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13 October 2014

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

**MEETING:** Regulatory Board  
**DATE:** 21 October 2014  
**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 Gill) (ex-officio)  
Chairman of the Policy and Organisation Board (Councillor Hook) (ex-officio)

Councillor Mrs Hook (Chairman)  
Councillor Jessop (Vice Chairman)

Councillor Allen	Councillor Farr
Councillor Bateman	Councillor Hicks
Councillor Carter CR	Councillor Hazel
Councillor Dickson	Councillor Langdon
Councillor Ms Diffey	Councillor Wright

## **INFORMATION FOR MEMBERS OF THE PUBLIC**

(To be read by the Chairman 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.**

**Please note that mobile phones should be switched off or on silent for the duration of the meeting.**

**This meeting may be filmed or otherwise recorded. By attending this meeting, you are consenting to any broadcast of your image and being recorded.**

### **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).

**AGENDA**

RECOMMENDED  
MINUTE FORMAT

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 REGULATORY BOARD  
HELD ON 9 SEPTEMBER 2014

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, 17 October 2014. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

*(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Friday, 17 October 2014).*

6. TREE PRESERVATION ORDER G.131 – EVERGREEN OAK  
TREE AT SINGLETON, FORT ROAD, GOSPORT.

PART II  
Contact Officer:  
Linda Edwards  
Ext: 5401

*The purpose of the report is to request the Board to consider whether to confirm, confirm with modifications, or not to confirm Tree Preservation Order G.131 where a representation has been received.*

7. REPORTS OF THE BOROUGH SOLICITOR AND DEPUTY  
CHIEF EXECUTIVE

PART II  
Contact Officer:  
Debbie Gore  
Ext: 5455

*Schedule of planning applications with recommendations.  
(grey sheets – pages 1-29)*

8. ANY OTHER ITEMS

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

**A MEETING OF THE REGULATORY BOARD  
WAS HELD ON 9 SEPTEMBER 2014 AT 6PM**

Chairman of the P & O Board (Councillor Hook)(P), Councillors Allen (P), Bateman (P), Carter, Dickson, Ms Diffey (P), Farr (P), Hicks (P), Hazel, Mrs Hook (P), Jessop, Langdon (P), and Wright (P).

It was reported that in accordance with Standing Order 2.3.6, Councillors Hook, Mrs Forder, Ronayne and Scard had been nominated to replace Councillors Carter, Jessop Dickson and Hazel for this meeting.

**39. APOLOGIES**

Apologies for inability to attend the meeting were submitted on behalf of the Mayor, Councillors Carter, Dickson, Hazel, and Jessop.

**40. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**41. MINUTES**

**RESOLVED:** That the Minutes of the Regulatory Board meeting held on 5 August 2014, be approved and signed by the Chairman as a true and correct record.

**42. DEPUTATIONS**

Deputations had been received on the following applications:

- Item 1 - 14/00305/FULL – Royal Sailors Rest Grange Lane, Gosport

**43. PUBLIC QUESTIONS**

No public questions had been received.

**PART II**

**44. 14/00305/FULL – ERECTION OF 6 NO. THREE BEDROOM HOUSES  
AND 7 NO. TWO BEDROOM HOUSES WITH ASSOCIATED ACCESS,  
CAR PARKING AND LANDSCAPING (ADJACENT TO CONSERVATION  
AREA)  
ROYAL SAILORS REST, GRANGE LANE, GOSPORT**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 14/00305/FULL.

Officers updated the Board advising that further to the publication of the report, the applicant had submitted additional information to support their application.

The applicant had commented that the objection received from the local community group was not relevant as membership of the Crossley Community Centre provided a viable

alternative community facility.

The applicant had also stated that the community group objecting to the current application were the last tenants of the Royal Sailors Rest, before its closure in November 2010, and that the tenancy was terminated at the community group's request. The building had remained vacant since that time.

The applicant stated that the representation from the community group indicated that only part of the site was required for community use.

It was noted the applicant had acquired the site through word of mouth and not a result of a successful marketing campaign.

The applicant had also submitted details of an alternative proposal for the site, including a doctor's surgery.

Officers advised that the issues relating to the availability of the Crossley Community Centre had been addressed within the report. The termination of the previous lease was not an indication of current need, and notwithstanding that the community group objecting to the current application had suggested that part of the development should provide a community hub, the current proposal did not make any provision.

The alternative proposal for the site, including a doctor's surgery, is a materially different proposal to the current application and would need to be considered as a separate application for planning permission. Officers had advised that they would be pleased to discuss an alternative proposal for the site which incorporated a doctor's surgery or any other community facility, with the applicant.

Officers advised that reason for refusal no. 1 had not been overcome and remained unchanged.

In respect of reason for refusal 2; the applicant had submitted an addendum to the Arboricultural Survey which sought to overcome that reason. The addendum stated that it was practical and economically possible to construct the proposal without harming trees and tree protection was proposed in accordance with British Standards. In addition, the applicant had submitted information from their Arboricultural consultant advising that they were of the opinion that, taking into account the specific characteristics of the Oak tree, with the use of a particular construction type and method, there would be no harm to the tree.

In response to the additional information, further consultation with the Council's Tree and Landscape Officer had been carried out. Officers had considered the Addendum and additional information, however, remained of the view that the assessment within the report was correct and reason for refusal no. 2 had not been overcome.

Officers concluded by updating the Board that a Unilateral Undertaking had been submitted seeking to address reasons for refusal nos. 3, 4 and 5; however, it was not sufficient to secure the measures required by those reasons and reasons for refusal nos. 3, 4 and 5 had not been overcome and were unchanged.

Mrs Pratt was invited to address the Board whereby she advised Members that she was the Operations Director for Aggie Weston's who helped serving sailors, marines and their families within the community.

Mrs Pratt felt that the proposed application did not provide adequate local community facilities and advised Members that St Mary's Church in Rowner was currently at full capacity highlighting a growing need for additional community group space.

Members were further advised by Mrs Pratt that the Royal Navy Crossley Community Centre was a member's only club which subsequently did not provide facilities for the whole of the local community.

Mr Robert Tutton was then invited to address the Board whereby he advised members that he was speaking on behalf of the applicants, Driftstone Developments Ltd.

Mr Tutton advised Members that the application site was currently vacant and that the application had drawn no opposition from local residents.

Mr Tutton outlined the proposal and reiterated the additional information that had been provided to Planning Officers.

Members were further advised by Mr Tutton that the trees to the north of the site were subject to Tree Preservation Orders and that no objection had been raised by the Applicant who were aware of the need to seek consent to carry out any works to the trees.

Further to a Members question, it was clarified that no formal application had been received from any community groups to use or develop the site.

In relation to a question concerning any contamination on the site, it was confirmed that planning conditions would be used to secure further investigations to establish the nature and extent of any contamination and require any necessary mitigation..

Following discussions, Members recognised the importance in protecting community facilities within the local area and felt that the current proposal did not fulfil the requirements of the Local Planning Policy. It was further felt that collaboration with Aggie Weston's to incorporate and deliver a scheme which included community space for local residents should be investigated.

**RESOLVED:** That application 14/00305/FULL – Royal Sailors Rest, Grange Lane, Gosport, be refused for the following reason(s):-

1. It has not been demonstrated that the site is no longer required to provide a community facility in the area to the detriment of the strategic aim to improve the quality of life of residents in the Borough and the delivery of a sustainable community with a reduced need to travel and the proposal is, therefore, unacceptable in principle and contrary to Policy R/CF2 of the Gosport Borough Local Plan Review, Policies LP3 and LP32 of the Gosport Borough Local Plan 2011 - 2029 (publication version 2014) and paragraph 156 of the NPPF.

2. The compaction of ground within the Root Protection Area of the Oak tree the subject of TPO G.134, combined with the proposed arrangement of the parking space and position of the dwelling on plot 1, would cause harm to the health to the tree and be likely to lead to its demise to the detriment of the character and appearance of the local environment and landscape and outward views from the Rowner Conservation Area contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.

3. Adequate provision has not been made for outdoor playing space, nor the payment of a commuted sum in lieu of the provision, contrary to the National Planning Policy Framework and Policy R/OS8 of the Gosport Borough Local Plan Review.

4. Adequate provision has not been made for Transport Infrastructure, Services and Facilities, nor the payment of a commuted sum in lieu of the provision, contrary to the National Planning Policy Framework and Policies R/T4 and R/DP3 of the Gosport Borough Local Plan Review.

5. Adequate provision has not been made for mitigation against the harmful impacts of recreational disturbance in the Portsmouth Harbour and Solent and Southampton Water SSSI/SPA/Ramsar sites detrimental to the protected and other species for which these areas are designated and contrary to the National Planning Policy Framework and Policies R/OS12 and R/OS13 of the Gosport Borough Local Plan Review.

#### **45. ANY OTHER BUSINESS**

There was no other business

The meeting concluded at 6.25pm

<b>Board/Committee:</b>	<b>REGULATORY BOARD</b>
<b>Date of meeting:</b>	<b>21 OCTOBER 2014</b>
<b>Title:</b>	<b>TREE PRESERVATION ORDER G.131 – EVERGREEN OAK TREE AT SINGLETON, FORT ROAD, GOSPORT.</b>
<b>Author:</b>	<b>BOROUGH SOLICITOR AND DEPUTY CHIEF EXECUTIVE AND HEAD OF DEVELOPMENT CONTROL</b>
<b>Status:</b>	<b>FOR DECISION</b>

### **Purpose**

The purpose of the report is to request the Board to consider whether to confirm, confirm with modifications, or not to confirm Tree Preservation Order G.131 where a representation has been received.

### **Recommendation**

That, in accordance with the Town and Country (Tree Preservation) (England) Regulations 2012, and despite a letter of representation, the Board confirm Tree Preservation Order No G.131 relating to an Evergreen Oak tree at Singleton, Fort Road, Gosport.

#### **1. Background**

- 1.1 The Council made a provisional Tree Preservation Order in respect of a tree at Singleton, Fort Road, Gosport.
- 1.2 Works to this tree were carried out around the 30.07.14 without the Local Planning Authority receiving the required formal notification. For these reasons the tree may be at risk and it was, therefore, considered appropriate, in accordance with Section 198 of The Town and Country Planning Act, to formally protect the tree by making a Tree Preservation Order.

#### **2. Report**

- 2.1 TPO G.131 dated 5 August 2014 relating to an Evergreen Oak tree at Singleton, Fort Road, Gosport has been made as a provisional order under the Town and Country (Tree Preservation) (England) Regulations 2012 ('Regulations'). The Tree is located within the Anglesey Conservation Area.
- 2.2 The TPO has been made because in the opinion of the Head of Development Control the tree makes a significant positive contribution to the character and appearance of the local environment.
- 2.3 Notice of making of the TPO has been served as required by the



Regulations on the owners of the land concerned. Any person wishing to object to or make any comments in respect of the TPO had a period of 28 days to submit that objection or comment for consideration by the Council.

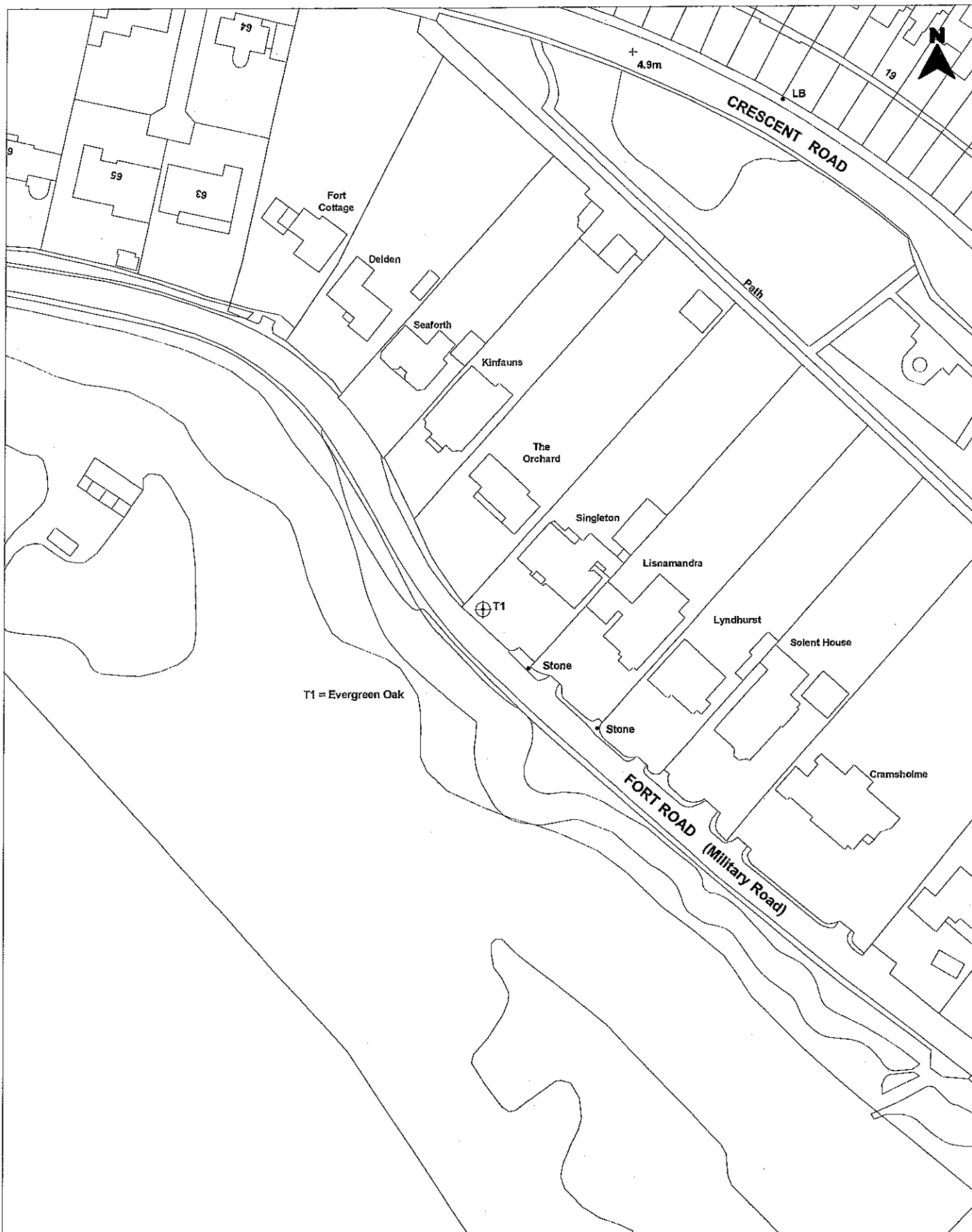
- 2.4 The Regulations provide that if a TPO is to continue in effect it must be confirmed by the Council within a period of six months from the date on which the TPO is made and after consideration of any objection or representation received.
- 2.6 One letter of representation to the TPO was received. The issues raised were as follows:
- The sight-line from the drive entrance to Singleton onto Fort Road may require improvement in the future, possibly involving a request to remove the tree.
  - The tree is close to Singleton and will require regular pruning to prevent any damage to the structure of the building.
- 2.7 The Council's Tree and Landscape Officer has confirmed the Oak is a healthy specimen. The confirmation of the TPO would not prevent the submission of future applications to carry out appropriate maintenance works. Such applications would be determined by the Local Planning Authority on their individual merits, in accordance with the relevant National and Local planning Policies, with consideration given to the impact on the health and amenity value of the tree.
- 2.8 The Oak is a significant, mature and healthy specimen, which, in the opinion of the Local Planning Authority, makes a positive contribution to the character of the locality and the Anglesey Conservation Area. The crown of the tree is readily visible from a large section of Fort Road, Lifeboat Lane and the public amenity space to the south of Fort Road. Confirmation of the Tree Preservation Order would enable the Local Planning Authority to control future works to the tree, in the interests of its future health and amenity value.
- 2.9 The Regulatory Board may decline to confirm the Order or it may confirm the Order with or without modifications. The proposal before the Board is for the TPO to be confirmed without modification.

### **3. Risk Assessment**

- 3.1 The tree may be at risk of being removed if the Order is not confirmed.

<b>Financial implications:</b>	None
<b>Legal implications:</b>	As set out in the report
<b>Service Improvement Plan implications:</b>	None

<b>Corporate Plan</b>	None
<b>Risk Assessment</b>	See paragraph 3.1
<b>Background papers:</b>	Tree Preservation Order G.131
<b>Appendices/Enclosures:</b>	None
<b>Report author/Lead Officer:</b>	Hilary Hudson, Solicitor, Legal Services 023 9254 5611



T1 = Evergreen Oak



**GOSPORT**  
Borough Council

**DEVELOPMENT  
CONTROL**

TOWN HALL, HIGH STREET  
GOSPORT, HANTS  
PO12 1EB

**TREE PRESERVATION ORDER G 131**

**Singleton**

**Fort Road**

**Gosport PO12 2DT**

MAP REFERENCE : SZ6098SW

SCALE : 1:1000

DATE : 04/08/2014

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

**21st October 2014**

### **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.

<u>Item</u>	<u>Page No</u>	<u>Appl. No.</u>	<b>INDEX</b>		<u>Recommendation</u>
			<u>Address</u>		
01.	03-07	13/00544/FULL	159 Elson Road Gosport Hampshire PO12 4AB		Grant Permission subject to Conditions
02.	09-20	14/00420/FULL	Baptist Church 10 - 12 Stoke Road Gosport Hampshire PO12 1JB		Grant Permission subject to Conditions / s106
03.	21-25	14/00419/VOC	Land Adjoining 24 Ashburton Road Gosport Hampshire PO12 2LJ		Grant Permission subject to Conditions
04.	27-29	14/00411/GR3	27 - 59 Blackthorn Drive Gosport Hampshire PO12 4AZ		Grant Permission

**ITEM NUMBER: 01.**  
**APPLICATION NUMBER: 13/00544/FULL**  
**APPLICANT: Mr B Batt**  
**DATE REGISTERED: 31.07.2014**

**RETENTION OF AND FURTHER WORKS FOR THE ERECTION OF A TWO STOREY  
REAR EXTENSION AND SINGLE STOREY REAR EXTENSION  
159 Elson Road Gosport Hampshire PO12 4AB**

***The Site and the proposal***

1. The application property is a two storey, end of terrace dwelling located on the southern side of Elson Road. The property is constructed of brick and has a rendered front elevation. The western elevation of the main dwelling is constructed of a modern brick and the property has a pitched, tiled roof. The rear garden of the property is approximately 6m wide and extends in excess of 20m to the south and has approximately 1.8m high fencing to both side boundaries. To the rear of the site is the parking area and access road associated with the Gosport and District Sports and Disabled Association Club (GADSAD) with the playing fields beyond. Number 161 Elson Road to the east has a two storey rear projection that is 6.5m deep and is located approximately 1.9m from the boundary with the application property. There are also single storey additions to the rear of the two storey projection of number 161. At ground floor level there is a set of doors in the southern elevation of the dwelling and a kitchen window and further door and window in the western elevation of the rear projection. At first floor level there is a bedroom window in the southern elevation of the dwelling and two windows in the western elevation of the projection, one serving the staircase and the second serving a bedroom. There are no first floor windows in the rear elevation of the two storey projection. On the opposite side of number 161 is number 163 which is also a mid-terraced, two storey dwelling. This property similarly has single and two storey rear extensions. The neighbouring dwelling to the west, number 157a, is a modern two storey, semi-detached, dwelling that is set off the boundary with the application site by approximately 1m. There is a first floor, bathroom window in the eastern elevation of this property.

2. The application property previously had a two storey rear projection that extended 10.6m into the garden, with a further single storey element projecting an additional 1.7m. The two storey rear projection was 3.2m wide and had an eaves height of 5m and an overall height of 6m to the top of the pitched roof. It was set off the boundary with the adjoining property to the east, number 161, by approximately 2.9m. There were three east facing ground floor windows with three first floor windows over, the southernmost two served bedrooms and the northernmost served the staircase. There was also a first floor south facing window in this projection. The western side elevation, however, did not contain any windows.

3. Members resolved to grant planning permission at the Regulatory Board in March 2013, under Ref. 13/00007/FULL, for the erection of a replacement two storey rear extension following the demolition of the previous rear projections. The approved two storey extension was to be 10.6m deep and 4.8m wide and was to be set off the eastern boundary with number 161 by 1-1.2m given the irregular site boundary. The approved extension had a hipped roof with an eaves height matching that of the original dwelling and an overall height of 6.3m. The approved plans showed three ground floor windows in the eastern elevation and three windows at first floor level, with the two northernmost bathroom windows of the three being fitted with obscure glazing. The southernmost bedroom window was shown to containing clear glazing. There was also a first floor bedroom window in the rear elevation and the approved plans also showed two windows and a pair of doors at ground floor level. Works to erect this extension have commenced on site, however, the development has not been constructed in accordance with the approved plans.

4. The existing extension that has been built projects 10.6m and is 4.8m wide, as approved. It has an eaves height matching that of the original dwelling and an overall height of 6.7m to the top of the hipped roof, 0.4m higher than previously approved. The other amendments from the approved plans consist of the hipped end of the roof having a steeper pitch, the width of the first floor window

in the rear elevation has also been increased from 1.5m wide to 1.9m wide and the windows in the eastern side elevation are smaller than those previously approved. The opening in the ground floor rear elevation is also wider to allow for the erection of a single storey extension. The extension has been constructed using red multi-stock bricks and the roof tiles match the original dwelling.

5. This proposal is for the retention of the two storey extension, as built, and the proposed erection of a single storey extension at the rear of the newly constructed two storey extension.

6. The proposed single storey extension would be 4m deep and 4.8m wide and would have a mono-pitched roof with an eaves height of 2.6m and an overall height of 3.6m. It would contain a ground floor window in the eastern side elevation and a set of folding doors in the rear elevation. The proposed extension would be constructed using bricks and tiles to match the two storey rear extension.

7. Amended plans, details and application forms have been submitted which correct errors and clarify details of the proposed extensions.

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

13/00007/FULL - erection of two storey rear extension (as amended by plan received 08.02.13 and amplified by letter received 19.02.13) - permitted 06.03.13

### ***Relevant Policies***

National Planning Policy Framework (NPPF), March 2012

Gosport Borough Local Plan, 2011 – 2029 (Publication Version 2014):

- LP10
- Design
- LP23
- Layout of Sites and Parking

Gosport Borough Local Plan Review, 2006:

- R/DP1
- General Standards of Development within the Urban Area
- R/T11
- Access and Parking

The adopted development plan is the Gosport Borough Local Plan Review, 2006. The emerging Gosport Borough Local Plan, 2011 – 2029 has been the subject of two public consultations and is due for Examination in Public in early 2015 and adoption in June 2015. This document should, therefore, also be given weight in decision making.

### ***Consultations***

Nil

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

5 letters of objection

Issues raised:-

- concerns raised during previous application were completely dismissed
- works have commenced, without due regard for planning consent
- the two storey extension, as built, is not in accordance with the approved plans
- application states that the rear doors would be made of hard wood, however, the existing doors are aluminium and the application is unclear whether these doors will be re-used
- the application forms are misleading
- two storey extension is causing damp to neighbouring properties

- a large area of hard surfacing has been laid at the rear of the site, suggesting some form of commercial undertaking
- the two storey extension has been built poorly and is possibly unsafe
- the site is untidy and there are no fences preventing children accessing the site
- a large front porch has also been erected, which looks out of place
- the Regulatory Board Members should visit the site to view inconsistencies on the plans and poor build quality
- the two storey extension was built without consideration for the neighbours
- the two storey extension is huge in proportion to the other dwellings and is out of character
- the materials used in the two storey extension do not match the original dwelling
- the proposed single storey extension is an overdevelopment of the site
- extension is larger than any other properties in the neighbourhood
- loss of light and privacy to 163 Elson Road and 157a Elson Road
- loss of privacy to 161 Elson Road
- development could create additional parking problems in the locality

### ***Principal Issues***

1. The previous planning application, reference 13/00007/FULL, was considered at the Council's Regulatory Board and the issues raised by local residents were set out in the report. There is provision within the planning legislation for applications to be submitted retrospectively and each application is required to be considered on its merits in light of the relevant national and local planning policies. The scaled plans are of adequate detail and show the relationships between the properties and, in conjunction with the Officer's site visit, are sufficient to enable the application to be accurately assessed and determined. The proposed doors in the rear elevation are constructed of wood, in accordance with the submitted details. Damp within neighbouring properties is not a material planning consideration and requirements for drainage are dealt with under the Building Regulations. The area of hard surfacing at the rear of the site does not require planning permission. Should there be a material change of use of the planning unit, this would require planning permission and any application would be publicly advertised and considered on its own merits. Site security on private land is a private legal matter and the concerns raised regarding site safety have been referred to the Building Control Partnership and the Council's Environmental Health Section. The two storey extension has been periodically inspected by Building Control Officers to check for compliance with the Building Regulations. The Council is aware of the porch constructed on the front elevation, which requires planning permission and a planning application has been requested. The applicant has confirmed that the western elevation of the two storey extension had to be constructed from within the application site due to land access issues, which is why the pointing, in places, is of poor quality. The requirement to complete the pointing to a satisfactory standard will be dealt with under the Building Regulations. A certain level of disturbance and untidiness is inevitable during building works, should the site conditions adversely affect the amenity of the area after the development is completed, however, the Council has powers to take action should it be considered necessary. The principle of the design and location of the two storey extension, including its depth, width and window arrangement was considered acceptable under planning permission 13/00007/FULL. The only issues in this case, therefore, are the impact of the changes to the two storey extension and the acceptability of the proposed single storey extension in terms of their impact on the visual amenity of the locality and the amenities of the occupiers of the neighbouring dwellings and highway and pedestrian safety.

2. Although the materials used in the construction of the two storey extension do not match the brick used in the construction of the original dwelling, the two storey extension has been constructed of a high quality multi-stock brick which is an overall visual improvement over the materials used in the now demolished rear projection and the existing western elevation of the main dwelling. Furthermore, whilst the pointing in the western elevation is, in places, of poor quality, this is a result of the method of construction and the difference in bricks is confined to the area on the western elevation where the differing brick finishes meet and is not readily publicly visible. Whilst the overall height of the roof has increased by 0.4m, having regard to the design of the extension, this minor increase in the overall height does not have a significant impact in design terms. The alterations to the hipped end of the two storey rear extension and amendments to the windows to the eastern



side and rear are minor and have no significant visual impact. Given the minor increase in the overall height of the roof and the size of the window in the rear elevation and the overall reduction in the amount of glazing in the eastern elevation, and the re-imposition of a condition requiring the two first floor bathroom windows in that elevation being fitted with obscure glazing and non-opening below 1.7m, the development does not have a harmful impact upon the amenities of the occupiers of the neighbouring dwelling in terms of loss of light, outlook or privacy. The development is, therefore, in compliance with the NPPF and Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 of the Gosport Borough Local Plan Review.

3. The proposed single storey extension has a simple and compatible design and is of suitable scale given the size of the previous and existing additions on the property. It would be constructed using materials to match the two storey rear extension and would not be readily visible from public vantage and, therefore, would not have a harmful impact on the appearance of the dwelling or the visual amenity of the locality. Whilst the extension would be located adjacent to the boundary with number 157a to the west, it would have a maximum height of 3.6m and would only extend 4m beyond the rear of the two storey extension, in excess of 9m away from the rear elevation of number 157a. It would not be overbearing in combination with the two storey extension and would not have a harmful impact upon the amenities of the occupiers of that dwelling in terms of loss of light, outlook or privacy. Taking in account the height, scale and location of this single storey extension, the orientation of the properties and the height of the fencing along the boundaries, it would also not have a harmful impact on the occupiers of number 161 or 163 to the east. The development is, therefore, acceptable and complies with the NPPF and Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 of the Gosport Borough Local Plan Review.

4. The rear vehicular access to and from the site remains unchanged and will not be affected by the development. There has been no increase in the number of bedrooms within the dwelling and the development will not, therefore, have a harmful impact on highway and pedestrian safety in the locality. Given the above, the development is in compliance with the NPPF and Policies LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 of the Gosport Borough Local Plan Review and R/T11 of the Gosport Borough Local Plan Review.

### **RECOMMENDATION: Grant Permission**

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

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

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

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with the NPPF and Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 of the Gosport Borough Local Plan Review.

2. The materials to be used in the erection of the single storey extension shall match in type, colour and texture, those on the two storey extension unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - To ensure satisfactory visual relationship of the new development to the existing, and to comply with the NPPF and Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 of the Gosport Borough Local Plan Review.

3. The first floor windows in the eastern elevation of the extension hereby approved, outlined in red on the approved plan, Plan C, shall be obscure glazed and any part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be non-opening. The windows shall be permanently retained as such thereafter, unless otherwise agreed, in writing, with the Local Planning Authority.

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Reason - In order to protect the amenity of the occupiers of the adjoining property and to comply with the NPPF and Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 of the Gosport Borough Local Plan Review.



**ITEM NUMBER: 02.**  
**APPLICATION NUMBER: 14/00420/FULL**  
**APPLICANT: Mrs Sophie Curtis Sophie Curtis Property Ltd**  
**DATE REGISTERED: 02.09.2014**

**DEMOLITION OF EXISTING HALL AND ANCILLARY ROOMS TO NORTH SIDE OF SITE AND CONVERSION OF BAPTIST CHURCH TO PROVIDE 4 NO. ONE BEDROOM FLATS AND 4 NO. TWO BEDROOM FLATS, ERECTION OF DORMER WINDOWS TO EAST AND WEST ELEVATIONS OF ROOF, INSTALLATION OF NEW AND ALTERATIONS TO EXISTING WINDOWS AND DOORS TOGETHER WITH ASSOCIATED CAR PARKING, CYCLE PARKING, BOUNDARY TREATMENTS AND LANDSCAPING (CONSERVATION AREA) (as amended by plans received 17.09.14 and 3.10.14)**  
**Baptist Church 10 - 12 Stoke Road Gosport Hampshire PO12 1JB**

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

1. The application site is located within the Urban Area, in the Stoke Road Conservation Area and within the Stoke Road District Shopping Centre, as defined by the Gosport Borough Local Plan Review. The site is 37m long and a maximum of 15m wide and is occupied by the Stoke Road Baptist Church. The church was built in the early 1900's and is a building of historic and architectural interest. It forms part of a group of buildings of similar scale. The original building has a pitched roof, with the ridge orientated north-south. The principal (southern) elevation of the building forms a distinct and attractive feature on Stoke Road and makes a significant positive contribution to the character of the Conservation Area. The building is built in red brick, in Flemish bond, with what appears to be a mixture of stone and reconstituted stone detailing and a slate roof. The building has an eclectic appearance, including elements of Gothic, Art Nouveau and Romanesque architecture. Historically, the building had a small spire, the base of which presently forms a chamfered turret on the right hand side of the principal elevation. There is a more recent extension on the rear (north) elevation which is lower in height than the original building. This extension is a maximum of 12m deep and provides an ancillary hall, kitchen and storage room, together with WC facilities. It has a pitched roof, with the ridge orientated west-east. The ridge is set to a height of 6.5 metres. The extension contains 3 no. windows and a door in the northern elevation. In combination with the original structure, the building is 32.5m long and 12m wide, increasing to 14.3m in width at the rear. There is a stagger in the original rear elevation of the building where the church organ was once accommodated. The building has ground and first floor windows in all elevations with first floor stained glass in the south (front) and north (rear) elevations. The stained glass extends to second floor height.

2. There is an existing lobby on the front elevation of the building, accessed from its western side, via a ramp. The hardstanding surrounding the lobby is enclosed by iron railings approximately 1.1m high. There are pedestrian paths on all sides of the building. There is an established 2.7m wide vehicular access to the rear of the site, which is accessed from Prince of Wales Road to the east. This access also serves other properties along this section of Stoke Road, including nos. 6, 8 and 14. At the rear of the application site, the access turns north and narrows to provide a pedestrian access only to the rear of numbers 5 - 15 Prince of Wales Road.

3. Internally, the original church has begun to deteriorate and is in a state of disrepair. The ground floor pews and internal, timber up-stands have all been removed, leaving exposed, broken floor boards. The internal stairs at the southern end of the building are, in part, broken and the balustrade around the first floor mezzanine (surrounding the central congregation area) has been removed. There is evidence of dry rot both within the original building and the extension at the rear. Despite the poor condition of parts of the building, a series of original, horizontal, timber roof trusses, which support the roof, remain in situ, together with the stained glass windows in the northern and southern elevations.

4. To the east of the site is no. 8 Stoke Road, which is currently occupied by a tailors at ground floor level, with four flats above. The building forms a notable feature in the streetscene by reason of its prominent gothic features and the contrast between the white painted render and the black painted shop front and windows. There is an ornate, iron balustrade around the first floor window on the south elevation. There are only ground floor windows in the western elevation of this building facing towards the application site. To the rear, the building reduces in height to two and single storey, with a yard extending approximately 8m to the rear, beyond which is the southern boundary of a compound containing an electricity sub-station. The eastern side of the rear yard and sub-station is bordered by a 1.7m high brick wall. To the east of the wall is a hardstanding, which provides car parking for the flats at no. 6 Stoke Road. A 15 metre wide drop kerb provides access to this parking area.

5. To the north of the site are numbers 14 and 15 Prince of Wales Road, which are both residential properties with a staggered layout. At present, the southern elevation of number 15 is located 2.5m from the opposing northern elevation of the extension on the rear elevation of the church. The original southern elevation of number 14 is set approximately 9 metres further north. The properties, which are attached, both have vehicular access from Prince of Wales Road. Number 15 is a two storey property, set back approximately 16m from Prince of Wales Road, with a hipped roof. There is a first floor window in the southern side elevation facing towards the application site. The southern boundary of the property is enclosed by walls of varying height. Parking for the property is provided on the eastern side of the building, where there is space for two cars.

6. Number 14 Prince of Wales Road is also a two storey property with a hipped roof. This property has been extended to the south to provide a part flat, part hipped roof, single storey extension. There is a first floor window in the south elevation of no. 14 which faces towards the application site. Parking is provided on the eastern side of the property, where there is space to park at least one car.

7. To the west of the application site is number 14 Stoke Road which is a three storey building with a decorative parapet fronting Stoke Road. The property is occupied by South Coast Appliances at ground level with a flat above. There is a service yard, containing three garages, to the rear of this property, which is accessed along the land to the rear of the application site. This area is gated on its eastern side. Further west, the ground floor of number 18 Stoke Road operates as a restaurant. It, therefore, has an extraction system that discharges towards the rear of the building.

8. To the south of the site, and on the opposite side of Stoke Road, is number 7a, a vacant shop unit with flats above. Planning permission was granted in 2013 to erect rear extensions to provide six dwellings. Adjacent to this unit, are the other commercial units within Stoke Road, some of which have residential units above and to the rear.

9. The application building has been marketed since August 2010, with the use of the Baptist Church ceasing in April 2011. Since that time, the purchase price has been reduced twice to attract interest, however, both attempts were unsuccessful. The property was also unsuccessfully sold at auction on two occasions. The property was finally sold (to the applicant) in August 2013.

10. This application proposes the demolition of the existing rear extension and the conversion of the remaining, original Baptist Church to provide 4 no. one bedroom flats and 4 no. two bedroom flats. All of the proposed flats would be accessed through the existing door in the western elevation of the front lobby. A central hall would pass through the building to provide access to 3 no. one bedroom flats on the ground floor. Two of these flats would be provided with an alternative access, through a set of new double doors in the rear elevation, via a small private courtyard proposed at the rear of the building.

11. It is proposed to create two internal staircases. The first would be located in the south west corner of the building, providing access to a split level, two bedroom flat positioned towards the front of the building. This flat would incorporate the existing double height stained glass window in the southern elevation. The second staircase would be located centrally within the building and would

provide access to two further, two bedroom, first floor flats and a two bedroom and one bedroom second floor flat.

12. To facilitate the proposed conversion, it is proposed to erect five, lead covered, flat roofed dormers with softwood, sliding sash windows. The dormers would be spaced evenly across the east and west roofslopes of the roof serving bedrooms, living accommodation and a bathroom. These dormers would each be 1.8m high and 1.8m wide with the bottom edges positioned 0.8m above the eaves of the existing roof. The southernmost dormers will be set back from the front elevation by 4 metres. It is also proposed to install a single roof light in the eastern roofslope. The roof light would be set down 1.1 metre from the ridge and would be set back 14.2 metres from the front elevation of the building. The rooflight would provide natural light to the central, communal staircase. It is proposed to replace the existing metal framed, single glazed windows throughout the building, with slim framed, powder coated, steel, double glazed windows. The new windows would be fitted within the existing openings and would retain the existing arched heads and stone cills.

13. Three new first floor windows, a ground floor window and two patio doors would be fitted into the original rear elevation of the church (following the demolition of the existing extension). The windows would be double glazed, softwood, sliding sashes. They would be painted white, with a stone head and cill. The first and second floor windows in the north elevation of the church, serving the primary living space to the flats in that part of the building, would be a minimum of 12m from the first floor window in the south, side elevation of number 15 Prince of Wales Road and over 15m, from the first floor window in the south, side elevation of number 14 Prince of Wales Road. The applicant has indicated that secondary glazing would be fitted behind the existing stain glass windows. The existing glazed door in the western elevation of the front lobby would be replaced with a new door.

14. Following the demolition of the extension, part of the land at the rear of the site would be used to provide private courtyards for two ground floor flats. The remaining space would be used to provide five car parking spaces, accessed via the shared driveway at the rear of the site, from Prince of Wales Road. The 5 no. spaces would be 4.8 metres long and 2.4 metres wide, with a 6 x 14 metre space behind to provide space in which to manoeuvre and turn, so as to exit the site in a forward gear. A 1.8 metre high, close boarded fence would be erected at the southern end of the parking bays, to separate the proposed court yards from the parking area. At the front of the site, small areas of soft landscaping would be provided, set behind the existing wrought iron railings, which are to be retained.

15. The plans show the four bat/swift boxes would be erected on the rear elevation of the building.

16. Long stay cycle parking facilities would be provided within an internal store, positioned towards the front of the building and access via pedestrian access on the western side of the building.

17. A similar proposal was recently considered by the Local Planning Authority under planning application reference 14/00123/FULL. Like the current proposal, the proposal was for the demolition of the extension at the rear of the church. It was, however, for the conversion of the remaining building to provide 3 no. one bedroom flats and 5 no. two bedroom flats, together with the erection of dormer windows in the side roofslopes. The withdrawn plans show that 2 no. car parking spaces were to be provided at the rear of the building, accessed via the shared driveway at the rear of the site.

18. Application 14/00123/FULL was withdrawn in August 2014 after concern was raised over the proposed parking provision. It was considered that, notwithstanding the District Centre location, the provision of two spaces, to serve 8 no. flats would be inadequate and would likely result in harmful overspill parking in the local road network. Concern was also raised that insufficient measures were proposed to prevent opportunist parking in the proposed spaces by members of the public.

19. In order to address these concerns, the latest submission has been amended to increase the proposed car parking spaces from 2 no. to 5no. spaces. The revised layout has resulted in an amendment to the location of the proposed cycle storage facilities and has resulted in the provision

of the proposed integral cycle store. In order to address the concerns regarding the potential for opportunist parking by members of the public, the latest application indicates that a sign would be erected at the entrance to the shared driveway to specify that the driveway and parking area is private land and for use by residents of the application properties only. Under this latest proposal, the mix of units has also been amended to provide 4 no. one bedroom and 4 no. two bedroom flats, as opposed to 3 no. one bedroom and 5 no. two bedroom flats, as was proposed under application 14/00123/FULL.

20. The original plans made provision for five short stay cycle hoops, positioned at the rear and western sides of the building. Amended plans have been submitted, however, in order to increase this provision, with three additional stands now shown at the front of the building. The proposed refuse storage arrangements have also been amended so as to provide improved access to the proposed area of storage, which is to be sited on the western side of the building. The amended plans show that a low, 0.2 metre high wall would be erected adjacent to the westernmost car parking space to help avoid collisions between refuse bins and vehicles. A lockable, sliding gate would control access into and out of the proposed refuse storage area.

21. An amended plan has also been submitted to show that the existing access road at the rear of the site (which is currently not made up) would be finished in tarmac. The amendment is considered necessary in order to facilitate refuse collection.

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

14/00123/FULL - Demolition of existing hall and ancillary room to north side of site, conversion of Baptist Church to provide 3 no. one bedroom flats and 5 no. two bedroom flats, erection of dormer windows to east and west elevations of roof, installation of new and alterations to existing windows and doors together with associated car parking, cycle parking, boundary treatments and landscaping (Conservation Area) - Withdrawn 27.08.14

### ***Relevant Policies***

National Planning Policy Framework (NPPF), March 2012

Gosport Borough Local Plan, 2011 – 2029 (Publication Version 2014):

- LP1  
Sustainable Development
- LP2  
Infrastructure
- LP10  
Design
- LP12  
Designated Heritage Assets: Conservation Areas
- LP22  
Accessibility to New Development
- LP23  
Layout of Sites and Parking
- LP27  
Principal, District and Neighbourhood Centres
- LP32  
Community, Cultural and Built Leisure Facilities
- LP34  
Provision of New Open Space and Improvement to Existing Open Space
- LP42  
International and Nationally Important Habitats
- LP44  
Protecting Species and Other Features of Nature Conservation Importance
- LP46  
Pollution Control

**Gosport Borough Local Plan Review, 2006:**

R/DP1  
General Standards of Development within the Urban Area  
R/BH1  
Development in Conservation Areas  
R/BH2  
Demolition in Conservation Areas  
R/S3  
Principal & District Shopping Centres  
R/S5  
Non 'Class A' Uses in Shopping Centres at Ground Floor  
R/S6  
Residential Development at Ground Floor within Defined Shopping Centres  
R/S7  
Use of Upper Floors  
R/CF2  
Protection of Existing Health and Community Facilities  
R/T3  
Internal Layout of Sites  
R/T11  
Access and Parking  
R/ENV4  
Treatment of Foul Sewage and Disposal of Surface Water  
R/ENV10  
Noise Pollution  
R/OS8  
Recreational Space for New Residential Developments  
R/OS13  
Protection of Habitats Supporting Protected Species  
R/OS14  
Biodiversity Action Plans

The adopted development plan is the Gosport Borough Local Plan Review, 2006. The emerging Gosport Borough Local Plan, 2011 – 2029 has been the subject of two public consultations and is due for Examination in Public in early 2015 and adoption in June 2015. This document should, therefore, also be given weight in decision making.

**Consultations**

The Gosport Society	No objection.
Local Highway Authority	No objection. Whilst the proposed car parking provision is below the SPD guidance of 12 no. spaces, the site is served by local shops and transport facilities such as the bus and ferry service. The proposed under provision is, on this occasion, therefore, acceptable. The proposed bicycle parking provision is acceptable.
Hampshire Fire And Rescue Service	No objection. Access for Fire Services should be in accordance with approved document B5 of the Building Regulations.
Streetscene Waste & Cleansing	No objection. The area for the storage of bins is of an appropriate size and the area available to manoeuvre the bins for collection



	is of a satisfactory size.
Building Control	Update to be provided.
Crime Prevention & Design	Long stay cycle storage in the main building. To improve the security of this store consideration should be given to providing access from within the building. New windows at ground floor may be vulnerable to crime. Access to short stay cycle parking spaces should be available. The provision of 5 parking spaces on the site will limit the harmful impact on on-street parking provision. The site should be well lit.
Natural England	No objection subject to appropriate mitigation to address recreational disturbance in the Portsmouth Harbour and Solent and Southampton Water SPA/Ramsar sites.
HCC Ecology	No objection. It is considered unlikely that the building would provide habitat for bats. An informative should be included on any planning permission to remind the applicant of the legal protection afforded to bats, in the unlikely event that they are discovered during construction. Likewise, it is considered unlikely that the site provides habitat for any other protected species.
Environmental Health	Must consider sound insulation between the units. Likewise, due to the extraction system at No. 18 Stoke Road, it will be important to consider measures to mitigate the potential effects of noise and odour from the extraction system. The site is affected by feral pigeons which is creating a problem with pigeon fouling, which is giving rise to complaints. Preventative measures should be considered.
Economic Prosperity	No objection.

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

1 letter of objection

Issues raised:

- there is a public right of way which is the rear access to the existing houses in Prince of Wales Road and the development appears to include blocking the access to this walkway which would prevent servicing of these properties
- my comments on the earlier (withdrawn) application relating to car parking are relevant (insufficient car parking at present and further impact on car parking resulting from development)

### ***Principal Issues***

1. The access at the rear of the site is not a Public Right of Way. Although the applicant does not own this land, in accordance with the requirements of the Town and Country Planning (General Development Procedure Order), 1995, the correct notices have been served in order to notify any

person(s) with an interest in the land of the development proposal. Notwithstanding this, it is not proposed to block the access as part of this development. A condition can be used to prevent parking on, or the blocking of, the access road. A certain level of disruption may occur during the construction period and it may be necessary to use the rear access in order to delivery materials. This, however, is not an uncommon arrangement in a District Centre location, where it is not always possible to service development sites from the main frontage. The main issues are, therefore, the impact of the loss of the existing community facility, the acceptability of a residential use in the District Shopping Centre, whether the proposal enhances or preserves the character and appearance of the Conservation Area, the impact on the amenities of the occupiers of the neighbouring properties, the acceptability of the residential amenity for prospective occupiers, the impact on highway and pedestrian safety, foul and surface water drainage, areas of importance of nature conservation, protected species and open space.

2. The site has been marketed for a considerable period of time with very limited interest from community or commercial occupiers, demonstrating that, whilst attempts have been made to retain the existing community facility, they have been unsuccessful. The Baptist Church has moved to alternative premises, demonstrating that there were alternative, available spaces for community groups within the local area. The application is accompanied by details of other community facilities available in the surrounding area. The aims and objectives of Policy R/CF2 of the Gosport Borough Local Plan Review and Policy LP32 of the Gosport Borough Local Plan 2011-2029 (Publication Version) have, therefore, been met and the loss the Baptist Church will not be harmful to the overall provision of community facilities in the locality, specifically, and the Borough more generally.

3. Policy R/S6 of the Gosport Borough Local Plan Review seeks to prevent residential development at ground floor level within defined Shopping Centres, so as to preserve the primary retail function of those Centres. Whilst the Baptist Church did not provide a retail function, its use did provide an element of vitality and activity within the Centre. The church has not, however, been operating since 2011 and the building has not, therefore, been making a positive contribution to the vitality or viability of the Stoke Road District Centre for a considerable period. Attempts to market the premises have been unsuccessful and the continued vacancy of the site, associated lack of activity, and deteriorating external appearance of the building, detracts from the overall vitality of this section of Stoke Road. On balance, therefore, and having due regard to the fact the proposed development would result in the restoration and re-use of a large, prominent, historic building in the Conservation Area (securing a viable, long-term for the building and increasing the vitality of the Stoke Road District Centre), the principle of the proposed residential use is, on balance, considered acceptable in this particular instance. In these exceptional circumstances, the development is considered to comply with the aims and objectives of the National Planning Policy Framework, Policies R/CF2, R/S5, R/S6, R/S7 and R/BH1 of the Gosport Borough Local Plan Review and Policies LP27, LP28 and LP32 of the Gosport Borough Local Plan 2011 - 2029 (Publication Version)..

4. The proposal will retain almost all of the external historic fabric of the original church and will ensure the long term retention of this prominent, attractive building. The proposed internal subdivision of the building has been carefully considered so as to make best use of the large, stained glass window openings in the northern and southern elevations, both of which will be retained within individual flats, so as to avoid the need for alterations. The extension on the rear elevation is a more modern addition that does not make a positive contribution to the character and appearance of the Conservation Area. The demolition of this structure will not, therefore, harm the setting of the retained church or harm inward or outward views of the Stoke Road Conservation Area. In the event that there are any internal features of historic interest evident within the extension, a condition is recommended requiring the recording of the internal features prior to works being carried out. The removal of the extension will better reveal the original form of the church and will, therefore, enhance its contribution to the character and appearance of the Conservation Area. The proposed dormer windows are of limited dimensions and are set well within the original roof form, so as not to dominate the roof plane. The southernmost dormers will be set back from the front elevation by 4 metres and they will not, therefore, be readily visible when viewed from ground level or when travelling along Stoke Road. The dormers will be separated by at least 1.5 metres and this will ensure that they do not appear as a continuous mass on the roof, so as to ensure they remain sympathetic to original roof form and shape. Details of the materials to be used and sections

of the dormers are proposed to be secured by condition. The new windows and doors are necessary for the practical conversion of the building into residential use and are of an appropriate design and scale to ensure they do not harm the appearance of the church. The new windows and doors are also located at the rear of the building, where they will not be readily visible from public view. The retention of original openings will ensure that the original form and character of the building will be retained and a condition is recommended to secure details of all new and replacement doors and windows in order to ensure that they are replaced sensitively, having due regard to the historic character of the building. Samples of materials to be used for the areas of the building to be made good, shall be secured by condition. The use of the land to the rear of the site for parking is consistent with other sites in the locality and appropriate to the character of the Conservation Area. Subject to the recommended conditions, the proposal will enhance the historic character and appearance of the Conservation Area in compliance with the National Planning Policy Framework and Policies R/DP1, R/BH1 and R/BH2 of the Gosport Borough Local Plan Review and Policies LP10 and LP12 of the Gosport Borough Local Plan 2011 - 2029 (Publication Version).

5. The proposed windows in the rear elevation of the church will be sited 12m from the first floor side window at number 15 Prince of Wales Road and over 15m (and at an oblique angle) from the window in the side elevation of number 14 Prince of Wales Road. Whilst the separation distance with number 15 is slightly below the guideline separation distance of 15m set out within the Design Supplementary Planning Document, the arrangement is consistent with others in the locality and is common within District Centres. The demolition of the hall will reduce the overall mass of the church and increase the distance between the rear elevation and the opposing elevations of the adjacent properties, thereby improving the outlook from these affected windows. There is currently no restriction on the use of the rear access and it is not considered that its continued use, to serve five car parking spaces, will result in harmful levels of disturbance to neighbouring occupiers, particularly given the District Centre location and the proximity of adjacent commercial uses. It is not proposed to restrict or prevent access along the rear access and, the proposal would not, therefore, compromise the existing access arrangements neighbouring properties. In this respect the proposal, therefore, complies with the National Planning Policy Framework, Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review and Policy LP10 of the Gosport Borough Local Plan 2011 - 2029 (Publication Version).

6. The windows in the east elevation of the application property will face on to the opposing elevation of no. 8 Stoke Road to the east, however, as there is a difference in levels between the windows, the proposal will not introduce any harmful overlooking of the residential units within this building. The space to the rear of these flats is already overlooked by the first floor windows in the southern elevation of numbers 14 and 15 Prince of Wales Road and it is not, therefore, considered that the proposal would introduce any unacceptable overlooking of this communal amenity space. There will be a separation distance of over 10m between the windows in the east elevation of the Baptist Church and number 6 Stoke Road with any views from the application site interrupted by number 8. The windows will overlook the parking and service area to the rear of this site, however, this space is already overlooked by surrounding properties and public areas. Some additional indirect overlooking of the private amenity space serving the surrounding residential properties may result from the proposed dormer windows, however, this will be interrupted by existing buildings and roofs and will not increase levels of overlooking beyond that which already occurs from existing properties. The proposal, therefore, complies with the National Planning Policy Framework, Policy R/DP1 of the Gosport Borough Local Plan Review and Policy LP10 of the Gosport Borough Local Plan 2011 - 2029 (Publication Version).

7. The proposed development will alter the patterns of activity and associated noise at the site. The historic use of the church is likely to have resulted in peaks of activity at congregation and other meeting times, when an unrestricted number of people could have visited the site. The use of the site for residential purposes is likely to result in peaks of activity in the morning and evening, however, in the context of the existing levels of activity in the District Centre and the previous use of the site, it is not considered that this would be harmful to the amenities of the occupiers of the surrounding properties. In the context of the historic use and location of the site within the District Centre, the levels of noise and disturbance associated with the proposed residential use, including accessing the site and the use of the proposed courtyard areas, will not have a harmful impact on

the amenities of the occupiers of the surrounding residential properties and would not harm the historic character of the Conservation Area. The proposal, therefore, complies with the National Planning Policy Framework, Policies R/DP1, R/BH1 and R/ENV10 of the Gosport Borough Local Plan Review and Policy LP46 of the Gosport Borough Local Plan 2011 - 2029 (Publication Version).

8. Each of the flats at ground or first floor level would have windows in either the north or south elevation of the building to provide a degree of outlook and natural light, free of interruption from adjacent buildings, thereby providing an acceptable living environment for prospective residents. The proposed dormer windows would provide outlook and light to the flats at second floor level and whilst views from these windows would be interrupted, to an extent, by adjacent buildings, the roofs of these properties slope away from the application site and it is not, therefore, considered that this arrangement would result in an unacceptable internal living environment for prospective occupiers. Whilst only two ground floor flats would have access to an area of private amenity space, this arrangement is not uncommon in District Centres and residents would also have access to public open space (70m away). The site is located within the District Centre with its wide range of services and facilities and close to the Town Centre with its link to higher order public transport facilities. Prospective occupiers of the application site would, therefore, have access to wide range of services and facilities. There would be good natural surveillance around the building from windows in all elevations making the site resilient to opportunistic crime and a condition is recommended to require details of lighting to be provided. As there is an extraction system at the rear of no. 18 Stoke Road (which has the potential to create noise and odour), a condition is recommended requiring details of how the building will be insulated from noise and odour. Sound insulation within the building and between the residential units would be addressed through an application for Building Regulations approval. The proposal would, therefore, comply with the National Planning Policy Framework, Policies R/DP1 and R/ENV5 of Gosport Borough Local Plan Review and Policy LP46 of the Gosport Borough Local Plan 2011 - 2029 (Publication Version).

9. The historic use of the site would have attracted an unrestricted number of visitors at unrestricted times of the day. Those visitors would have either parked in the surrounding highway network, or in public car parks close by, as there is currently no on site provision. It is acknowledged there would have been some linked trips between visits to the church and elsewhere in the District and Town Centres, however, the highway network in this area has historically accommodated car parking associated with the use of this site. The Parking SPD indicates that 13 no. car parking spaces should be provided for a development of this type. The provision of five spaces, therefore, represents a shortfall. At 4.8m x 2.4m, the spaces are also slightly smaller than the recommended dimensions set out in the Parking SPD. Notwithstanding this, the proposed spaces are large enough to physically accommodate a car and to allow doors to be opened safely and conveniently. There is also sufficient space around the parking bays to allow for the loading and unloading of vehicles. A 6m reversing aisle is available and this will allow vehicles to turn on the site safely and conveniently, so as to exit in a forward gear. Adequate visibility is available at the end of the access road to allow for safe entry and egress on to Prince of Wales Road. Although the proposed car parking levels are lower than recommended in the Parking SPD, the application site is located within a District Centre and close to the Town Centre, where there is a wide range of services and facilities available, reducing the need to travel by private motor vehicle. There are public transport services available close to the site, with a bus route passing along Stoke Road providing a route to Gosport Bus Station, Gosport Ferry and Portsmouth Harbour with its higher order services. According to Census information, car ownership within the Christchurch Ward is less than one vehicle per household, the third lowest in the Borough. Some parking is available in adjacent side roads and there are numerous public car parks within walking distance of the site, which would be available to visitors to the proposed residential units. Taking all of the above factors into consideration, the proposed level of car parking is considered to be acceptable in this particular location. It is not considered that the proposed development will result in harmful overspill parking in the local road network to the detriment of highway or pedestrian safety. Notwithstanding this, in order to prevent opportunist parking by members of the public, a condition is proposed that will require details of the signage to be erected at the entrance of the access road. The condition would also be used to ensure that the signage was erected and displayed before any residential unit was occupied and retained thereafter. The existing access road is of sufficient width to allow for safe and convenient entry and egress. Adequate facilities are shown for long stay and visitor cycle parking,

which will promote the use of sustainable alternatives to the private motor vehicle and will reduce the reliance on car use. Conditions are proposed that will require the car and cycle parking facilities to be provided before occupation of the first dwelling and retained thereafter. As the site would have generated more multi-modal trips when it operated as a church, there is no requirement for Transport Contributions. Subject to the conditions, the proposal is considered acceptable, in so far as it relates to car and cycle parking provision, access and highway and pedestrian safety, in accordance with the National Planning Policy Framework, it is considered that the proposed car and cycle parking is acceptable in this location and the proposal complies with Policies R/DP1, R/T3 and R/T11 of the Gosport Borough Local Plan Review and Policies LP10 and LP22 and LP23 of the Gosport Borough Local Plan 2011 - 2029 (Publication Version).

10. Adequate facilities for the storage of refuse bins will be provided and the applicant has confirmed that the access road will be serviced in tarmac in order to provide a level surface to facilitate collection of bins by Streetscene operatives. It is proposed to control the provision of the hard surfacing and the provision and retention of the refuse storage facilities by condition.

11. The site is already developed and the area adjacent to the building is covered by hardstanding. The demolished part of the building will expose a larger area of the site to falling rain, without interception, which previously delayed water draining on to the ground. A condition is, therefore, recommended to require details of how any increase in foul and surface water drainage will be accommodated within the site.

12. The applicant has confirmed a willingness to enter into a planning obligation to pay a commuted sum towards the provision and/or improvement of Open Space in the Borough, in accordance with the requirements of the National Planning Policy Framework and Policy R/OS8 of the Gosport Borough Local Plan Review. Without this obligation, the proposal is unacceptable. The proposal will introduce 8 no. additional dwellings which could also result in increased recreational pressure on the coast and a consequential impact on the protected species for which the Solent and Southampton Water and Portsmouth Harbour SSSI/SPA/Ramsar sites are designated. To address this impact, a contribution towards appropriate mitigation within the Borough is required. Without this obligation, the proposal is unacceptable. Whilst the ecological report supporting the application does not identify any protected species on the site, the buildings do have potential to host such species in the future. To remind the applicant of their obligations if protected species are found when works begin, an informative is recommended to ensure that no harm is caused to such species. A condition is proposed to require the implementation of the proposed bat boxes. Subject to the completion of the Section 106 agreement to secure commuted sums towards public Open Space and mitigating the impact of recreational disturbance, the proposal complies with the National Planning Policy Framework and Policies R/ENV4, R/OS8, R/OS13 and R/OS14 of the Gosport Borough Local Plan Review and Policies LP34, LP42 and LP44 of the Gosport Borough Local Plan 2011 - 2029.

### **RECOMMENDATION: Grant Permission**

Subject to Section 106 agreement relating to

1. the payment of a commuted sum towards public Open Space.
2. the payment of a commuted sum towards the Solent Disturbance and Mitigation Project

### **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:

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106 001 A, 106 Loc1 A, 106 Block1 A, 106 002 A, 106 003 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. No development shall be commenced until a detailed recording of the existing exterior and interior of the building, at English Heritage Level 3, has been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure the original features of the historically important building are appropriately recorded and to comply with the National Planning Policy Framework and Policies R/BH1 and R/BH2 of the Gosport Borough Local Plan Review and LP12 of the Gosport Borough Local Plan 2011 - 2029.

4. No development, excluding demolition, shall be commenced until details of the proposed means of foul and surface water disposal, including details of any public sewer diversions, have been 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, and public sewer diversions, 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 the National Planning Policy Framework and Policies R/DP1 and R/ENV4 of the Gosport Borough Local Plan Review and Policy LP39 of the Gosport Borough Local Plan 2011 - 2029.

5. No development, excluding demolition, shall be commenced until details of the hard landscaping works, including the types of materials to be used, and lighting have been 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.

Reason - In the interests of the amenities of the occupiers of the neighbouring properties and prospective occupiers, to prevent opportunistic crime, to ensure the appearance of the development is satisfactory and to preserve the historic character and appearance of the Conservation Area and to comply with the National Planning Policy Framework and Policies R/DP1, R/BH1 and R/BH2 of the Gosport Borough Local Plan Review and Policies LP10 and LP12 of the Gosport Borough Local Plan 2011 - 2029.

6. No development shall be commenced until details, including samples, of all external facing materials, including windows, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the appearance of the development is satisfactory, to preserve the historic character and appearance of the Conservation Area and to comply with the National Planning Policy Framework and Policies R/DP1, R/BH1 and R/BH2 of the Gosport Borough Local Plan Review and Policies LP10 and LP12 of the Gosport Borough Local Plan 2011 - 2029.

7. No development, excluding demolition, shall be commenced until details, including elevations and vertical and horizontal sections of all dormers and new windows and doors, at a scale of 1:20 have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the appearance of the development is satisfactory, the historic character and appearance of the Conservation Area is preserved and to comply with the National Planning Policy Framework and Policies R/DP1, R/BH1 and R/BH2 of the Gosport Borough Local Plan Review.

8. No development, excluding demolition, shall be commenced until a method statement setting out how the stained glass windows in the north and south elevations are to be preserved in situ, including details of any secondary glazing has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the appearance of the development is satisfactory, the historic character and appearance of the Conservation Area is preserved and to comply with the National Planning Policy Framework and Policies R/DP1, R/BH1 and R/BH2 of the Gosport Borough Local Plan Review.

9. No development, excluding demolition, shall be commenced until details of how the building will be insulated from noise have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure a satisfactory internal environment for future occupiers and to comply with the National Planning Policy Framework and Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

10. No development, excluding demolition, shall be commenced until details of the soft landscaping works have been 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 - To ensure the appearance of the development is satisfactory, the historic character and appearance of the Conservation Area is preserved and to comply with the National Planning Policy Framework and Policies R/DP1, R/BH1 and R/BH2 of the Gosport Borough Local Plan Review.

11. The approved soft landscaping 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 - To ensure the appearance of the development is satisfactory, the historic character and appearance of the Conservation Area is preserved and to comply with the National Planning Policy Framework and Policies R/DP1, R/BH1 and R/BH2 of the Gosport Borough Local Plan Review.

12. The development shall not be occupied until the areas shown on the approved plan for access and the parking and turning of vehicles have been made available, surfaced, and marked out, in accordance with the details on Plan 106 001 A 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 the National Planning Policy Framework and Policies R/T3 and R/T11 of the Gosport Borough Local Plan Review.

13. The development shall not be occupied until long and short stay cycle parking and refuse storage facilities have been provided in accordance with the details shown on approved plans 106 001 A and 106 002 A unless otherwise agreed, in writing, by the Local Planning Authority. The long and short stay cycle parking and refuse storage facilities shall be retained for the parking of cycles and storage of refuse at all times unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure a satisfactory level of cycle parking and refuse storage is provided on the site and to comply with the National Planning Policy Framework and Policies R/DP1, R/T3 and R/T11 of the Gosport Borough Local Plan Review.

14. Bat/bird boxes shall be provided in accordance with approved plan 106 002 A within 6 months of completion of the buildings works. The bat/bird boxes shall be retained, in accordance with the approved details thereafter, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - In the interests of biodiversity and to comply with the National Planning Policy Framework and Policy R/OS14 of the Gosport Borough Local Plan Review.

**ITEM NUMBER: 03.**  
**APPLICATION NUMBER: 14/00419/VOC**  
**APPLICANT: Mr & Mrs Knott**  
**DATE REGISTERED: 21.08.2014**

**VARIATION OF CONDITION 2 OF PLANNING PERMISSION K5856/5 TO ALLOW ALTERATIONS TO THE APPROVED DRAWINGS, INCLUDING THE REMOVAL OF ROOF PARAPET, POSITION OF CHIMNEY AND AMENDED SITING OF GARAGE (CONSERVATION AREA)**

**Land Adjoining 24 Ashburton Road Gosport Hampshire PO12 2LJ**

***The Site and the proposal***

1. The application site is located on the northern side of Ashburton Road, within the Urban Area, as defined by the Gosport Borough Local Plan Review. The majority of the site falls within the Anglesey Conservation Area and the northern 5.5m of the site is within the Alverstoke Conservation Area. The site is also within Flood Zones 2 and 3. The site varies in depth between 30m and 35m and is 18.5m wide where it adjoins Ashburton Road. The northern end of the site is 1.5m lower than the road. There is an existing dropped kerb from Ashburton Road which serves the application site.

2. Number 7 Coward Road is a detached, two storey, dwelling whose rear elevation is set off the northern boundary of the application site by 4.5m. To the east of number 7 is the rear garden of 3 Coward Road, a property whose side elevation is adjacent to a detached building located in the north eastern corner of the curtilage of 24 Ashburton Road. Number 24 is a three storey, semi-detached, property with a semi-basement to the rear. This property is situated 4.5m away from the application site boundary and contains two kitchen windows in its semi-basement, secondary lounge and dining room windows on the ground floor and a secondary bedroom window on the first floor in the elevation facing the application site. Immediately to the west of the application site is number 26 Ashburton Road which is a two storey, semi-detached, dwelling that has a two storey side extension built up to the common boundary and a landing window overlooking the site in its recessed side elevation. Numbers 23 and 25 are located on the opposite side of Ashburton Road to the south, in excess of 20m from the front of the application site. The application site contains two mature trees at the northern end and is bounded by a combination of 1.8m high fencing, 2m high walls and a 1.8m high trellis. The side boundary treatment steps down towards the rear of the site due to the changes in ground level. There is a 1.5m high brick wall forming the southern boundary of the site with a timber five bar gate in the south western corner that demarks the existing access.

3. The application site is located between a very distinct pattern of late Victorian development to the east and two storey semi-detached inter-war housing to the west. The buildings to the east vary between two storeys and three storeys in height, some with semi-basements. The character of these buildings reflects the architectural conventions of their time and varies between Neo-Classical and Gothic, with appropriate detailing. The buildings to the west of the application site are typical of inter-war suburban development and have hipped roofs and projecting bays to the ground floor. There is an example of a more modern dwelling that picks up some of the recurrent themes of the street on the southern side of Ashburton Road at number 11a (permitted under Ref. K15064/2 in 2002).

4. In May 2013 planning permission was granted, under reference K5856/5, for the erection of a three storey, three bedroomed, detached dwelling on the site, with a detached single garage alongside the western boundary together with associated vehicular manoeuvring areas and landscaping. The proposal also included the erection of a garden/cycle store to the rear of the proposed dwelling, adjacent to the eastern boundary.

5. The plans approved under planning permission reference K5856/5 showed that the proposed dwelling would have a contemporary, modern, design with a mono-pitched, 'floating', roof with a projecting parapet section on the eastern side. The proposed single garage was approved alongside the western boundary and sited 2.4m beyond the rear of the new dwelling, 4.8m beyond



the rear elevation of the side, garage extension of number 26. The approved garage was 3.5m wide and 6m deep and had a shallow, mono pitched, roof 3m in height and finished in render to match the main dwelling.

6. Condition 2 of planning permission reference K5856/5 requires the development to be carried out in accordance with the approved plans. Works have commenced on site and to reduce future maintenance it is now proposed that the projecting parapet section of the roof be omitted. The chimney on the western side elevation of the dwelling has also been moved forward by 1.6m to allow for a flue within the lounge. It is also proposed to relocate the garage. The garage is now proposed to be sited 3.3m further to the south, which is 0.9m forward of the rear of the new dwelling and 1.5m beyond the rear elevation of the side extension of number 26. This application seeks permission to vary the requirements of Condition 2 of the permission.

7. Prior the commencement of the development, details of the external materials including the windows and doors, boundary treatment, hard and soft landscaping and flood risk measures were agreed pursuant to Conditions 4, 5, 6, 8, 10 and 15 imposed on planning permission reference K5856/5.

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

K5856/5 - erection of 1 no. three bedroom detached dwelling, detached garage, garden store and associated car parking and landscaping - permitted 15.05.13

DC04/023/13 - discharge of conditions 4 (external materials), 5 (windows and doors), 6 (boundary treatment), 8 and 10 (hard and soft landscaping) and 15 (flood risk measures) of K.5856/5 - erection of 1 no. three bedroom detached dwelling, detached garage, garden store and associated car parking and landscaping (Conservation Area) - partial compliance with condition in respect of the submission and approval of details 21.11.13

DC04/034/13 - discharge of condition 15 (flood risk measures) of K.5856/5 - erection of 1 no. three bedroom detached dwelling, detached garage, garden store and associated car parking and landscaping (Conservation Area) - partial compliance with condition in respect of the submission and approval of details 07.02.14

### ***Relevant Policies***

National Planning Policy Framework (NPPF), March 2012

Gosport Borough Local Plan, 2011 – 2029 (Publication Version 2014):

- LP10
- Design
- LP12
- Designated Heritage Assets: Conservation Areas
- LP23
- Layout of Sites and Parking
- LP45
- Flood Risk and Coastal Erosion

Gosport Borough Local Plan Review, 2006:

- R/DP1
- General Standards of Development within the Urban Area
- R/BH1
- Development in Conservation Areas
- R/T11
- Access and Parking

The adopted development plan is the Gosport Borough Local Plan Review, 2006. The emerging Gosport Borough Local Plan, 2011 – 2029 has been the subject of two public consultations and is due for Examination in Public in early 2015 and adoption in June 2015. This document should, therefore, also be given weight in decision making.

**Consultations**

Local Highway Authority	No objection.
The Gosport Society	No objection.

**Response to Public Advertisement**

Nil

**Principal Issues**

1. The principle of a dwelling in this location, including the overall design, mass, scale and orientation of the property, refuse and cycle storage facilities, the interests of nature conservation, measures for dealing with land contamination and flood risk and the provision for open space and Transport Infrastructure, Services and Facilities was considered and approved under application references K5856/5. The amendments would have no impact on the Alverstoke Conservation Area, located towards the rear of the site. The only issues to consider in the determination of this application to vary condition 2 of planning permission reference K5856/5, is whether the amendments to the roof and chimney and the relocation of the garage are acceptable in design terms, the impact on the visual amenity of the locality, whether the proposal preserves or enhances the character and appearance of the Anglesey Conservation Area, the impact on the amenities of nearby and prospective residents and highway and pedestrian safety.
2. The proposed amendments to the building are very minor in terms of their impact on the approved design and overall appearance of the dwelling. The removal of the roof parapet will provide a neat, clean, horizontal stress to the roof line, and moving the chimney has little visual impact. The garage, even in its new location, would be set well back from the mass of the building and remains discreet on the site. The proposal would not, therefore, harmfully impact the character and visual amenity of the locality and would enhance the character and appearance of the Anglesey Conservation Area. As such, the proposal complies with the NPPF and Policies LP10 and LP12 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.
3. The amendments to the roof and the relocation of the chimney do not have a harmful impact upon the amenities of the occupiers of any of the neighbouring properties. With regard to the garage, the proposed location would be adjacent to the raised patio of number 26 Ashburton Road to the west. The site slopes down to the north and the patio of number 26 is the same height as the finished floor level of that dwelling. The difference in height between the raised patio and the application site is such that, together with the design and low overall height of the garage, there would be no harmful impact in terms of loss of light, outlook or privacy. In addition, the level of activity associated with the use of the single garage is unlikely to be significantly harmful. The proposed alterations to the approved plans, therefore, do not have a harmful impact on the amenities of nearby and prospective residents, in compliance with the NPPF and Policies LP10 and LP12 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 of the Gosport Borough Local Plan Review.
4. Although the garage would be located 3.3m further forward than approved, the relocated garage would not affect the existing access to and from the site and the development would still provide sufficient levels of parking for a dwelling of this size. The proposal is unlikely, therefore, to result in harmful overspill parking in the local road network, to the detriment of pedestrian or highway safety. Given the above, the proposal is acceptable and is in compliance with the NPPF and Policies LP10 and LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 and R/T11 of the Local Plan Review.
5. The requirements of Conditions 4, 5, 6, 8, 10 and 15 attached to planning permission reference K5856/5 insofar as they relate to the submission and approval of details have been satisfied. The

implementation elements of those conditions, however, remain. It is considered necessary, therefore, to impose conditions requiring the development to be fully implemented in accordance with the submitted plans and previously agreed details.

### **RECOMMENDATION: Grant Permission**

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans 3209/11H and 3209/12J and the approved Flood Risk Assessment and the plans approved under application K5856/5: drawings numbered 3209/08B, 3209/09C, 3209/13E, 3209/14E, 3209/15G, 3209/16C and 3209/17B.

Reason- To ensure that the development is completed satisfactorily in all respects and to comply with the NPPF and Policies LP10, LP12 and LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/BH1 and R/DP1 of the Gosport Borough Local Plan Review.

2. All work operations that result in noise being audible at the site boundary, shall not be undertaken outside of the hours of 08.00-18.00hrs Mondays, to Fridays and 09.00-13.00hrs on Saturdays. No work operations that result in noise being audible at the site boundary shall be undertaken on Saturday afternoons, Sundays or Bank Holidays.

Reason - to protect the amenities of the surrounding residential occupiers and to comply with Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and Policy R/DP1 of the Gosport Borough Local Plan Review.

3. The external materials and finishes used in the construction of development, including the details of the windows and doors, shall be carried out in accordance with the details approved pursuant to Conditions 4 and 5 of planning permission reference K.5856/5 unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that the external appearance of the development is satisfactory and to comply with the NPPF and Policies LP10 and LP12 of the Gosport Borough Local Plan, 2011 - 2029 and R/BH1 and R/DP1 of the Gosport Borough Local Plan Review.

4. The erection of the boundary treatment shall be carried out in accordance with the details approved pursuant to Condition 6 of planning permission reference K.5856/5 unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that the external appearance of the development is satisfactory and to protect the amenities of surrounding properties, and to comply with the NPPF and Policies LP10 and LP12 of the Gosport Borough Local Plan, 2011 - 2029 and R/BH1 and R/DP1 of the Gosport Borough Local Plan Review.

5. The trees and hedges on the site which are to be retained shall be protected during building operations by strict compliance with BS5837:2005 - Trees in Relation to Construction.

Reason - To ensure the enhancement of the development by the retention of natural features, and to comply with Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 R/DP1 and R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

6. The landscaping scheme approved pursuant to Condition 8 of planning permission reference K.5856/5 shall be completed within six months from the occupation of the dwelling, 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 - To ensure that the external appearance of the development is satisfactory and to comply with the NPPF and Policies LP10 and LP12 of the Gosport Borough Local Plan, 2011 - 2029 and R/BH1 and R/DP1 of the Gosport Borough Local Plan Review.

7. Before the development hereby permitted is first occupied the hard landscape works shall be carried out in accordance with the details agreed pursuant to Condition 10 of planning permission

reference K.5856/5 unless otherwise agreed, in writing, by the Local Planning Authority. The approved hard landscape works shall be retained thereafter.

Reason - To ensure that the external appearance of the development is satisfactory and to comply with the NPPF and Policies LP10 and LP12 of the Gosport Borough Local Plan, 2011 - 2029 and R/BH1 and R/DP1 of the Gosport Borough Local Plan Review.

8. The dwelling hereby permitted shall not be occupied until areas for the parking of vehicles shown on the approved plan have been provided and these areas shall be surfaced and subsequently retained and kept available these purposes at all times.

Reason - In the interests of highway safety and to ensure adequate car parking is provided and retained, and to comply with the NPPF and Policies LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/T11 of the Gosport Borough Local Plan Review.

9. The dwelling hereby permitted shall not be occupied until the cycle storage facilities shown on the approved plans have been provided and thereafter retained, unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - In order to ensure that adequate cycle storage is provided in compliance with Policies LP10 and LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

10. The dwelling hereby permitted shall not be occupied until facilities for the storage of refuse for removal from the dwelling have been provided in accordance with a scheme to be submitted to, and approved, in writing, by the Local Planning Authority and thereafter retained.

Reason - In order to protect the amenities of the area, and to comply with Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 of the Gosport Borough Local Plan Review.

11. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 3.9m above Ordnance Datum (AOD)
- The floor construction is to be concrete with an effective connection between damp proof membrane and damp proof course
- Power sockets should be at least 450mm above floor level and the ring main should be at first floor level
- Internal finishes at ground floor level should conform to CIRIA guidelines on flood resistance

The mitigation measures shall be fully implemented prior to first occupation of the development and thereafter retained, unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - To reduce the risk of flooding to the proposed development and future occupants and to comply with the NPPF and Policy LP45 of the Gosport Borough Local Plan, 2011 - 2029.



**ITEM NUMBER: 04.**  
**APPLICATION NUMBER: 14/00411/GR3**  
**APPLICANT: Gosport Borough Council**  
**DATE REGISTERED: 20.08.2014**

**REGULATION 3 - REMOVAL OF CONDITION 2 OF PLANNING PERMISSION K11618  
RELATING TO AGE RESTRICTION  
27 - 59 Blackthorn Drive Gosport Hampshire PO12 4AZ**

***The Site and the proposal***

1. Blackthorn Drive is a residential cul de sac, to the west of Frater Lane, comprising a total of 69 no. properties. The 33 no. properties, the subject of this application (numbers 27 - 59, inclusive), are one and two stories and comprise 12 no. one bedroom flats, 15 no. one bedroom bungalows and 6 no. two bedroom bungalows. The properties were approved in 1984 under planning permission reference K11618. The remaining properties in the cul de sac were also approved in 1984, under planning permission reference K11617.

2. Unallocated parking bays are available on the highway throughout the cul-de-sac. 26 no. spaces are located immediately adjacent to the application properties, with 8 no. further spaces located further east, towards the rear of number 59 (34 no. spaces in total). The remaining 36 no. properties in Blackthorn Drive (ie, numbers 1-26, inclusive, including 12A, and 60-69, inclusive) have access to their own areas of private car parking, within frontage drives. In total 44 no. spaces are available for use by these 36 no. dwellings. The nearest bus stop is located approximately 350 metres to the south, on Elson Road.

3. Condition 2 of planning permission K11618 restricts the occupation of the properties, the subject of this application, to persons over the age of 60, when in single occupancy, and 60 and 55 years when in joint occupancy. The reason for the condition was 'to take account of the reduced parking requirements relating to this form of occupation'.

4. This application seeks to remove condition 2 of planning permission reference K11618 so that the application properties may be occupied by persons falling outside of the above age restrictions. These properties have, on occasion, been let to persons falling outside of the above age restrictions, in line with the Council's mature letting policy, which relates to residents aged 39 and over. This application has, therefore, been submitted in order to regularise the existing situation and so that the properties may continue to be let in line with the Council's mature letting policy.

***Relevant Planning History***

K11618 - erection of 21 no. bungalows 12 no. flats in two-storey blocks for aged persons - with access roads car parking & landscaping - permitted 04.01.84

K11617 - erection of 36 no. two storey dwellings together with construction of access roads provision of car parking and landscaping - permitted 04.01.84

***Relevant Policies***

National Planning Policy Framework (NPPF), March 2012

Gosport Borough Local Plan, 2011 – 2029 (Publication Version 2014):

LP23

Layout of Sites and Parking

## Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/T11

Access and Parking

The adopted development plan is the Gosport Borough Local Plan Review, 2006. The emerging Gosport Borough Local Plan, 2011 – 2029 has been the subject of two public consultations and is due for Examination in Public in early 2015 and adoption in June 2015. This document should, therefore, also be given weight in decision making.

### **Consultations**

Local Highway Authority

No objection. The road serving the properties is a cul de sac with no through traffic movements. The surrounding road network has adequate spare capacity to accommodate any additional parking associated with the proposal. Cycle parking should be provided.

### **Response to Public Advertisement**

3 no. letters of objection

Issues raised:-

- the properties are already occupied by persons under the age restriction requirements and the determination of the application would, therefore, seem to be a formality
- concerns regarding anti-social behaviour and criminal activity if the properties are occupied by younger age groups
- in the interests of existing residents, the Council needs to carefully consider who is allowed to occupy the properties
- concerned about associated parking problems
- concerned about noise disturbance
- the age restriction should remain in place

### **Principal Issues**

1. Although the properties have, occasionally, already been let to persons falling outside of the age restrictions imposed by condition 2 of the original planning permission, the planning application must be considered on its individual merits and against the relevant local and national planning policies and any other material considerations. The future tenancy of the properties will continue to be controlled through the mature lettings policy of the Council, as has been the case historically and it is not anticipated, therefore, that the character of the area will change as a result of the proposal. There is no net increase in the number of residential units and, as such, there is no requirement to provide additional cycle parking facilities. Condition 2 of the original planning permission was included to account for a reduced car parking provision at the site. The main issue to be considered in the determination of this application, therefore, is the impact of the proposal on highway and pedestrian safety.

2. In accordance with the Parking Supplementary Planning Document (SPD), a total of 30 no. unallocated car parking spaces would need to be provided to serve the 33 no. properties the subject of this application. 34 no. unallocated spaces are available within Blackthorn Drive for use by the application properties. Whilst these spaces are available to all visitors to, and residents of, Blackthorn Drive, as the majority of the properties are one bedroom units, and the remaining 36 no. properties in Blackthorn Drive have access to 44 no. spaces, it is not considered that the removal of the age restriction will result in a significant increase in demand for the existing spaces or harmful overspill parking in the local road network, to the detriment of highway or pedestrian safety. As

such, the proposal is considered acceptable and accords with the National Planning Policy Framework, Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review and Policy LP23 of the Gosport Borough Local Plan 2011 - 2029 (Publication Version).

**RECOMMENDATION: Grant Permission**