the Gosport Borough Local Plan Review also recognise the importance of employment generating uses and require that the use of land is maximised for that purpose. Paragraph 22 of the National Planning Policy Framework states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The National Planning Policy Framework also 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 considered on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities. The applicant has attempted to let the former offices at the site, but due to the poor physical condition of the building, it was not possible to secure a tenant. Upgrading the building, to meet the requirements of new tenants and to compete with existing building stock (i.e., in terms of providing new double glazed windows, raised floors, suspended ceilings, air conditioning and lighting etc.), was considered economically unviable and this part of the site has, therefore, been demolished.

4. The applicant is, therefore, seeking a more comprehensive, redevelopment/regeneration of the 154 Fareham Road site as a whole, which includes the proposed A3/A5 uses at the front of the site. Whilst, the Gosport Borough Local Plan Review aims to direct Class A uses to the Borough's Principal, District, Local and Neighbourhood Centres, the applicant has submitted information which shows that there are no suitable, alternative sites available within the Borough's defined Centres that would meet the specific locational and operational requirements of the prospective occupiers and it has not, therefore, been possible to locate the drive-through facilities within these designations. The proposed uses, by their nature, are reliant on passing traffic and would operate differently, therefore, to existing fast food establishments in the Borough. Notwithstanding this, market competition and demand is not a material consideration in the determination of this planning application.

5. Whilst the proposed development would not necessarily create jobs for the "skilled" labour market, the proposed development would result in the redevelopment of a currently redundant employment site that has been vacant since 2011 and would create circa 50 no. employment opportunities for residents of the Borough, a provision which is comparable to the job densities that might be expected from Class B uses, and comparing favourably with English Partnership's Employment Density Guide (2nd Edition 2010). The site occupies a very small proportion of a large industrial estate that is capable of accommodating a range of uses without compromising the future economic sustainability of the Existing Employment Site. The submitted plans show that the proposed drive-through uses can be accessed and serviced without compromising existing industrial occupiers and that the development can be arranged in such a way so as not to prejudice the future redevelopment of adjacent land, thereby preserving the future interests of Existing Employment Site, as defined by Policy R/EMP3. Given the above, therefore, the proposed development is considered acceptable in land use terms, complying with the aims and objectives of the National Planning Policy Framework and Policies R/DP1, R/EMP3, R/EMP5 and R/EMP7 of the Gosport Borough Local Plan Review.

6. The indicative plans show that the proposed development can be designed to successfully integrate into the immediate, industrial context to which it relates, as well as the wider locality. The development will result in the provision of modern, single storey buildings, positioned at the front of the site. The scale of the development is appropriate and is more sympathetic to the two storey retained industrial building to the north and the two storey residential properties to the south and east, when compared to the five storey, office building that previously occupied the site. Subject to the use of appropriate materials, which will be controlled by condition, the provision of hard-surfaced, car parking areas need not detract from the character or appearance of the locality and such an arrangement is not unusual in industrial locations. No trees are to be removed as part of the development proposal and suitable tree protection measures (to be put in place for the duration of the construction period) will be controlled by condition. An appropriate soft landscaping scheme will be considered through the submission of a Reserved Matters application and this can be used



to enhance the appearance of the development. In light of the above, the proposed development is considered to comply with the National Planning Policy Framework and the Policy R/DP1 of the Gosport Borough Local Plan Review.

7. The anticipated vehicle movements to and from the site have been calculated. The Local Highway Authority considers that the quantum of development proposed could be delivered in this location without harming the free flow of traffic on the A32, or on Lederle Lane or Barwell Lane and without compromising the access arrangements of existing, adjacent occupiers. Likewise, the Local Highway Authority has confirmed that the development will not have a negative impact on the performance of the signalised junction between Lederle Lane and the A32, which will continue to operate and be controlled under SCOOT. The applicant has demonstrated, with appropriate evidence, that the proposal will not result in an overall increase in the number of weekday vehicular movements onto the A32 when compared to the previous office use and that a significant proportion of visitors to the drive-through uses will be "pass-by" drivers (i.e., those already using the local highway network). There would be a slight increase in the number of vehicles accessing the A32 during the lunchtime period, however, this coincides with the lowest flows of traffic, when there is spare capacity on the highway network so as not to contribute to local traffic congestion. Likewise, although the proposed development will result in additional movements onto/off of the A32 at weekend (the demolished office was not open on Saturday or Sunday, despite there being no restriction on hours of operation), the Local Highway Authority has confirmed that the highway has adequate spare capacity at the weekend to safely accommodate increased traffic movements. The proposed access arrangements, including visibility splays and distances to adjacent junctions, are acceptable. It is also considered that the indicative layout shows that the car parking areas can be designed in such a way so as to ensure an appropriate flow of traffic is achieved through the car park and to ensure that any queuing traffic can be contained within the site itself. The applicant will be required to demonstrate, with detailed plans, at Reserved Matters stage, how the associated road markings and signing would be designed/configured so as to ensure safe and convenient circulation around the site, without interrupting the safety, or flow of traffic, on existing roads, or at existing junctions. The Local Highway Authority has indicated that the existing pedestrian crossings on the A32 and across Lederle Lane will provide safe and convenient pedestrian routes to the site. The indicative total of 46 no. car parking spaces for the quantum of development proposed is considered to be an appropriate provision. It is not, therefore, considered that the development will result in a harmful level of overspill parking in the local highway network, to the detriment of local amenity or highway safety. The indicative layout shows that appropriate facilities for the parking of bicycles can also be provided, which will provide alternative, sustainable alternatives to the use of the private motor vehicle, the details of which will be secured by condition. The indicative layout shows that adequate access and space can be made available for servicing/delivery vehicles. Whilst this aspect of the development is acceptable, in principle, it will be necessary to demonstrate through the detailed design stage, that the parking of delivery/servicing vehicles will not prejudice the safe use of the site by other highway and pedestrian users. Details relating to the car parking layout, bicycle storage facilities and servicing arrangements, as well as the future management of these facilities (including a Car Parking Management Plan) will be considered at the detailed planning stage. This will include measures designed to prevent anti-social driving within the site. Notwithstanding this requirement, the Local Planning Authority is satisfied that the applicant has demonstrated, through the submission of this Outline application, that an acceptable design solution can be achieved at the site and that the access details are acceptable, in accordance with the NPPF and Policies R/DP1, R/T2, R/T3, R/T4, R/T10 and R/T11 of the Gosport Borough Local Plan Review.

8. The development is likely to generate noise during the construction period, as well as once the site is occupied. Measures to protect residents and adjacent commercial occupiers during construction can be controlled by planning conditions. Conditions can also be included to control the siting and design of the site compound, to ensure that disruption, in terms of noise, vibration, smoke and dust, is minimised during the construction period. The land, the subject of this planning application has permission to operate under Use Classes B1, B2 and B8, with no restriction on the opening/operating hours. Likewise, there are no conditions on adjacent, industrial buildings restricting the hours under which the occupier may operate or the time/number of deliveries they receive, the number of staff they employ, or the number of vehicular trips associated with their use.

As such, under existing and extant planning permissions, the site may operate Class B uses for 24 hours a day, seven days a week. Class B uses, and in particular Class B8 uses (Storage and Distribution), inevitably result in significant numbers of vehicular movements to and from the site, often involving large, articulated vehicles and HGVs and noisy operations. Given the existing permitted uses at the site, therefore, and in light of the information contained within the submitted Noise Assessment, it is not considered that the comings and goings associated with the proposed drive-through uses, or the operations associated with those uses, will result in harmful levels of disturbance to adjacent commercial or residential occupiers, particularly given this is an existing and established industrial site and that it is located on the A32, the principle route in to and out of the town, which generates background noise. The submitted Noise Assessment demonstrates that, once operational, the noise associated with the proposed development (including the use of the Customer Order Point, car doors being shut, the movement of vehicles, the use of plant i.e., extraction systems), will not result in harmful levels of noise disturbance to adjacent occupiers, taking into account existing background noise levels. Notwithstanding the above, as the character of drive-through uses is different to that associated with Class B uses and due to the location of this particular area of the site, relative to residential properties, a condition will be attached that restricts the opening hours of the drive-through restaurant and drive through coffee shop to 0700 - 2300, Monday to Saturday and 0800 - 2200 on Sundays and Bank Holidays. A condition is also proposed that will prevent the commencement of development relating to the 2 no. drive-through uses until details of the equipment to control the emission of fumes and odour from buildings and details of the future retention and management of the equipment and the methods for controlling the noise generated by this equipment have been submitted to and approved, in writing, by the Local Planning Authority. It is, therefore, considered that the temporary impact of noise disturbance associated with construction can be suitably mitigated and that the noise generated by the development, when the site is operational, would not result in unacceptable harm to the amenity of existing or prospective occupiers, including residential occupiers. Given the siting of the proposed development relative to existing residential properties, and the existing and permitted uses of the site and the A32, it is not considered that the development will harm the living environment of adjacent occupiers with regard to fumes from vehicles, in accordance with the National Planning Policy Framework and Policies R/DP1 and R/ENV11 of the Gosport Borough Local Plan Review.

9. The need to provide a certain level of external lighting that creates a safe and pleasant environment in hours of darkness is acknowledged. The lighting proposals can be designed to respect the setting of neighbouring sites, avoiding glare and unnecessary light pollution, whilst also helping to reduce opportunities for crime and/or anti-social behaviour. The details of the lighting strategy for the site can be controlled by condition. The provision of illuminated signs on the proposed buildings will require the submission of an application to the Local Planning Authority for advertisement consent, in accordance with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. This will ensure that the Borough Council can control luminance levels to protect amenity and public safety. In this regard, it is also noted that the proposed development would be located beyond a row of mature and established trees, which are protected, and this will help to screen the residents of Fareham Road from harmful levels of glare/light spillage. The tree screen will also help to reduce noise emanating from the site. A condition will be used to control the hours that construction may take place. The provision of litter bins across the site will be considered at the detailed planning stage. In light of the above, and subject to the aforementioned conditions, that the development will harm the amenities of neighbouring occupiers, in accordance with the National Planning Policy Framework and Policies R/DP1, R/ENV10 and R/ENV12 of the Gosport Borough Local Plan Review.

10. The possibility of groundwater flooding and increased surface run-off will be addressed through the implementation of a suitable drainage strategy, the details of which will be controlled by a planning condition. Similarly, details of the measures to deal with foul water drainage will be controlled by condition. Subject to the submission and approval of the aforementioned measures, the proposed development will not increase the risk of flooding to people or property, or pollute controlled waters. The development, therefore, complies with the National Planning Policy Framework and Policies R/DP1, R/ENV2 and R/ENV4 of the Gosport Borough Local Plan Review.

11. The site is located near to the Portsmouth Harbour Special Protection Area (SPA), and Ramsar site, both of which are designations of international importance to nature conservation and the Site of Importance for Nature Conservation (SINC) at Fleetlands, which is designated due to its importance as a feeding ground for Brent Geese. In recognition of the existing noise levels associated with existing industrial uses within the vicinity of the application site, the use of helicopters at the adjacent Fleetlands site, and having discussed the matter and taken advice from Natural England and Hampshire County Council, it is not considered necessary to restrict all noisy building works during the over-wintering bird period (October to March inclusive). Rather, a condition is proposed that will restrict the use of percussive piling, or works involving the use of heavy machinery, that results in a noise level exceeding 69bdA being audible when measured from the nearest point of the receptor site (i.e., Portsmouth Harbour Special Protection Area) during the over-wintering bird period (October - March inclusive), unless the existing noise level at the nearest point of the receptor site already exceeds 69dbA, in which case, no works shall be undertaken during the specified period if the resultant noise level would exceed the existing noise levels when measured from Portsmouth Harbour SPA. Subject to this condition, the proposed development will preserve the environment for the over-wintering bird population, in accordance with the National Planning Policy Framework and Policies R/DP1, R/OS11, R/OS12 and R/OS13 of the Gosport Borough Local Plan Review.

12. Ground investigations and soil analysis has revealed that the land, the subject of this application is not contaminated and the Head of Environmental Health has confirmed that no further exploratory investigations are necessary. Notwithstanding this, given the previous use of adjoining land for industrial activities, it is proposed to include a condition requiring that, if during development, contamination not previously identified is found to be present at the site, then no further works shall be carried out until a remediation strategy detailing how this unsuspected contamination is to be dealt with has been submitted to and approved, in writing, by the Local Planning Authority. Subject to this condition, the proposed development is acceptable and complies with the National Planning Policy Framework and Policy R/ENV5 of the Gosport Borough Local Plan Review.

13. Provision can be made within the development to minimise energy use, the details of which will be considered through the submission of Reserved Matters applications. The development therefore, accords with the aims and objectives of the NPPF and Policies R/DP1, R/ENV14 and R/ENV15 of the Gosport Borough Local Plan Review.

14. To conclude, the proposed development can be designed so as not to harm the character and visual amenity of the locality, without prejudicing the future, comprehensive redevelopment of adjacent land. It has been demonstrated that appropriate access, car parking and servicing arrangements can be achieved at the site and the development can be delivered without harming local traffic conditions and highway/pedestrian safety. The applicant has demonstrated that the proposed development can be designed to avoid harming the amenity, access, servicing or everyday operations of adjacent occupiers, or the interests of nature conservation. Measures can be incorporated into the design to enhance biodiversity and energy efficiency and minimise the potential for criminal activity and anti-social behaviour. The proposal, therefore, represents a sustainable form of development that complies with the overarching principles of the National Planning Policy Framework and the Gosport Borough Local Plan Review.

### **RECOMMENDATION: Grant Permission**

#### **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 layout, 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 begun.

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

4. No development shall take place until a detailed Construction Environmental Management Plan (CEMP) for the development has been submitted to and approved, in writing, by the Local Planning Authority. The CEMP shall contain details of:

- (a) the location of the site compound and any buildings within it;
- (b) the means of enclosure of the site compound and hoardings to be erected around the site;
- (c) the provisions to be made for the parking of contractors, site operatives, employees and visitors vehicles;
- (d) access to the site for demolition and construction vehicles;
- (e) the provision for wheel washing facilities;
- (f) measures to control the emission of dust, dirt and smoke from the site during construction;

The development shall be carried out in accordance with the approved CEMP unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the environment is protected and that the construction works on site do not impact surrounding properties and/or adjacent occupiers and to comply with the National Planning Policy Framework and Policies R/DP1, R/T2, R/T3, R/T10, R/T11 R/ENV2, R/ENV4, R/ENV10 and R/ENV12 of the Gosport Borough Local Plan Review.

5. No percussive piling or works involving the use of heavy machinery that results in a noise level exceeding 69bdA being audible when measured from the nearest point of the Portsmouth Harbour Special Protection Area (SPA) shall take place during the overwintering period (October - March inclusive), unless the existing noise level at the nearest point of the Portsmouth Harbour Special Protection Area (SPA) exceeds 69dbA, in which case, no works shall be undertaken during the specified period if the resultant noise level would exceed the existing noise level when measured from the sensitive receptor site (SPA).

Reason - To preserve the environment for the over-wintering bird population and to comply with the National Planning Policy Framework and Policies R/DP1, R/OS11, R/OS12 and R/OS13 of the Gosport Borough Local Plan Review.

6. No development shall take place until a scheme to protect the existing sewer within the site, including a timetable for the measures to be carried out, has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details and timetable.

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

7. If, during development, contamination not previously identified is found to be present at the site, then no further works shall be carried out until a remediation strategy detailing how this unsuspected contamination is to be dealt with has been submitted to and approved, in writing, by the Local Planning Authority. The remediation shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination, ground gases and contaminated groundwater to the future uses of the land, neighbouring land, surface water, groundwater and the wider environment are mitigated and to ensure that the development can be carried out safely without any unacceptable risks to workers, neighbouring or prospective occupiers and off site receptors and to comply with the National Planning Policy Framework and Policy R/ENV5 of the Gosport Borough Local Plan Review.

8. Before development begins plans and particulars showing the detailed proposals for all of the following aspects of the development shall be submitted to and approved, in writing, by the Local Planning Authority:

- (a) finished levels in relation to existing levels;
- (b) the provision to be made for the renewable energy sources (if any) including a timetable for that provision;
- (c) the provision to be made to enhance the biodiversity interests of the site and a timetable for that provision.

The development shall be carried out in accordance with the approved details and timetable for provision.

Reason - Such details have yet to be submitted, and to comply with the National Planning Policy Framework and Policies R/DP1, R/T2, R/T3, R/T10, R/T11, R/ENV4 and R/ENV10 of the Gosport Borough Local Plan Review.

9. Before development begins details of a surface water drainage scheme for the development, based on sustainable drainage principles, shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include details of the following:

- (a) information about the design relating to 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;
- (b) a timetable for the implementation of the surface water drainage scheme;

The surface water drainage scheme shall be carried out and retained in accordance with the approved details.

Reason - To prevent the increased risk of flooding, to protect water quality, habitat and amenity, and ensure future maintenance of the surface water drainage system, and to comply with the National Planning Policy Framework and Policies R/DP1, R/ENV2, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

10. Before development begins a scheme to dispose of foul water for the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include details of the following:

- (a) a timetable for the implementation of the foul water disposal scheme;

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

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

11. No development shall take place until details of the external lighting for the site have been submitted to and approved, in writing, by the Local Planning Authority. These details shall include:

- (a) a layout plan with beam orientation;
- (b) the design of all lighting to include luminaire type, mounting height, aiming angles and luminaire profiles;
- (c) a light scatter diagram with relevant contours.

The approved external lighting shall be provided before the development is first brought into use in accordance with the approved details.

Reason - In the interests of amenity and public safety, to prevent light pollution and to comply with the National Planning Policy Framework and Policies R/DP1 and R/ENV11 of the Gosport Borough Local Plan Review.

12. No development shall be carried out other than between the hours of 0800 and 1800, Monday to Friday and 0900 - 1300 on Saturdays and at no time carried out on Sundays, Bank Holidays or Public Holidays.

Reason - To protect the amenity of nearby properties and to comply with the National Planning Policy Framework and Policies R/DP1, R/ENV10 and R/ENV12 of the Gosport Borough Local Plan Review.

13. No development relating to the buildings hereby approved shall commence until details of the equipment to control the emission of fumes and odour from these buildings and details of the future

retention and management of the equipment have been submitted to and approved, in writing, by the Local Planning Authority. The equipment shall be provided in accordance with the approved details before each building is first brought into use and retained in accordance with the approved details.

Reason - To protect the amenities of surrounding properties, and to comply with the National Planning Policy Framework and Policies R/DP1, R/ENV10 and R/ENV12 of the Gosport Borough Local Plan Review.

14. The trees on the site which are shown to be retained (Drawing no. 2766 of the Arboricultural Report) shall be protected during building operations by compliance with BS5837:2005 - Trees in Relation to Construction.

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

15. The 2 no. buildings hereby approved shall be used as 1 no. drive-through restaurant and 1 no. drive-through coffee shop on for no other purpose (including any other purpose within Classes A3 or A5 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To ensure an appropriate mix of uses across the Existing Employment Site, to prevent inappropriate retail uses, and in the interests of the function and safe operation of the A32 and local amenity and to comply with the National Planning Policy Framework and Policies R/DP1, R/EMP3, R/EMP5, R/EMP7 and R/ENV10 of the Gosport Borough Local Plan Review.

16. The drive-through restaurant hereby approved shall not exceed 305 square metres in floor area.

Reason - To ensure the appropriate mix of uses across the Existing Employment Site, and in the interests of the function and safe operation of the A32 and local amenity and to ensure adequate car parking is provided and to comply with the National Planning Policy Framework and Policies R/DP1 of the Gosport Borough Local Plan Review.

17. The drive-through coffee shop hereby approved shall not exceed 209 square metres in floor area.

Reason - To ensure the appropriate mix of uses across the Existing Employment Site, and in the interests of the function and safe operation of the A32 and local amenity and to ensure adequate car parking is provided and to comply with the National Planning Policy Framework and Policies R/DP1 of the Gosport Borough Local Plan Review.

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

0700 - 2300 Monday to Saturday

0800 - 2200 Sunday and Bank Holiday

Reason - To preserve the amenity of neighbouring occupiers and to comply with the National Planning Policy Framework and Policies R/DP1, R/ENV10 and R/ENV11 of the Gosport Borough Local Plan Review.

**ITEM NUMBER: 03.**  
**APPLICATION NUMBER: 13/00311/FULL**  
**APPLICANT:**  
**DATE REGISTERED: 18.07.2013**

**DEMOLITION OF EXISTING HALL AND ERECTION OF 3 NO. TWO BEDROOM BUNGALOWS AND 6 NO. THREE BEDROOM, CHALET BUNGALOWS WITH ASSOCIATED ACCESS, CAR PARKING AND AMENITY SPACE (as amended by plans, Design and Access Statement and Phase 2 Ecological Survey received 4.10.13)**  
**Middlecroft Gospel Hall Middlecroft Lane Gosport Hampshire PO12 3DH**

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

The application site is located on the southern side of Middlecroft Lane, within an established residential area. The site is located 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. Middlecroft Lane is characterised, for the most part, by pairs of semi-detached bungalows, set on rectangular plots, with rear gardens in the region of 15 metres in length. The vast majority of the properties are set back from the road by approximately 7 metres, with the space in front of the dwelling often used for the parking of vehicles. The bungalows on the southern side of Middlecroft Lane have pitched roofs, with the ridge orientated parallel with the road (west-east), and square, bay windows on the front elevations. There are a variety of external finishes, including brick, smooth render and pebble dash rendering.

Whilst bungalows predominate, there are examples of two storey dwellings in the immediate locality of the application site, including numbers 62, 64, 86, 88, 90 Middlecroft Lane. Numbers 86, 88 and 90 Middlecroft Lane are a row of two storey, hipped roof, terraced properties, each with a two storey, bay window on the front elevation. Further west, the Middlecroft Public House, is a two storey detached building. Grange Crescent, which is located approximately 110 metres from the application site, comprises rows of two storey, terraced, residential properties with two storey, bay windows, on the front elevations. Two storey properties are also evident within Arundel Road, approximately 15 metres to the east of the application site. These properties, which were approved by the Planning Inspector, on appeal, in 1993, are constructed from red brick, with buff brick soldier courses and grey tiled, hipped roofs. The properties are arranged as two terraces of four dwellings, orientated at ninety degrees, with car parking and turning provided at the property frontage. Each dwelling has a rear garden approximately 9 - 9.5 metres long.

The application site has an irregular shape and comprises the land currently occupied by Middlecroft Hall (a circa 80 metre deep plot fronting Middlecroft Lane), together with an area of semi-maintained garden land, positioned to the rear of numbers 41-49 Middlecroft Lane, measuring approximately 30 metres x 47.5 metres. It is currently used by the occupiers of number 47 Middlecroft Lane as private amenity space. The garden area is positioned beyond a dense hedgerow that runs along the western boundary of the Middlecroft Gospel Hall site. The hedge comprises a variety of flora species, including Privet, Hawthorn, Bramble, Holly and Cherry Laurel. The land includes a number of ornamental shrubs and trees, including Apple trees, Eucalyptus trees, Silver Birch trees, Cherry Laurel trees and Cypress trees. Towards the eastern side of the garden, and approximately 2 metres from the hedge that separates this area of land from Middlecroft Hall, is a timber outbuilding/workshop with a shallow, pitched roof. To the north of this structure, and directly behind the rear boundary of number 41 Middlecroft Road, there is an electricity sub-station.

Middlecroft Hall is a single storey building with an L-shaped footprint. It is constructed from red brick, with a corrugated, pitched roof. There are lower, flat roof elements, at both the front and rear of the building. The ridge of the pitched roof is orientated perpendicularly to the road (north-south). The building has a total length of approximately 38 metres, extending approximately 24 metres beyond the rear elevations of the adjacent dwellings to the east and west, numbers 35 and 41 Middlecroft Lane. It is approximately 13.5 metres wide at its widest point. The property contains a

number of windows and doors in its western and eastern elevations, facing towards numbers 35 and 41 Middlecroft Lane. The building is set back from the highway by over 7 metres. The area at the front of the building comprises a combination of both hardsurfacing and grass. The front of the site is enclosed by a low, red brick wall (approximately 1 metre high), together with a set of double, metal, vehicular gates and 1no. metal, pedestrian gate. There are 3no. trees adjacent to the front boundary wall, which are between 3 metres and 5 metres in height.

The Hall is set off the shared boundary with number 41, to the west, by approximately 4.5 metres, narrowing to approximately 4 metres towards the rear of the building. Part of the space between the properties is hardsurfaced and provides vehicular access to the rear of the Hall which is tarmacked and was previously used as an informal area of car parking. Number 41, is the eastern half of a pair of semi-detached bungalows. It has a bay window on the western side of the front elevation. The property frontage has been partially hardsurfaced, providing sufficient space to park a single vehicle. The space is accessed via an extended dropped kerb on Middlecroft Lane. The remainder of the property frontage is laid to lawn and includes ornamental shrubs. The roof, which is constructed from red tiles, contains 2no. rooflights in the northern (front) roofslope. There is a single storey, pitched roof extension on the rear elevation of the property. The extension includes a single window in the eastern elevation, facing towards the application site. The principal entrance door is located in the eastern elevation of the original dwelling. There is a greenhouse in the rear garden, positioned adjacent to the shared, side boundary with the application site and an outbuilding, located on the opposite side of the garden. The rear garden is separated from the application site by a combination of wire mesh fencing and a dense hedge.

The Hall is set off the shared boundary with number 35, to the east, by approximately 10 metres at the front of the building, but only 1 metre at the rear, due to its L-shaped footprint. Number 35 is the western half of a pair of semi-detached bungalows. Like number 41, it has a pitched roof, orientated west-east. There are dormer windows on both the front and rear roof slopes. The rear dormer contains a single window. Like number 35, the property also has a single storey, pitched roof extension on the rear elevation. It has double doors in the rear elevation, but no windows in the side elevation facing towards the application site. The original, western elevation of the property contains a door and 2no. windows, which are obscure glazed. The property is separated from the application site by wooden fencing, which ranges in height from approximately 1 metre to 1.8 metres. The rear garden of number 35 extends the full length of the Middlecroft Hall site and is approximately 55 metres in length.

The properties to the south (rear) of the application site, numbers 40 and 41 Malvern Road, are semi-detached bungalows, positioned at the bottom of the Malvern Road cul-de-sac. The properties contain windows in their northern elevations, facing towards the application site. Both properties have detached garages at the front of the dwelling, positioned adjacent to the shared boundary with the application site. The shared boundary comprises a breezeblock wall, approximately 1.5 metres in height. Due to a change in land levels, the dwellings are sited approximately 0.5 metres above the ground level of the application site.

The properties to the west of the garden area at the rear of numbers 41-49 Middlecroft Lane are located in Kingston Road. With the exception of number 54, which is detached, they are all semi-detached bungalows, some of which have dormer windows on the rear roof slope. The rear elevations of these dwellings are located approximately 20 metres from the boundary with the application site. Many of the properties have detached garages/outbuildings in their rear gardens, positioned adjacent to the application site. At approximately 3.5 metres in height, number 54 Kingston Road has a larger outbuilding than the other properties in the street. The outbuilding is positioned adjacent to the north western corner of the application site.

The applicant has advised that the existing Hall has not been used since December 2012.

The application is for the demolition of the Hall and the erection of 3no. two bedroom bungalows and 6no. three bedroom, chalet bungalows, together with associated access, car parking and amenity space.



It is proposed to erect a pair of semi-detached bungalows at the northern end of the site, fronting onto Middlecroft Lane. The front elevations of the proposed bungalows would be set back in excess of 7.5 metres from the back edge of the public highway. The front elevations would include a single, pitched roof, bay window and single window, both of which would serve lounges. The bungalows would be approximately 12 metres long and would have a combined width of approximately 11 metres. The front elevations of the bungalows would not extend beyond the front elevations of the adjacent dwellings, numbers 35 and 41 Middlecroft Lane. The rear elevation of the proposed bungalows would extend approximately 0.25 metres beyond the rear elevation of number 35. They would not, however, extend beyond the rear elevation of number 41. The side elevation of the westernmost bungalow would, at its closest point, be located 9 metres from the opposing side elevation of number 41. The side elevation of the easternmost bungalow would be sited approximately 3 metres from the opposing side elevation of number 35.

The proposed bungalows would have pitched roofs with the ridge orientated west-east. The side elevations of the properties would contain single, kitchen windows and the entrance door. There would be bedroom windows in the rear elevations and a door (with narrow, full length windows either side), which would serve bedrooms. The bungalows would be built with a brick base and render above. They would have UPVC windows and doors. The easternmost of the proposed semi-detached dwellings would have a garden in excess of 14.5 metres long. The garden of the westernmost property would be slightly shorter (approximately 9 metres) due to the provision of 2no. car parking spaces for use by the occupiers of this dwelling. The parking for the easternmost of the pair of bungalows would be provided at the front of the dwelling (2no. spaces), accessed via dropped kerb from Middlecroft Lane. The area at the front of the westernmost bungalow would be lawned.

It is also proposed to erect a detached, two bedroom bungalow in the south eastern corner of the site. The bungalow would be approximately 12 metres long and 5.5 metres wide. It would be set off the shared boundary with number 35 by approximately 4 metres and the southern boundary of the application site by approximately 11.5 metres. There would be a separation distance of over 16 metres between the rear elevation of the proposed bungalow and the opposing side elevation of number 40 Malvern Road and over 24 metres between the proposed bungalow and the front elevation of number 41 Malvern Road. There would be a separation distances of over 32 metres between the northern elevation of the bungalow and the opposing southern elevations of the 2no. bungalows proposed at the front of the site. The bungalow would have a hipped roof, 4.6 metres high, with the ridge orientated north-south. It would contain a pitched roof, bay window and a single window in the northern elevation which would serve a lounge. The western elevation would contain the principal entrance door, together with a kitchen and a bedroom window. The southern elevation would contain a single window, serving a bedroom. The eastern elevation would contain a door with narrow, full length windows either side, serving a bedroom. Like the proposed dwellings at the front of the site, the bungalow would be constructed with a brick base and render above.

The principal amenity space for the bungalow would be positioned on the southern side of the dwelling, and would measure approximately 11.5 metres x 11.5 metres. An additional area of garden would be positioned on the eastern side of the dwelling, between the side elevation and the shared boundary with number 35. The proposed bungalow would be served by 2no. car parking spaces, positioned on the northern side of the building.

The remainder of the proposed dwellings would be positioned on the western side of the site, to the rear of numbers 41 - 49 Middlecroft Lane. The properties would be arranged as 3no. pairs of three bedroom, semi-detached dwellings. The properties would be constructed with pitched gables at the front and a hipped roof form at the rear. The ridges would be 6 metres high. There would be windows and doors in the front and rear elevations, but no windows in the side elevations. There would be single rooflights in the front, rear and side rooflights, to provide light to the bedrooms on the first floors.

The side elevations of the northernmost and southernmost dwellings would be set off the application boundaries by approximately 4 metres and 3 metres respectively. The front elevations would be set forward of the front elevation of number 41 Malvern Road, to the south, by

approximately 2.8 metres. There would be a separation distances of over 6 metres between the side elevation of the southernmost dwelling and the opposing side elevation of number 41 Malvern Road and approximately 30 metres between the rear elevations of the proposed chalet bungalows dwellings and the opposing rear elevations of the properties to the west in Kingston Road. The side elevation of the northernmost of the proposed chalet bungalows would be located in excess of 21 metres from the original rear elevations of the properties to the north, fronting Middlecroft Lane. The front elevations of the proposed dwellings, which would be finished using a combination of brick and render, with flat roof canopies over the front entrance doors, would be sited approximately 15 metres from the side elevation of the bungalow proposed in the south eastern corner of the application site. Each chalet bungalow would have a rear garden at least 10.5 metres in length. The gardens would be separated by 1.8 metre high boundary treatments.

Access to the properties to the rear of the site, would be provided from the existing access, positioned on the western side of Middlecroft Hall. The width of the access would be increased to 5.2 metres, with a 1 metre wide, pedestrian path also provided on the western side of the access. A shorter section of path would be provided on the eastern side of the access, to allow pedestrian access to the westernmost bungalow proposed at the front of the site. The plans show that there would also be space to provide additional planting, adjacent to the shared boundary with number 41. The proposed development would provide a total of 19no. car parking spaces. Each of the proposed dwellings would have access to 2no. car parking spaces, 2no. of which would be provided within a proposed car port, positioned towards the southern end of the site. The western elevation of the proposed car port would be sited approximately 1.4 metres from the front elevation of the southernmost pair of two storey semi-detached properties. 1no. visitor car parking space would also be provided, positioned on the eastern side of the site.

The plans show that provision would be made for the storage of bicycles and refuse bins within the rear gardens of the proposed dwellings. Refuse bins would be placed out at the front of the dwellings on collection days. Refuse vehicles would enter the site to collect bins. A turning area is shown so that the refuse vehicles may manoeuvre and exit the site in a forward gear.

In order to facilitate the proposed development, it would be necessary to remove the existing hedge that runs north-south through the site as well as the ornamental trees that are currently located within the garden area to the rear of numbers 41 - 49 Middlecroft Lane. The plans show that other, existing boundary planting at the site would be retained with areas of additional soft landscaping provided on the southern and western boundaries. An area of landscaping is also shown between the proposed car port and the bungalow proposed in the south eastern corner of the application site.

The Phase 1 Ecological Survey, submitted in support of the planning application, concludes that, based on the suitability of the grassland at the rear of number 41-49 Middlecroft Lane, further survey work should be undertaken to establish whether reptiles are present at the site. Likewise, the Survey concludes that, as the Hall has a moderate potential to support bats, and there are records of bat activity in the local area, further survey work should be conducted to establish whether bats are present within the building, and if they are, the extent of numbers and their activity.

The applicant has, therefore, undertaken and submitted a Phase 2 Ecological Survey and Bat Mitigation Report in order to establish whether it provides habitat for bats or reptiles.

The survey concludes that the semi maintained grass land is unlikely to support any protected reptile species. The Phase 2 Ecological Survey concludes that there is a single bat present within the roof. The Survey indicates that the building is providing a transitional roost for the bat (transitional roosts are used by bats upon waking from hibernation or in a period prior to hibernation, where they stay for only a few days or on some occasions several weeks - these transitional roosts can be occupied by a few individuals or occasionally small groups). The Survey, therefore, outlines a mitigation strategy, designed to ensure that there are no bats present within the building, prior to demolition.

In this respect, it is proposed that, prior to any demolition taking place, a pole will be erected on site, with a wooden box attached, which would act as a receptor site for any bats removed prior to building works/demolition commencing. Moving the bats would be undertaken under a European Protected Species license. In order to provide an alternative, long-term habitat, for the protected species, it is proposed to include 2no. bat boxes/tubes in 2no. of the proposed dwellings.

Under the originally submitted plans, it was proposed to erect 3 no. pairs of two storey, semi-detached dwellings on the western side of the site. After concern was expressed about the overall height of these dwellings, relative to the predominantly single storey scale of the surrounding residential development, the applicant submitted amended plans revising the design and height of the proposed dwellings. The ridge heights were reduced from 7.7 metres to 6 metres. The design of the dwellings was also amended in an attempt to create chalet bungalows of a modern appearance, whilst respecting the scale and appearance of adjacent dwellings. The entrance doors were moved from the side elevations to the front elevation, after Hampshire Constabulary advised that, with regard to crime prevention, this was a more preferable arrangement. The siting of the proposed car port was also amended, in order to position it further away from the front elevations of the dwellings proposed on the western side of the site, in an attempt to improve the outlook from the front windows.

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

13/00135/FULL - demolition of existing hall and erection of 3 no. two bedroom bungalows and 6 no. three bedroom, two storey dwellings with associated access, car parking and amenity space - withdrawn 21.06.13

### ***Relevant Policies***

National Planning Policy Framework (NPPF), March 2012

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/CF2  
Protection of Existing Health and Community Facilities
- R/T4  
Off-site Transport Infrastructure
- R/T11  
Access and Parking
- R/H4  
Housing Densities
- R/OS8  
Recreational Space for New Residential Developments
- R/OS13  
Protection of Habitats Supporting Protected Species
- R/ENV4  
Treatment of Foul Sewage and Disposal of Surface Water
- R/ENV5  
Contaminated Land
- R/ENV10  
Noise Pollution
- R/ENV14  
Energy Conservation
- R/ENV15  
Renewable Energy
- R/ENV9  
Safeguarded Areas

## **Consultations**

HCC Ecology	<p>No objection. The application is supported by a Phase 2 Ecological Survey and bat mitigation report that concludes that the site supports a small (single individual) common Pipistrelle roost of low ecological value. The Survey concludes that the site does not support reptiles. The Ecological Survey has been undertaken to a good standard and provides a robust assessment of the site's ecological constraints.</p> <p>The proposed bat mitigation which details the use of a pole-mounted bat box and cavity tubes to provide interim and longer-term bat roosting opportunities are proportionate to the level of disturbance predicted.</p>
Crime Prevention & Design	<p>The proposal has been amended to provide the principal entrance doors in the front elevation, which is preferable to doors being located at the side of the dwellings.</p> <p>Consideration should be given to removing the car port at the front of Plot 4 to increase the natural surveillance of the front of the dwelling and of parked vehicles.</p>
Southern Water	<p>No objection. An informative should be attached to any consent advising the applicant that a formal application for connection to the public sewerage system is required in order to service the development.</p>
Building Control	<p>The proposal will require consent under the Building Regulations.</p>
Environmental Health	<p>No objection. Should contamination be found to be present at the site, all works should stop and the Council must be contacted to agree an appropriate method of remediation. All work operations that result in noise being audible at the site boundary should only be undertaken between the hours of 0800-1800 on Monday - Fridays and 0900 - 1300 on Saturdays, with no noisy operations being undertaken in Saturday afternoons, Sundays, or Bank Holidays.</p> <p>Should asbestos be present at the site, the developer should contact the Health and Safety Executive.</p> <p>Any additional lighting to the car parking area or buildings should not cause glare or light spillage that causes a nuisance to neighbouring properties/occupiers.</p> <p>Smoke and dust on site should be controlled so as not to cause a nuisance to neighbouring premises or Local Air Quality.</p>

Streetscene Parks & Horticulture	There are no trees of significant value on the site. None of the trees are worthy of TPO status or retention. On the area of land to the rear of 41 there is an ash tree and a silver birch, again, neither of which would be considered worthy of protection or retention.
Streetscene Waste & Cleansing	No objection.
Local Highway Authority	<p>No objection. Middlecroft Lane is an Unclassified Road that is subject to a 30mph speed limit. Due to the alignment of the road, speeds can be expected to be low and, as such, Manual for Streets is applicable, which would require the visibility splays of 2.4 metres x 43 metres to be achieved at the site exit. The application has provided details to show that splays of over 100 metres can be achieved. In order to maintain suitable splays, the garden area at the front of the site should be kept clear of planting.</p> <p>The proposed means of access is acceptable and has been designed to give priority to pedestrians using the footways within Middlecroft Lane. The design of the access is also such that it will reduce vehicles speeds when entering and exiting the site. The applicant will need to secure a road opening license from the Local Highway Authority in order to implement the proposed access arrangement.</p> <p>The provision of 2no. car parking spaces per dwelling is considered an appropriate level of car parking.</p> <p>Transport Contributions will be required.</p>

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

16no. letters of objection received to original public consultation

Issues raised:-

- too many properties are proposed
- the development will contribute to traffic congestion
- insufficient parking is proposed
- questions where visitors will park
- concern over the access arrangements
- Middlecroft Lane is used as a 'rat-run' and there is, therefore, potential for accidents
- concern over the safety of playing children
- traffic calming should be introduced in Middlecroft Lane
- concern over the impact of the development on existing resources such as drainage, refuse collection and the sewer and water systems
- parking on Middlecroft Lane is already a problem
- 'green space' should be preserved, not lost to development
- concern over construction traffic
- highway and pedestrian safety
- the provision of additional housing will reduce the security of neighbouring occupiers
- the development will increase instances of crime
- loss of privacy

- loss of outlook
- light pollution
- noise pollution
- the development will result in pollution from dust and dirt
- questions whether soakaways will be used
- questions whether the access is adequate for refuse collection vehicles and emergency services vehicles
- badgers, bats, nesting birds and foxes maybe/are present at the site
- questions whether conditions would be used to control the type and colour of external materials used in the construction of the dwellings
- questions how many properties will be for social housing
- health and safety issues associated with electricity sub-station
- approving the proposed development would infringe on existing resident's rights to extend their dwellings under the provisions of the Town and Country and Planning (General Permitted Development) Order, 1995 (as amended).

3no. letters of objection received in response to amended plans

Additional issues raised:-

- concern about asbestos that may be present in the building to be demolished

### ***Principal Issues***

1. There may be some disturbance during the construction period, but if it becomes a statutory nuisance, it can be dealt with through the Environmental Health legislation. Notwithstanding this, in order to preserve the amenity of existing residents, a condition is proposed that will restrict the hours of construction/demolition. A condition is also proposed to control noise and dust associated with construction works. Obstruction of the public highway by construction vehicles is a matter that should be referred to the police. The applicant has not indicated that the proposed dwellings will be marketed/made available as affordable housing and, as the proposal is for less than 15no. dwellings, and the site area does not exceed 0.5 hectares, there is no Policy requirement for the applicant to make such a provision. The provision of suitable drainage for the development will be controlled by condition. The proposed development will have no impact on the permitted development rights granted by the Town and Country Planning (General Permitted Development) Order, 1995 (as amended). Should asbestos be found to be present at the site, its removal must be undertaken in accordance with the Regulations of the Health and Safety Executive. An informative to this effect will be included on the planning consent. The heights of the proposed bungalows will not exceed the consultation requirements for the Safeguarded Area for the Aerodrome at Lee-on-the-Solent and the development, therefore, complies with Policy R/ENV9 of the Gosport Borough Local Plan Review. As the site is located within the Urban Area, the principle of residential development is acceptable, provided that the details accord with the relevant local and national planning policies. The main issues in this case, therefore, are the acceptability of the proposed development in terms of its design and density and the impact on the character and visual amenity of the locality, the amenities of adjoining and prospective occupiers, the adequacy of access and parking arrangements and the provision for bicycle parking, refuse storage and collection, open space and highway infrastructure improvements and the impact of the development on the interests of nature conservation.

2. Middlecroft Hall is not allocated as an Existing Community Facility on the Proposals Map of the Gosport Borough Local Plan Review and the Hall has not been used since December 2012. The proposed development will not result in the loss of an Existing Community Facility, or one for which there is a significant need. The loss of the Hall is, therefore, acceptable, and complies with the National Planning Policy Framework and Policy R/CF2 of the Gosport Borough Local Plan Review.

3. The existing Hall to be demolished is of little architectural merit and does not make a positive contribution to the character and appearance of the locality. The building has an anomalous appearance within the context of the surrounding residential development and its demolition is, therefore, considered acceptable. The trees located within the garden at the rear of numbers 41-47 are insignificant specimens that are not visible from public view. They do not, therefore, make a

positive contribution to the character and appearance of the locality and, as such, their loss is acceptable. The plans show that the existing planting on the southern and western boundaries will be reinforced and this will help to offset any overall deficit, whilst also enhancing the overall appearance of the development. The details of the soft landscaping, to be provided and subsequent retention during the first five years (to help the planting become established) will be controlled by conditions.

4. The proposed development will increase the overall built footprint at the site, and results in the loss of garden land. Given the size of the plot, however, the total area of land covered by buildings, when considered as a percentage of the overall site area, would be comparable to neighbouring plots. At 32 dwellings per hectare (dph), the resultant residential density would fall within the guideline density range of 30 - 50 dph, as set out within Policy R/H4 of the Gosport Borough Local Plan Review.

5. In accordance with Paragraph 56 of the NPPF, the Government's objective for the planning system is to promote good design that ensures attractive, useable and durable places and this is identified as a key element in achieving sustainable development. Careful consideration has been given to the design of the pair of semi-detached bungalows proposed at the front of the site to ensure that they reflect the height, width, orientation, fenestration detail (including front bay windows) and roof form of the numerous other pairs of semi-detached bungalows on the southern side Middlecroft Lane. The proposed dwellings will be set off the shared boundaries with the adjoining properties to ensure suitable visual gaps are retained, so as to avoid a development that appears cramped and congested when compared to the established pattern of development. The front elevations will be sited so as to follow the established pattern of development on the southern side of the road and the proposed areas of private amenity space are reflective of adjacent plots in terms of their size, layout, and position at the rear of the dwellings. The proposed bungalows have a modest scale that is appropriate to the immediate context to which they relate and they will not, therefore, create inappropriate, over-prominent, or incongruous features in the streetscene. The 3no. trees that would be removed to facilitate this part of the development are insignificant specimens that do not make a significant, positive contribution to the character or appearance of the area. In addition, the provision of soft landscaping at the front of the westernmost of the proposed bungalows (which can be controlled by condition) will help to offset the loss of this vegetation, creating an attractive feature at the front of the re-development site. For the above reasons, and subject to conditions to control the type/appearance of external materials and hard and soft landscaping, the 2no. bungalows proposed at the front of the site are acceptable in terms of their design, appearance and layout, in accordance with the aims and objectives of the National Planning Policy Framework and Policy R/DP1 of the Gosport Borough Local Plan Review.

6. The detached bungalow proposed in the south eastern corner of the site will not have a frontage with a public highway. Due to its low ridge height, however, and its position relative to the pair of semi-detached dwellings proposed at the front of the site, it will not be readily visible from public view. The proposed, detached bungalow would be set back, in excess of 50 metres from the back edge of the highway, with only glimpses of the property available from Middlecroft Lane, when passing-by the site entrance. The bungalow has a simple design and the provision of a hipped roof reduces its overall size and mass. The bungalow has been designed to reflect the appearance of the existing bungalows on the southern side of Middlecroft Lane and the 2no. bungalows proposed at the front of the site and this will help to achieve an appropriate level uniformity within the redevelopment site. The proposed bungalow would have an 11.5 metre long garden, which would exceed the guideline dimensions set out within Appendix B of the Gosport Borough Local Plan Review and would provide a useable area of amenity space and pleasant environment for prospective occupiers. Soft landscaping is shown around the perimeter of the building and this will help to enhance the appearance of this part of the development. In light of the above, and subject to conditions to control the type/appearance of the external materials used in the construction of the bungalow, together with details of the hard and soft landscaping, it is not considered that this aspect of the proposed development would harm the appearance of the streetscene or the character and visual amenity of the locality, in accordance with the National Planning Policy Framework and Policy R/DP1 of the Gosport Borough Local Plan Review.

7. The proposed chalet bungalows have been sited so as to follow the established pattern of development to the south, on Malvern Road, thereby, helping to create the appearance of a natural extension of the streetscene. The chalet bungalows have been arranged as semi-detached pairs and this is characteristic of the immediate surroundings. At 6 metres, the ridge heights will be commensurate with adjacent properties (particularly as the land on which the dwellings will be constructed is lower than that evident in Malvern Road), thereby ensuring that the properties do not create over-prominent or discordant features when compared to the existing development in the area. Due to the reduced ridge heights, only glimpses of the chalet bungalows will be available from Middlecroft Lane, Kingston Road and Malvern Road. The dwellings have an interesting design that, whilst modern in appearance, respects the simple appearance of the existing bungalows in the locality. They will be set off the shared boundaries so as to reflect the layout evident elsewhere in the locality. Each dwelling would have a garden measuring at least 10.5 metres in length, which accords with the guideline dimensions set out within Appendix B of the Gosport Borough Local Plan Review. The gardens would be positioned at the rear of the dwelling, which is reflective of the established pattern of development in the locality. As the gardens are sited on the western side of the dwellings, they would receive an appropriate level of sunlight, particularly in the afternoon. In light of the above, the proposed chalet bungalows, by reason of their size, design, mass, roof form, layout and fenestration detail will not harm the character or visual amenity of the locality, in accordance with the National Planning Policy Framework and Policy R/DP1 of the Gosport Borough Local Plan Review.

8. Consideration has been given to the siting of the proposed bungalows relative to the existing bungalows to ensure that the separation distances between opposing elevations containing habitable rooms complies with, or exceeds, the guideline separation distances outlined within Appendix B of the Gosport Borough Local Plan Review. The proposed dwellings at the front of the site will only extend a small distance (0.25 metres) beyond the rear elevation of the adjacent property number 35 and significantly less than current arrangement at the site. Whilst it is acknowledged that the outlook from the rear windows of a number of properties would be altered, when compared to the existing arrangement, given the separation distances involved, the height and form of the roofs and the position of the windows, it is not considered that the development would result in an unacceptable loss of outlook, light, or privacy for existing surrounding or adjacent occupiers, particularly as the row of conifer trees on the western side of the site is to be retained, and reinforced with additional soft landscaping. Likewise, the siting of the proposed dwellings relative to one another has been carefully considered, so as to ensure that there is no direct overlooking, or harmful loss of light or outlook. The siting of the bungalows, away from the adjacent properties, will also ensure the development does not appear overbearing, when viewed from neighbouring plots. The siting of the proposed car port has been amended, to ensure that it is located an appropriate distance from the front elevations of the southernmost of the proposed chalet bungalows, thereby ensuring an acceptable living environment for prospective residents. Not only will this ensure that an appropriate outlook is achieved, it will also help to achieve an appropriate level of natural surveillance of the car port, reducing potential instances of crime and/or anti-social behaviour. In order to protect the residential amenity of existing and prospective occupiers with regard to light spillage/glare, a condition is proposed that will require the submission and approval of details relating to the external lighting fixtures for the communal car parking areas. The proposed development will continue to be accessed via the existing driveway that runs adjacent to the shared boundary with number 41. In light of this, it is not considered that the continued use of the access, to serve a modest number of residential properties, or the use of the proposed car parking spaces, will result in an unacceptable level of disturbance to the occupiers of this bungalow, particularly when compared to the previous, community use of the site. The application site is located within an established residential area, where it is not uncommon for gardens to back on to one another. In light of this, and given the former use of the site, it is not, therefore, considered that the use of the proposed rear gardens will harm the amenities of existing occupiers with regard to noise disturbance, in accordance with the National Planning Policy Framework and Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

9. The provision of 2no. spaces per dwelling, together with 1no. visitor car parking space is considered adequate in this location and complies with the guidance contained within the 'Parking' Supplementary Planning Document attached to the emerging Gosport Local Plan 2011-2029. It is



not, therefore, considered that the proposed development will result in harmful levels of overspill car parking in the local road network, to the detriment of local amenity. The revision to the width of the existing vehicular access, together with the provision of a 1 metre wide path, will ensure that vehicles, pedestrians and cyclists will be able to enter and exit the site in a safe and convenient manner. Likewise, the width of the access, and the turning area at the rear of the site would be sufficient to allow refuse collection vehicles to enter the site, turn, and exit again, safely and conveniently. The plans show that adequate visibility splays can be achieved at the site access to ensure that vehicles are able to pull-out onto Middlecroft Lane without compromising the safety of other highway users, including pedestrians. The access to the site is located approximately 25 metres from the existing junctions between Middlecroft Lane, Northcroft Road (to the west) and Clyde Road (to the east) and given the reduced vehicle speeds along this section of the highway, it is not considered that use of access by residents/visitors of the proposed dwellings would harm highway or pedestrian safety. The siting of the access is such that it would not compromise the safe use of existing driveways of adjacent properties. In order to maintain an appropriate visibility splay at the vehicular entrance/exit, a condition is proposed that will restrict any structure or planting, exceeding 600mm in height being permitted within the visibility splay shown on the submitted plans. The 2no. car parking spaces proposed at the front of the site have been positioned so that they may be accessed safely and conveniently and are of sufficient size to ensure that vehicles are able to park without overhanging the adjacent public highway. Due to the reduced vehicle speeds along this section of Middlecroft Lane and the available visibility, vehicles will be able to reverse out onto the highway without compromising highway or pedestrian safety. The spaces will be sited a sufficient distance from the principal entrance to the application site to ensure that their use does not compromise the safe use of this access and vice versa. It is not, therefore, necessary to introduce traffic calming features on Middlecroft Lane as part of this development proposal, particularly in light of the previous use of the site, which would have generated its own traffic movements. The plans show that there is adequate space to allow safe and convenient manoeuvring from the remainder of the proposed car parking spaces. The plans show that adequate facilities can be provided within the rear gardens for the storage of bicycles and refuse bins and that there is space to place bins at the front of the bungalows on collection days. The provision and subsequent retention of these facilities will be controlled by condition. In light of the above, the proposed access, car and bicycle parking arrangements and the facilities for the storage and collection of refuse bins are acceptable and comply with the National Planning Policy Framework and Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

10. The proposed ecological mitigation measures are appropriate and will ensure that the proposed development does not cause harm to protected species. A condition is proposed that will require the mitigation outlined within the Phase 2 Ecological Survey to be carried out in accordance with the submitted details, prior to the Hall being demolished. This will ensure that there are no bats present within the building prior to it being dismantled. The inclusion of bat boxes in the new bungalows will help to preserve and enhance biodiversity and provide alternative, long-term, habitat for this protected species, the provision and retention of which will be controlled by condition. The development, therefore, complies with the National Planning Policy Framework and Policies R/DP1, R/OS11, R/OS12, R/OS13 and R/OS14 of the Gosport Borough Local Plan Review.

11. The applicant has confirmed a willingness to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and transport and highway improvements, in accordance with Policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review. The proposal will introduce an additional 9 residential units which could also result in increased recreational pressure on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SSSI/SPA/Ramsar site is designated. The outdoor playing space will therefore be used, in part, to mitigate this impact. Without these obligations the proposal would be unacceptable in these respects.

### **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 and the impact of recreational disturbance.
2. The payment of a commuted sum towards transport infrastructure, services and facilities.

**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:

WS-1236-02 Rev A, WS-1236-03 Rev D, WS-1236-04, WS-1236-05, WS-1236-06 Rev B, WS-1236-07 Rev B, WS-1236-08

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

3. No development, including demolition, 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.

4. No development, including demolition, shall take place until the bat mitigation measures outlined within the Phase II Ecological Survey dated September 2013 have been provided in accordance with a timeframe to be submitted to and agreed, in writing, by the Local Planning Authority.

Reason - In the interests of nature conservation and to prevent harmful disturbance to protected bat species and to comply with the National Planning Policy Framework and Policy R/OS13 of the Gosport Borough Local Plan Review.

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

Reason - Such details have yet to be provided and to ensure that the appearance of the development is acceptable and to comply with the National Planning Policy Framework and Policy R/DP1 of the Gosport Borough Local Plan Review.

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

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

7. No development above slab level shall take place until details of the hard landscaping works have been submitted to and approved, in writing, by the Local Planning Authority. The approved details shall be provided before the development is first occupied and shall be retained thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - In the interests of amenity, the appearance of the locality and highway and pedestrian safety and to comply with the National Planning Policy Framework and Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

8. No development above slab level shall take place until full details of the soft landscaping works, have been submitted to and approved, in writing, by the Local Planning Authority. These details should include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant sizes, the proposed number/densities and an implementation programme.

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

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

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

10. No development, including demolition, shall take place until details, including locations, of the bat boxes to be installed in 2no. of the dwellings hereby approved, including a timeframe for their implementation, have been submitted to and approved, in writing, by the Local Planning Authority. The bat boxes shall be provided in accordance with the agreed details and retained thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - In the interests of nature conservation and to comply with the National Planning Policy Framework and Policies R/OS12 and R/OS13 of the Gosport Borough Local Plan Review.

11. No development, including demolition, shall take place until details of the materials to be used for the surfacing of the car parking and turning areas have been submitted to and approved, in writing, by the Local Planning Authority. 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.

12. No development, including demolition, shall take place until a detailed Construction Environmental Management Plan (CEMP) for the development has been submitted to and approved, in writing, by the Local Planning Authority. The CEMP shall contain details of:

- (a) the location of the site compound and any buildings within it;
- (b) the means of enclosure of the site compound and hoardings to be erected around the site;
- (c) the provisions to be made for the parking of contractors, site operatives, employees and visitors vehicles;
- (d) access to the site for demolition and construction vehicles;
- (e) the provision for wheel washing facilities;
- (f) measures to control the emission of dust, dirt and smoke from the site during construction;

The development shall be carried out in accordance with the approved CEMP unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the environment is protected and that the construction works on site do not impact surrounding properties and/or adjacent occupiers and to comply with the National Planning Policy Framework and Policies R/DP1, R/T2, R/T3, R/T10, R/T11 R/ENV2, R/ENV4, R/ENV10 and R/ENV12 of the Gosport Borough Local Plan Review.

13. No development, including demolition, shall be carried out outside the hours of 0800 and 1800 on Monday to Friday and 0900 - 1300 on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason - To protect the amenity of the occupiers of nearby properties and to comply with the National Planning Policy Framework and Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

14. No dwelling shall be occupied until bicycle storage facilities for that dwelling 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 and kept available for this purpose at all times.

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.

15. No dwelling shall be occupied until facilities for the storage and removal of refuse from the site 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 and kept available for these purposes at all times.

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.

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

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

17. Nothing exceeding 600mm in height, including soft landscaping, shall be permitted to remain on the land hatched black on plan WS-1236-08.

Reason - To retain appropriate visibility splays for vehicles exiting the shared access, in the interests of highway and pedestrian safety and to comply with the National Planning Policy Framework and Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

**ITEM NUMBER: 04.**  
**APPLICATION NUMBER: 13/00207/FULL**  
**APPLICANT: Mr Ian Potter Bay House School and Sixth Form**  
**DATE REGISTERED: 27.06.2013**

**RETENTION OF USE OF LAND AND BUILDING AS ENTERPRISE ACADEMY  
TOGETHER WITH ENTRANCE FROM MILITARY ROAD, ASSOCIATED PARKING AND  
FENCING**

**Bay House Enterprise Academy Military Road Gosport Hampshire PO12 3AF**

***The Site and the proposal***

The application site is the north west corner of a large, flat, grassed field located to east side of Military Road. The field lies within the Urban Area, is designated as an Existing Open Space and is a Site of Importance for Nature Conservation (SINC) due to its importance as a feeding ground for Brent Geese. On the northern boundary of the field is a 1.8m high wire mesh fence supplemented with trees and a hedgerow. Beyond this is a foot and cycle path which links Military Road to Wilmott Lane. HMS Sultan is located to the north and on the opposite side of Military Road and there is residential development to the east and south of the field. The application site is separated from the main field by 1.8m high mesh wire fencing. There is a large Oak tree in the north west corner of the site and number of smaller trees along the northern boundary.

The application site is occupied by a single storey, flat roof building with cream painted exterior which is accessed from the west elevation. There is an established vehicular access to the site from Military Road to the west and the area between the road and building is laid out to provide 5 car parking spaces, including space for two minibuses, together with cycle parking for up to 40 cycles. The remaining areas within the application site are grass and planting. The site is used by Bay House School as an Enterprise Academy for up to a maximum of 40 no. 14 - 16 year olds with 4 members of staff. The maximum number of students are not on site simultaneously, as some student activity takes place off-site. The Academy operates on weekdays only between the hours of 8am and 5pm. The facilities are shared with the main school and students of the Academy use the adjacent sporting facilities and field in conjunction with their activities. A minibus is provided to transport students to the main school and work-based activities.

The use of the site for this purpose including the siting of the building was established in 2008 under planning permission reference 08/00120/FULL for a temporary period of five years. At the time the temporary permission was sought it was anticipated that by the time it expired, a more permanent solution would have been found. As a result of budgetary constraints this has not been the case but as a result of the continued success of the Academy the school is seeking to retain the facility permanently on the site.

***Relevant Planning History***

08/00120/FULL - Use of land for siting of building to accommodate educational facility and associated access, parking, boundary treatment and landscape planting - permitted 15.04.08 for a temporary period of 5 years

13/00298/FULL - Change of use of land for siting of and extension to building to accommodate educational facility and associated access, parking and boundary treatment and landscaping - pending

***Relevant Policies***

National Planning Policy Framework (NPPF), March 2012

Gosport Borough Local Plan Review, 2006:  
R/DP1

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General Standards of Development within the Urban Area  
R/OS4  
Protection of Existing Open Space  
R/OS12  
Locally Designated Areas of Nature Conservation Importance  
R/OS13  
Protection of Habitats Supporting Protected Species  
R/ENV5  
Contaminated Land  
R/ENV9  
Safeguarded Areas  
R/T11  
Access and Parking  
R/T2  
New Development  
R/T3  
Internal Layout of Sites

### **Consultations**

Environmental Health	No objection. There is unlikely to be a risk of contamination.
Defence Estates	No response.
Local Highway Authority	No objection. There have been no complaints about the site or the access that has been established.
Economic Prosperity	No objection. We welcome the opportunity for children current disengaged with the educational system to be offered an alternative curriculum and method of learning. Gosport as an area has a significant proportion of 16-18 year olds not in education employment or training, approximately 5.3% in 2010, (source HCC CCIS data). Measures to address this are welcomed alongside the emphasis of attaining functional and core skills which are often cited by business as key employability skills.
Natural England	No objection.
HCC Ecology	No objection. The land adjacent to the application site is used by Brent Geese during the overwintering period, however, the level of usage has declined over recent years and evidence submitted with the application indicates that the westernmost part of the field, nearest to the application site is less favoured by the Geese. It is not, therefore, considered that the favourable conservation status of the species would be harmfully impacted. Mitigation and enhancement measures are made within the ecological information supporting the

	application. It is recommended that these are secured by condition.
Wildlife Trust (Hants & IOW)	No response.
Streetscene Parks & Horticulture	No objection.
Building Control	No objection.
Sport England South East	No objection. Sport England's policy is to ensure that there is no overall loss of playing field. The proposal affects only land incapable of forming a playing pitch and does not result in the loss of, or inability to make use of, any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facilities on site.

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

Nil

### ***Principal Issues***

1. The main issues in this case are the impacts of the proposed permanent retention of the use and the building on the character and function of the existing Open Space, the impact on the appearance of the area and streetscene, the impact on features of importance for nature conservation and highway and pedestrian safety.

2. Policy R/OS4 of the Gosport Borough Local Plan allows for development on Existing Open Space where redevelopment of a small part of the site for recreation and/or community facilities would retain and enhance the existing facilities, or where alternative provision is made available of equivalent or greater community benefit in terms of quality, quantity and accessibility. The supporting text to Policy R/OS4 confirms the acceptability, in principle, of the redevelopment of a small part of an open space for additional buildings to be used in connection with educational uses, provided the character and function of the remaining open space is maintained. In considering the application for temporary consent it was determined that the proposal would not affect the existing sports facilities or pitches at the site and would provide an important educational facility that is closely associated with the existing school. This continues and would continue to be the case. As a result of the unobtrusive size and appearance of the building, together with its discreet position at the north west of the corner of the site, there is no harmful impact to the appearance and character of the space or the area. The trees are to be retained and the grassed areas within the application site, immediately adjacent to the building and car parking assist in softening the setting of the building. There is currently no planting around the south and eastern edges of the application site and taking into consideration the diminutive appearance of the building it is not considered necessary to impose a condition requiring any further planting. To ensure visual permeability across the application site and field, a condition is recommended to control the type of boundary treatments that can be erected around the application site. The proposal will not, therefore, detract from the character or function of the Open Space, will not have a harmful impact on the appearance of the area or streetscene and complies with Policies R/OS4 and R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

3. The site has operated for a period of five years and other parts of the playing field continue to be used by overwintering birds for feeding. The siting and use of the building in this location is not, therefore, resulting in a harmful impact on the interest features of the Portsmouth Harbour

SSSI/SPA/Ramsar site. Subject to a condition requiring on-going mitigation measures as set out in the ecological report accompanying the planning application, the continued siting and use of the building together with the associated use of the field will ensure a favourable conservation status of the species is maintained in compliance with Policies R/OS12 and R/OS13 of the Gosport Borough Local Plan Review and the NPPF.

4. The Local Highway Authority reports no complaints or concerns about the established access to the site or an increase in harmful on-street or indiscriminate parking of vehicles in the vicinity of the site. Whilst there was no condition restricting the number of students and staff to 40 and 4 respectively on the temporary planning permission reference 08/00120/FULL, to date those numbers have not been exceeded. It is on this basis that the development is considered to be acceptable in respect of highway activity and the applicant confirms that they do not intend to exceed these numbers in the future. To ensure that this remains the case and that the development remains acceptable in respect of highway safety, a condition is recommended restricting the number of students and staff to 40 and 4 respectively. The sight lines from the access to the highway will be maintained and, as a result, pedestrians using the adjoining footway can do so safely. The level of car and cycle parking is considered acceptable in this location. Subject to conditions requiring the site lines from the access to be retained and the retention of the car and cycle parking on site, the proposal is acceptable and complies with Policies R/T2, R/T3 and R/T11 of the Gosport Borough Local Plan Review and the NPPF.

### **RECOMMENDATION: Grant Permission**

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

1. The car and cycle parking on plan A shall be retained at all times for the purposes of parking cars and cycles unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that satisfactory car and cycle parking are retained on site, to preserve highway and pedestrian safety and to comply with Policy R/T11 of the Gosport Borough Local Plan Review and the NPPF.

2. The existing vehicle and pedestrian access from Military Road shall be retained at all times unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure satisfactory access to the site is retained, in the interests of highway and pedestrian safety and to comply with Policies R/T2, R/T3 and R/T11 of the Gosport Borough Local Plan Review and the NPPF.

3. Nothing above 0.6m high shall be erected, placed or grown in the area hatched green on plan A unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure satisfactory access to the site is retained, in the interests of highway and pedestrian safety and to comply with Policies R/T2, R/T3 and R/T11 of the Gosport Borough Local Plan Review and the NPPF.

4. The ecological mitigation and enhancement measures as set out in section 3.8 of the Brent Goose Assessment dated 24.06.13 shall be carried out in accordance with those details unless otherwise agreed, in writing, by the Local Planning Authority.

To ensure that the development provides appropriate enhancement to biodiversity and to comply with Policies R/OS12 and R/OS13 of the Gosport Borough Local Plan Review and the NPPF.

5. At no time shall the number of students present on the site exceed 40.

Reason - In the interests of highway and pedestrian safety and to comply with Policies R/T2, R/T3 and R/T11 of the Gosport Borough Local Plan Review and the NPPF.

6. At no time shall the number of staff present on the site exceed 4.

Reason - In the interests of highway and pedestrian safety and to comply with Policies R/T2, R/T3 and R/T11 of the Gosport Borough Local Plan Review and the NPPF.



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7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no walls, fences or other means of enclosure shall be erected around the application site without the prior consent in writing of the Local Planning Authority.

Reason - In order to preserve the visual amenities of the site and to comply with Policies R/DP1 and R/OS4 of the Gosport Borough Local Plan Review.

**ITEM NUMBER: 05.**

**APPLICATION NUMBER: 13/00298/FULL**

**APPLICANT: Mr Ian Potter Bay House School and Sixth Form**

**DATE REGISTERED: 01.08.2013**

**CHANGE OF USE OF LAND FOR SITING OF AND EXTENSION TO BUILDING TO ACCOMMODATE EDUCATIONAL FACILITY AND ASSOCIATED ACCESS, PARKING, BOUNDARY TREATMENT AND LANDSCAPING (as amplified by information received 30.08.13)**

**Bay House Enterprise Academy Military Road Gosport Hampshire PO12 3AF**

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

The application site is the north west corner of a large, flat, grassed field located to the east side of Military Road. The field lies within the Urban Area, is designated as an Existing Open Space and is a Site of Importance for Nature Conservation (SINC) due to its importance as a feeding ground for Brent Geese. On the northern boundary of the field is a 1.8m high wire mesh fence supplemented with trees and a hedgerow. Beyond this is a foot and cycle path which links Military Road to Wilmott Lane. HMS Sultan is located to the north and on the opposite side of Military Road and there is residential development to the east and south of the field. The majority of the application site is enclosed by a 1.8m high mesh wire fence, with a strip of grassland to the east also falling within the application site. There is a large Oak tree in the north west corner of the site and a number of smaller trees along the northern boundary.

The application site is occupied by a single storey, flat roof building with cream painted exterior which is accessed from the west. There is an established vehicular access to the site from Military Road and the area between the road and building is laid out to provide 5 car parking spaces, including space for two minibuses, together with cycle parking for up to 40 cycles. The remaining areas within the application site are grass and planting.

The site is used by Bay House School as an Enterprise Academy for up to a maximum of 40 no. 14 - 16 year olds with 4 members of staff. The maximum number of students are not on site simultaneously, as some student activity takes place off-site. The Academy operates on weekdays only between the hours of 8am and 5pm. The facilities are shared with the main school and students of the Academy use the adjacent sporting facilities and field in conjunction with their activities. A minibus is provided to transport students to the main school and work-based activities.

The use of the site for this purpose including the siting of the building was established in 2008 under planning permission reference 08/00120/FULL for a period of five years. At the time the temporary permission was sought it was anticipated that by the time it expired, a more permanent solution would have been found. As a result of budgetary constraints this has not been the case but as a result of the continued success of the Academy the school is seeking to retain the facility permanently on the site and this is currently being considered under planning application reference 13/00207/FULL. Subject to the concurrent approval of that application, this application reference 13/00298/FULL proposes an extension to the existing site and an extension to the southern end of the east elevation of the building to provide an additional classroom on the site. The extension to the site would be 7.8m wide and a maximum of 48m long. The existing mesh wire fencing along the east elevation of the existing site would be repositioned 7.8m further to the east and the existing mesh wire fence along the southern boundary would be extended to include the additional area of land. The extension of the building would be 7m long, 8m wide and the same height as the existing building at 2.7m. The extension would be connected to the main building via a walkway 0.5m long, 1m wide and 2.4m high. The additional classroom is proposed to provide teaching space for an additional year group, however, the maximum number of students utilising the facility, across all year groups, will not exceed 40 and the number of staff will not exceed 4.

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### **Relevant Planning History**

08/00120/FULL - Use of land for siting of building to accommodate educational facility and associated access, parking, boundary treatment and landscape planting - permitted 15.04.08 for a temporary period of 5 years

13/00207/FULL - Retention of building and entrance from Military Road together with associated parking and fencing - pending

### **Relevant Policies**

National Planning Policy Framework (NPPF), March 2012

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/OS4

Protection of Existing Open Space

R/OS12

Locally Designated Areas of Nature Conservation Importance

R/OS13

Protection of Habitats Supporting Protected Species

R/ENV5

Contaminated Land

R/ENV9

Safeguarded Areas

R/T2

New Development

R/T3

Internal Layout of Sites

R/T11

Access and Parking

### **Consultations**

Environmental Health	No objection. There is unlikely to be a risk of contamination.
Defence Estates	No response.
Sport England South East	No objection. The proposed development will result in the loss of only 343 square metres of the playing field which represents only 0.6%. The application site is directly adjacent to an existing building. None of the pitches or the running track will be affected by the proposal.
Local Highway Authority	No objection. There is no proposal to increase staff numbers at the site and the existing car and cycle parking is proposed to be retained. There have been no complaints about the site or the access that has been established.
Economic Prosperity	No objection.
Natural England	No objection. Provided the proposal is

	carried out in accordance with the submitted details, there is unlikely to be a harmful impact to the Portsmouth Harbour SSSI/SPA/Ramsar site. Mitigation and enhancement measures are made within the ecological information supporting the application. It is recommended that these are secured by condition. A condition relating to the timing and type of works is recommended.
HCC Ecology	No objection. The proposal is unlikely to have a significant effect on the protected species using the adjoining field.
Wildlife Trust (Hants & IOW)	No response.
Streetscene Parks & Horticulture	No response.
Building Control	No objection. An application for Building Regulation approval will be required. Access for disabled people will need to be fully considered. A fully compliant disabled WC will be needed. Noise resistance will need to be considered taking into account internal and external sources of sound.

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

1 letter of objection

Issues raised:

- the site is too close to nearby residential properties
- highway and pedestrian safety concerns
- the proposal represents a harmful divide in teaching arrangements
- alternative measures to address the students behaviour should be considered
- teachers may not want to teach at the site
- there is a risk of fires being started on the site
- the proposal represents a case of a problem no longer seen is not heard

### ***Principal Issues***

1. The type of teaching provided on the site, teaching arrangements, the measures used to address poor behaviour and the willingness of teachers wanting to teach at the site are not material planning considerations. The nearest dwelling is over 160 metres away in Fairview Court and, therefore, the proposal will have no impact on residential amenity. The main issues in this case are, therefore, the impacts of the proposal on the character and function of the existing Open Space, the impact on the appearance of the area and streetscene, the impact on features of importance for nature conservation and highway and pedestrian safety.

2. The principle of the use was considered acceptable in this location under planning application references 08/00120/FULL and 13/00207/FULL which item no. 4 of this agenda. The proposed development site area of 343 square metres represents a loss of 0.6% of the overall playing field. The playing field contains 5 pitches and a running track none of which would be affected by the proposal. The additional space proposed to be enclosed is directly adjacent to the existing building and, as a result, there will be no harmful loss of the field either physically or visually. As a result of the extension to the application site being only small, a large proportion of the planting along the northern boundary of the field will be retained. The setting and visual amenity of the site will, therefore, be retained as viewed from the streetscene. To ensure visual permeability across the

application site and field, a condition is recommended to control the type of boundary treatments that can be erected around the application site. Only a minor increase in the site area and the provision of only one additional classroom resulting in no increase to student or staff numbers nor any increase in car or cycle parking requirements, will ensure the character of the use on the site, together with the overall character of the playing field, will be retained. The proposal will erode only a small proportion of the existing field and to assist in enhancing an existing educational facility on the site, this proposal is considered to be acceptable and meets the aims and objectives of the NPPF and Policies R/OS4 and R/DP1 of the Gosport Borough Local Plan Review.

3. The existing building has operated on the site for a period of five years and the site continues to be used by overwintering birds for feeding. There will only be a small decrease in the area of land available for the Brent Geese to feed, and the broader, open aspect of the playing field will be retained to ensure the quality of the environment for the Brent Geese is retained. There will be no increase in the maximum number of students or staff at the site and, therefore, no increase in the associated use of the remaining field. It is not, therefore, considered that the proposed extension to the building and area associated with the use of the site will result in a harmful impact to the interest features of the Portsmouth Harbour SSSI/SPA/Ramsar site. To ensure that there is no harmful disturbance to overwintering birds during the works to implement the extension of the site and building taking place noisy operations are proposed to be controlled by condition. Subject to this, and a condition requiring on-going mitigation measures set out in the ecological report accompanying the planning application, the proposed use will ensure there will be no harm to features of importance for nature conservation in compliance with Policies R/OS12 and R/OS13 of the Gosport Borough Local Plan Review and the NPPF.

4. As no increase in staff or students is proposed, there will not be an increased demand for car or cycle parking or increased pressure on the established access to the site. The Highway Authority reports no complaints or concerns about the established access to the site or an increase in harmful on street or indiscriminate parking of vehicles in the vicinity of the site as a result of the existing use. It is, therefore, considered that existing levels of highway and pedestrian safety will be maintained. Subject to conditions requiring the sight lines from the access to be retained, the retention of the car and cycle parking on site and restrictions on the maximum number of students and staff on the site the proposal is acceptable and complies with Policies R/T2, R/T3 and R/T11 of the Gosport Borough Local Plan Review and the NPPF.

### **RECOMMENDATION: Grant Permission**

#### **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

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 car and cycle parking on plan A shall be retained at all times for the purposes of parking cars and cycles unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that satisfactory car and cycle parking are retained on site, to preserve highway and pedestrian safety and to comply with Policy R/T11 of the Gosport Borough Local Plan Review and the NPPF.

4. The existing vehicle and pedestrian access from Military Road shall be retained at all times unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure satisfactory access to the site is retained, in the interests of highway and pedestrian safety and to comply with Policies R/T2, R/T3 and R/T11 of the Gosport Borough Local Plan Review and the NPPF.

5. Nothing above 0.6m high shall be erected, placed or grown in the area hatched green on plan A unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure satisfactory access to the site is retained, in the interests of highway and pedestrian safety and to comply with Policies R/T2, R/T3 and R/T11 of the Gosport Borough Local Plan Review and the NPPF.

6. The ecological mitigation and enhancement measures as set out in section 3.8 of the Brent Goose Assessment dated 24.06.13 shall be carried out in accordance with those details unless otherwise agreed, in writing, by the Local Planning Authority.

To ensure that the development provides appropriate enhancement to biodiversity and to comply with Policies R/OS12 and R/OS13 of the Gosport Borough Local Plan Review and the NPPF.

7. No works which exceed 69dB when measured at the boundary of the application site shown on plan A shall take place between October and March in any year unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To preserve the environment for over-wintering birds and nesting birds and to comply with Policies R/OS12 and R/OS13 of the Gosport Borough Local Plan Review and the NPPF.

8. At no time shall the number of students present on the site exceed 40.

Reason - In the interests of highway and pedestrian safety and to comply with Policies R/T2, R/T3 and R/T11 of the Gosport Borough Local Plan Review and the NPPF.

9. At no time shall the number of staff present on the site exceed 4.

Reason - In the interests of highway and pedestrian safety and to comply with Policies R/T2, R/T3 and R/T11 of the Gosport Borough Local Plan Review and the NPPF.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no walls, fences or other means of enclosure shall be erected around the application site without the prior consent in writing of the Local Planning Authority.

Reason - In order to preserve the visual amenities of the site and to comply with Policies R/DP1 and R/OS4 of the Gosport Borough Local Plan Review.