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26 March 2015

S U M M O N S

MEETING: Regulatory Board
DATE: 7 April 2015
TIME: 6.00 pm
PLACE: Council Chamber, Town Hall, Gosport
Democratic Services contact: Vicki Stone

LINDA EDWARDS
BOROUGH SOLICITOR

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)

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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

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 pecuniary interest in any item(s) being considered at this meeting.

3. MINUTES OF THE MEETING OF THE REGULATORY BOARD HELD ON 24 FEBRUARY 2015

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 Wednesday, 1st April 2015. 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 Wednesday, 1st April 2015).

6. REPORTS OF THE BOROUGH SOLICITOR AND DEPUTY CHIEF EXECUTIVE
*Schedule of planning applications with recommendations.
(grey sheets – pages 1-82)*

PART II
Contact Officer:
Debbie Gore
Ext: 5455

7. 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 24 FEBRUARY 2015 AT 6PM**

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

78. APOLOGIES

Apologies for inability to attend the meeting were submitted on behalf of the Mayor and Councillor Hook.

79. DECLARATIONS OF INTEREST

- Councillor Carter declared a disclosable pecuniary interest in respect of item 6 of the agenda.

80. MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 13 January 2015, be approved and signed by the Chairman as a true and correct record.

81. DEPUTATIONS

Deputations had been received on the following item:

- Item 3 of the grey pages– 14/00085/FULL – Land Adjacent to 114 Eastbourne Avenue, Gosport, PO12 4NY
- Item 4 of the grey pages – 14/00423/FULL – 149 Forton Road Gosport

82. PUBLIC QUESTIONS

No public questions had been received.

83. PLANNING APPLICATION 15/00009/FULL - CONSTRUCTION OF SECTION OF EAST-WEST ROAD TO INCLUDE PEDESTRIAN AND CYCLE PATHWAYS LAND AT DAEDALUS WATERFRONT, LEE-ON-THE-SOLENT, HAMPSHIRE, PO13 9YA (AS AMENDED BY PLANS RECEIVED 11.02.15); AND NEIGHBOURING AUTHORITY CONSULTATION: P/15/0014/FP- CONSTRUCTION OF A SIGNALISED JUNCTION AND FORMATION OF A NEW ACCESS ONTO STUBBINGTON ROAD, NEW ACCESS ARRANGEMENTS TO ROSS HOUSE AND ALL ASSOCIATED WORKS LAND AT STUBBINGTON LANE, DAEDALUS WATERFRONT, STUBBINGTON LANE, FAREHAM, HAMPSHIRE, PO13 9YA

Councillor Carter declared a disclosable pecuniary interest in respect of this item; he left the meeting room and took no part in the discussion or the voting thereon.

Consideration was given to a report of the Borough Solicitor and the Deputy Chief Executive advising members on concurrent planning applications that had been submitted to Gosport

Borough Council (GBC) and Fareham Borough Council (FBC) for the construction of a section of road across the Daedalus Enterprise Zone that would result in the connection of Broom Way and Stubbington Lane.

It was reported that the purpose of the report was to consider, firstly, whether to grant planning permission for the works within Gosport Borough (15/00009/FULL) and, secondly how to respond to, the neighbouring authority consultation (P/15/0014/FP) received from FBC regarding the proposed junction at Stubbington Lane.

Members were advised that since the publication of the report a further letter of objection had been received. The additional issues raised related to the harmful impact of the proposal to the seafront and minor roads due to increased traffic generation. It was reported that the issues raised were addressed in the Planning Officer's report.

Members were further advised that consultation responses from Hampshire County Council Ecology and Natural England has been received. Both responses raised no objection.

Members were advised that an additional condition was proposed to ensure that the recommendations included in the submitted ecological statement were implemented.

The additional condition proposed is as follows:

The development, hereby permitted, must be undertaken in accordance with the recommendations of the submitted Ecology Statement (Ref 11575 received 7 January 2015.) It was advised there was an amendment to the recommendation at Paragraph 2.1 of the report as set out in the written update. The recommendation remained to grant permission.

In conclusion Members were advised that the recommendation at Paragraph 2.2 remained unchanged.

RESOLVED: That authority be delegated to the Head of Development Control to grant permission for application reference 15/00009/FULL including the additional condition as detailed above subject to the planning conditions set out in Appendix A and written confirmation that Fareham Borough Council have resolved to grant planning permission for the proposed junction at Stubbington Lane (FBC application no. P/15/0014/FP; and agree that the response at Paragraph 4.4 be sent to Fareham Borough Council in response to the neighbouring Authority consultation regarding the proposed junction at Stubbington Lane (FBC application no. P/15/0014/FP).

PART II

84. REPORT OF THE BOROUGH SOLICITOR & DEPUTY CHIEF EXECUTIVE

The Borough Solicitor & Deputy Chief Executive submitted a report on applications received for planning consent setting out the recommendation.

RESOLVED: That a decisions be taken on each application for planning consent as detailed below:

85. **14/00619/FULL – ERECTION OF SINGLE STOREY DAY NURSERY BUILDING AND ERECTION OF ACOUSTIC FENCE (as amplified by plan received 30.01.15 and emails received 02.02.15, 06/02.15 and 11.02.15) LEESLAND C OF E CONTROLLED JUNIOR SCHOOL, GOSPORT**

It was reported that this item had been withdrawn from the agenda.

86. **14/00550/FULL – DEMOLITION OF EXISTING BUILDING AND ERECTION OF A FOUR STOREY BUILDING TO PROVIDE 7 NO. ONE BEDROOM FLATS AND 1 NO. THREE BEDROOM FLAT, WITH ASSOCIATED ACCESS, CAR PARKING, REFUSE AND CYCLE STORAGE LAND TO THE NORTH OF HARBOUR ROAD, MUMBY ROAD, GOSPORT, PO12 1AQ**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 14/00550/FULL.

Members were advised that there were no updates.

RESOLVED: That planning application 14/00550/FULL – Land to the North of Harbour Road, Mumby Road, be approved subject to the payment of a commuted sum towards outdoor playing space; the payment of a commuted sum towards measures to mitigate the impact on increased recreational activity on Special Protection Areas; the payment of a commuted sum towards educational facilities; the provision of affordable housing at the site or the payment of a commuted sum in lieu of that provision, subject to viability; the payment of a commuted sum towards the funding of a Traffic Regulation Order and subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

87. **14/00085/FULL – ERECTION OF 1 NO. THREE BEDROOMED DWELLING (as amended by plan received 30.09.14) LAND ADJACENT TO 114 EASTBOURNE AVENUE GOSPORT HAMPSHIRE PO12 4NY**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 14/00085/FULL.

Mrs Twyman was invited to address the Board.

Members were advised that there were no updates.

Mrs Twyman advised the Board that most of the properties in the Elson area looked similar in style with bay windows and arch over the front door. She felt, that if the proposed new build dwelling was granted permission, then it would be out of keeping with the character of the surrounding area.

Mrs Twyman also expressed concerns with regard to the current traffic congestion along Eastbourne Avenue and Torquay Avenue. The proposal would result in additional pressure.

In answer to a Members question, the Case Officer confirmed that the area at the side of the existing dwelling currently formed part of the amenity space of the property.

Members felt that the proposed dwelling would not have a significant impact on surrounding residents or the character of the area and recognised the importance of providing extra housing in Gosport.

RESOLVED: That planning application 14/00085/FULL – Land adjacent to 114 Eastbourne Avenue, be approved subject to the payment of a commuted sum towards the provision and /or improvement of outdoor playing space; the payment of a commuted sum towards measures to mitigate the impact of increased recreational activity on Special Protection Areas; the payment of a commuted sum towards the provision of transport infrastructure and subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

**88. 14/00423/FULL – CONTINUED USE OF GROUND FLOOR AS MASSAGE TREATMENT ROOM (SUI GENERIS)
149 FORTON ROAD GOSPORT HAMPSHIRE PO12 3HB**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 14/00423/FULL.

Mr Alex Lewis was invited to address the Board.

Members were advised that there were no updates.

Mr Lewis advised that he was representing the applicant and that most typical A1 use class trade was now found to be online because of the convenience. Mr Lewis felt that the application would moderately enhance the area.

Mr Lewis advised the Board that he had consulted other local business people to see if they were interested in taking on a lease for the unit and that this had only generated interest from businesses that wanted to run late night off-licences. He felt that, as there was already a Tesco Express, McColl's, Lidl and other establishments selling alcohol in close proximity, the provision of similar establishments would be undesirable and unethical

Members sought clarification from Mr Lewis as to whether the staff employed at the massage treatment room had the relevant qualifications.

In response to a Members question Officers advised that the shop unit had been unoccupied for 6 months prior to opening as a massage treatment room.

Following debate, Members felt that the proposed Sui Generis use was not suitable in this particular location. It was considered that the shop would generate a low footfall and would not contribute to the vitality of the Neighbourhood Shopping Centre.

RESOLVED: That planning application 14/00423/FULL – 149 Forton Road, be refused for the following reason(s):-

1. The proposal has resulted in an inappropriate use in a designated Neighbourhood Shopping Centre, as designated by the Gosport Borough Local Plan Review and the Gosport Borough Local Plan 2011-2029 (Publication version). The use generates a limited footfall and limited comings/goings, harming the core, retail function of the centre, and likely to result in a reduction to its vitality and viability. The Sui Generis use is unacceptable in this location and is contrary to the National Planning Policy Framework, Policies R/DP1, R/S4 and R/S5 of the Gosport Borough Local Plan Review and Policy LP1, LP27 and LP28 of the Gosport Borough Local Plan 2011 – 2029 (Publication Version).

**89. 15/00035/GR3- REGULATION 3 – DEMOLITION OF 12 NO. BUNGALOWS AND ERECTION OF 16 NO. HOUSES WITH ASSOCIATED ACCESS, LANDSCAPING, REFUSE AND CCE STORAGE FACILITIES AND CAR PARKING AND HIGHWAY WORKS (as amended by plan received 28.01.15)
LAND AT ST VINCENT ROAD GOSPORT HAMPSHIRE**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00035/GR3.

Members were advised that since the publication of the report an amended ecology report had been received which assessed the ecological importance of the plant species (mossy stonecrop and common cudweed) identified within a letter of representation.

The Planning Officer advised the Board that the amended Ecology report included additional mitigation recommendations to ensure the notable plant species on the site were retained. It was further advised that Condition 10 of the report required details of the measures to enhance the biodiversity interests of the site to be submitted to the Local Planning Authority, therefore, the retention of these protected species would be controlled by the Local Planning Authority.

It was reported that the Housing Services Manager had also confirmed that the previously submitted comments from Housing covered both Operational and Strategic sections of the Council.

A consultation response received from the Local Highway Authority raised no objection to the proposal, subject to the securing of traffic management measures to secure safe access of the site and satisfactory parking, the stopping up of redundant vehicular accesses and the provision of the on-street parking spaces.

The Planning Officer advised that it was proposed to secure the traffic measures by an additional Condition 19 as follows:

No development above slab level shall take place until details of the traffic management measures to be undertaken on the public highway, including on street parking, have been submitted to and approved, in writing, by the Local Planning Authority.

It was noted that Paragraph 7 on pages 44 and 47 of the report should refer to 18 additional spaces as 4 of the existing spaces to the rear of Block D were being reprovided and were not new. There were also 21 spaces available for existing residents and visitors not 19 as stated in paragraph 7 on page 44 of the report.

The Board were advised that the recommendation be amended to grant permission subject to the conditions in the report and additional Condition 19 as set out above.

Members welcomed the proposed re-development of council houses and unanimously supported the application.

RESOLVED: That planning application 15/00035/GR3 – Regulation 3 – land at St Vincent Road, be approved subject to the additional condition 19 as set out above and subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive

90. ANY OTHER BUSINESS

Members were advised of the Planning Inspectorate's decision regarding the Planning Appeal relating to the Former Cordite Magazine, Britannia Way, Gosport.

The Inspector shared the view of the Council that the building should be considered as a non-designated heritage asset and advised that the proposed alterations would not respect the original character of the building or its historic use. He also supported the view that insufficient information had been submitted to assess the impacts of the proposal on protected species. The Inspector supported the requirements for planning obligations. The Inspector was satisfied that the Council had successfully justified in its appeal statement its reasons for requiring contributions, however, the appellants had not provided a signed and dated S106 planning obligation requiring them to pay any such contributions on commencement of development and it was unclear how such contributions would be provided to the Council.

The planning Inspector concluded that the proposal would not result in sustainable development in accordance with the NPPF and the appeal should therefore be dismissed.

The meeting concluded at 18:40 PM

CHAIRMAN

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

7th April 2015

ITEMS WITH RECOMMENDATIONS

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

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01.	03-10	14/00619/FULL	Leesland C Of E Controlled Junior School Gordon Road Gosport Hampshire PO12 3QF	Grant Permission subject to Conditions
02.	11-16	15/00029/FULL	Land Adjacent 2 Grays Close Gosport Hampshire PO12 2QL	Refuse / s106
03.	17-24	15/00030/FULL	Land Adjacent 75 St Helens Road Gosport Hampshire PO12 2RL	Refuse / s106
04.	25-30	15/00031/FULL	Land Adjacent 45 Gomer Lane Gosport Hampshire PO12 2SF	Refuse / s106
05.	31-36	15/00053/OUT	7 Monckton Road Gosport Hampshire PO12 2BG	Refuse / s106
06.	37-48	14/00369/VOC	Land North Of Manor Way & West Of Bayntun Drive/Redmill Drive At HMS Daedalus Lee-on-the-Solent Hampshire	Grant Permission subject to Conditions / s106
07.	49-58	14/00469/FULL	108 Queens Road Gosport Hampshire PO12 1LH	Grant Permission subject to Conditions / s106
08.	59-78	15/00065/FULL	Land Adjacent To Harbour Road Gosport Hampshire PO12 1BG	Grant Permission subject to Conditions / s106
09.	79-82	14/00606/VOC	St George Barracks (South) Mumby Road Gosport Hampshire	Grant Permission subject to Conditions

ITEM NUMBER: 01.
APPLICATION NUMBER: 14/00619/FULL
APPLICANT: Trinity Gateway Community Services
DATE REGISTERED: 18.12.2014

ERECTION OF SINGLE STOREY DAY NURSERY BUILDING AND ERECTION OF ACOUSTIC FENCE (as amplified by plan received 30.01.15, emails received 02.02.15, 06.02.15 and 11.02.15 and information received 13.03.15)
Leesland C Of E Controlled Junior School Gordon Road Gosport Hampshire PO12 3QF

The Site and the proposal

1. Leesland C of E Controlled Junior School is sited on the eastern side of Gordon Road, to the south of Daisy Lane. The primary vehicular access to the site, which also has a pedestrian access alongside, is taken from Gordon Road through an area of hardstanding and landscaping, in between number 58 (to the south of the access) and number 60 (to the north of the access). This access is approximately 17m long and 6m wide and leads to the existing staff only car park containing 18no. spaces. The school also has a 37no. space car park accessed from Whitworth Close to the north east. These car parks are shared between the Junior School and the Infant School, which is located on the northern side of the access from Gordon Road.
2. There are playing fields on the southern and eastern sides of the Junior school buildings which are bounded by 1.4m high chain link fencing to the west and a 2m high wall to the south. There are access gates in the southern end of the fence to allow for the playing field to be maintained. The western section of playing field has been set aside for uses other than sport and contains a number of immature trees. There is a service road to the west of the site beyond which are dwellings that front Gordon Road. The rear elevations of these properties are located approximately 18m away from the playing field. To the south of the playing fields are dwellings at the terminus of the Walton Close cul-de-sac with the side elevation of number 8 Walton Close being approximately 2.5m away from the common boundary with the school site, beyond the wall. There are parking restrictions in the locality in the form of zig-zags and double yellow lines along the frontage of Gordon Road and at the junctions with the adjacent roads.
3. In 2014, it was proposed under planning application reference 14/00359/FULL to erect a single storey day nursery building and additional car parking area in the northern part of the Junior school site. This application proposed to utilise the access from Whitworth Close and erect the building over an area of an existing sports pitch. Concerns were raised regarding the overall acceptability of that proposal and the application was subsequently withdrawn.
4. This proposal is to erect a single storey day nursery building in the south western corner of the Junior school site and erect a 2m high acoustic fence to replace a section of the existing chain link fence. The nursery would be sited within its own 42m by 14m curtilage with a 2m high mesh dividing it from the school fields. It would take a pedestrian access from the existing access on Gordon Road via a new path to the nursery site. It would be sited on an open area within the field but would result in the loss of some small trees and bushes and would not be located over an existing sports pitch. There would be no vehicular access to the nursery site. The nursery building would be independent of the Junior School and operated by Trinity Gateway Community Services, whose nursery facility recently moved into the main Junior school building from a facility in the Salvation Army building on the Crossways on a temporary basis while a permanent facility is found.
5. The proposed building would be 21.5m wide and 9m deep and would be set off the western boundary by 2m and the southern boundary by 11m. It would have an eaves height of 2.8m and overall height of 5m to the top of the pitched roof. It would have a 6.2m wide and 1.5m deep porch on the eastern side of the building with a 3.6m high pitched roof. The building would be clad in cedar and would have a slate roof. There would be six windows and two doors in the eastern elevation facing the playing fields, two windows in the northern elevation, two windows and a door

in the southern elevation and three windows and a door in the western elevation. Internally, the building would comprise two nursery rooms with ancillary office, meeting rooms, kitchen, bathrooms and storage areas. The main entrance would be via the porch in the eastern elevation.

6. The approximately 32m long path would lead from the pedestrian access within the school grounds to the new nursery site. The timber acoustic fence would be located along the western boundary and would be 42m long and 2m high and would screen the nursery site from the rear service road. The plans also show the siting of a bin/cycle store in the south western corner of the site that would be 5m deep and 1.8m wide. It would have a mono-pitched roof with an overall height of 1.8m. It would similarly be constructed of timber. The nursery would access the store through a gate in the nursery fence. The maintenance access to the school fields would be unaffected.

7. The application states that the nursery will accommodate 55no. children and employ 5no. full time members of staff. The nursery would be allocated 4no. existing parking spaces within the 18 space staff car park for use of the nursery staff. The application does not propose any additional vehicular access or car parking on the site. The nursery will accommodate children from ages 2-5 prior to attending the main school. The nursery will operate between 8.30-16.30 for children but staff will be present on the site between 8.00-17.00.

8. Further details have been received to clarify the acoustic properties of the fence and an additional plan has been received which show further details of the proposed landscaping of the nursery site, including the extent of the acoustic fencing.

9. Information has also been provided to clarify the numbers of staff that have access to the two car parks on the site and survey data which outlines the actual use of the car parks. The information states that 87no. members of staff from both the Junior and Infant Schools (66no. teaching staff and 21no. support staff) have access to the car parks, of which, at present, 48no. normally drive and a further 11no. would drive in adverse weather conditions.

Relevant Planning History

14/00359/FULL - erection of single storey day nursery building and additional car parking area - withdrawn 24.10.14

Relevant Policies

National Planning Policy Framework (NPPF), March 2012

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 currently being examined in Public. It is due for adoption in summer 2015. The policies within this document therefore also need to be given weight in decision making, where appropriate.

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/CF1

New or Improved Community and Health Facilities

R/OS4

Protection of Existing Open Space

R/T11

Access and Parking

R/OS13

Protection of Habitats Supporting Protected Species

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

LP10

Design

LP32
Community, Cultural and Built Leisure Facilities
LP35
Protection of Existing Open Space
LP23
Layout of Sites and Parking
LP44
Protecting Species and Other Features of Nature Conservation Importance

Consultations

Local Highway Authority	No objection. The school's car park is accessible from un-named adopted access road off Golden Road next to number 58. The current car parking provision already exists. Provision for 4no. car parking and 6no. cycle storage spaces for nursery has been proposed, which complies with Gosport Parking Supplementary Planning Document. From the submitted information with the application the nursery is being re-sited at Leesland C of E Junior School which is within 1 mile of its original location.
HCC Ecology	No objection. The site of the proposed new building contains several planted shrubs and an area of unmown grassland. Given the surrounding tightly-mown sports grass and dense residential development it is considered that it is highly unlikely that the footprint of the proposed structure would result in any significant ecological impacts. Any dense vegetation such as trees or shrubs will have potential to support nesting birds and so works would need to be avoided during the period March-August inclusive unless it can be first established that no active nests are present. As with all such sites within Gosport there is of course a risk of badgers being present. Therefore, any excavations deeper than 1m would need to either be covered during non-working hours or fitted with a ramp (such as a scaffold board) to allow any trapped badgers to escape safely.
Sport England South East	No objection.
Local Highway Authority	No objection.

Response to Public Advertisement

19 letters of objection (to original plans)

Issues raised:-

- first application was withdrawn to hide bad feelings of the residents of Whitworth Close
- objections to first application have been ignored
- insufficient notification of new application
- the site should be visited to observe traffic conditions

- nursery is a money making scheme
- application was submitted over Christmas period to prevent people from objecting
- safe vehicular access from Gordon Road is required
- neighbours feel under pressure and bullied
- additional parking spaces will encourage more traffic
- no doubt objections will be overruled
- disturbance during construction
- there are enough nursery facilities in the locality
- it is a human right and entitlement for a person to have peaceful enjoyment of his possessions
- cars are illegally parking on the footway of Whitworth Close
- existing parking restrictions are not enforced
- the school is due to increase class numbers in future years which will cause additional traffic
- nursery has already relocated and there is a noticeable increase in activity
- development will exacerbate existing traffic issues in the area
- parents will use Whitworth Close as a preferred vehicular access point
- high proportion of school pupils are from out of catchment and arrive by car
- assertion that parents walk to the nursery is unrealistic
- traffic congestion, noise and air pollution
- harmful increase in traffic along Gordon Road
- use of Whitworth Close could affect access for Emergency Vehicles
- extra traffic would be unsafe for children
- the rear service road would become a 'rat run'
- highway safety issues along rear service road
- it is a matter of time before someone is killed or seriously injured in the area
- loss of greenspace
- unnecessary overdevelopment of the school site
- the bin and cycle store would attract animals and result in harmful smells and provide a means of access to rear gardens of Walton Close
- no details of how bins will be collected
- increased noise on the school site

4 letters of objection (to amended plans)

Additional issues raised:-

- query as to whether Local Highway Authority has visited the site
- an official traffic survey should be carried out
- residents have carried out an informal traffic survey which demonstrates an increase in activity as a result of the nursery
- inability to use vehicular access from Gordon Road will necessitate the use of Whitworth Close

2 letters of objection (to additional information)

Additional issues raised:-

- the nursery should have its own vehicular access from Gordon Road with safe dropping off and collection

Principal Issues

1. The previous application on the school site was withdrawn by the applicants. This application is for a different location within the grounds of Leesland Junior School. Each application is required to be considered, as submitted, on its merits in light of the relevant national and local planning policies. The application has been publicly advertised in accordance with the Council's Statement of Community Involvement. Hampshire County Council Highways has confirmed that the site was visited prior to the submission of their comments. The application forms and submitted plans are of adequate detail and the plans show the relationships between the properties, and, in conjunction with the Officer's site visit, are sufficient to enable the application to be determined. The application does not propose any additional parking spaces on the site. The commercial intent of the developer is not a material planning consideration in the determination of this application. A certain level of disturbance is inevitable during the construction period. If this becomes a statutory nuisance, the matter would be dealt with through the Environmental Health legislation. Any indiscriminate parking

of vehicles on private land is a private legal matter and should there be any illegal parking on the highway or any accesses blocked, this would be a matter for the Local Highway Authority and the Police. It is not possible to address existing highway concerns and parking problems in the area through this application. It is a matter for the Local Highway Authority to determine whether parking restrictions or other traffic calming measures ought to be provided on neighbouring streets. The main issues in this case, therefore, are the acceptability of the proposal in land use terms, the impact on the amenities of the occupiers of neighbouring dwellings, the acceptability of the design of the building, fencing and landscaping and the impact on the character and visual amenity of the locality, highway and pedestrian safety and the interests of nature conservation.

2. The site is located within the Urban Area Boundary where the principle of this type of development is acceptable and the use of the site for educational purposes is already established. The development is small in scale and will enhance an existing educational establishment and will retain nursery spaces in the Borough. Whilst its siting would result in the loss of a small area of grass, the area lost is located within the corner of the field and is not currently used as a sports pitch. Sport England has raised no objection to the proposal. Although the nursery will introduce additional activity within the south western corner of the school field, this will only be during normal school hours when the majority of adjacent residents are likely to be at work and not at weekends. Given the separation distance between the nursery site and the neighbouring properties along Gordon Road, beyond the rear service road, therefore, together with the height and type of the acoustic fence along the western site boundary, the use of the nursery is unlikely to result in any significant increase in the level of noise over and above the existing educational use on the site. The provision and retention of this fence and hours of operation will be controlled by condition. The existing southern site boundary is formed of a robust 2m high brick wall and the access to the nursery would be taken from the opposite side of the site, therefore, the occupiers of the properties of Walton Close are unlikely to be harmfully affected. The bin and cycle store is to be a wooden, enclosed building and will not be in constant use meaning that the noise and smells associated with this activity will be minimal. The bins collections would be carried out in accordance with the commercial refuse arrangements of the nursery operator. The development is, therefore, acceptable in land use terms and would not harm the amenities of the occupiers of neighbouring dwellings, in compliance with the NPPF and Policies LP10, LP32 and LP35 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1, R/CF1 and R/OS4 of the Gosport Borough Local Plan Review.

3. The proposed nursery is appropriate to the educational context to which it relates and would not be visible from Gordon Road. The height, scale and mass of the nursery would be in keeping with the existing buildings on the site. The building would be clad in high quality cladding, which will be controlled by condition. Whilst the proposal will result in the loss of some trees, these are immature specimens and none are worthy of retention or protection. In light of this, the proposal is acceptable in design terms and will not harm the character or visual amenity of the locality, in accordance 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 Gosport Borough Council Parking SPD (SPD) only sets standards for staff parking provision for educational establishments. In this instance, the standard for the existing schools would be 1no. parking space per teaching staff plus 2no. spaces per 3no. non-teaching staff, full or part-time. The applicant has confirmed that both schools have 66no. teaching staff with a further 21no. non-teaching staff. The current parking requirement for both schools in combination, therefore, is 80no. The existing on-site parking provision of 55no. over both car parks is, therefore, already below the requirements. For nursery uses, the SPD requires 1.5no. parking spaces per two members of nursery staff. The application states that this proposal would result in 5no. additional members of staff, bringing the overall requirement to 84no. and proposes to allocate 4no. staff parking spaces in the existing staff car park. In this instance, however, whilst the on-site provision does not meet the overall current standards within the SPD, the applicant has provided evidence which suggests that the current on-site parking provision is sufficient to meet the actual requirements of the staff members on the site and shows there to be spare capacity within the two car parks. The nursery teachers would utilise the existing staff car park and pedestrian access from Gordon Road and whilst there is a second vehicular access to the school from Whitworth Close, given the nursery would be physically separate from the school and would have no functional link with the school or

direct access from Whitworth Close and the nursery is located in an accessible location with good links to public transport it is unlikely, that significant numbers of nursery staff or parents would park on Whitworth Close or within the north eastern car park. The only access to the nursery would be from the main school pedestrian entrance from Gordon Road. The rear service road to the west of the site is only approximately 3.1m wide and is adopted highway. Should it be obstructed, therefore, this would be a matter for the Police. The wider area has a number of available on-street parking spaces and it can be reasonably expected that a number of nursery pupils and staff live within walking distance of the nursery. Although there may be increased volumes of traffic at times when children are being dropped off or picked up, these are for short periods and restricted to the opening times of the school and nursery. The times of operation will be controlled by condition. The nursery facility is currently operating from within the main school buildings and this does not need planning permission. Notwithstanding the existing traffic issues in the locality, this development is not required to address existing deficiencies or problems in the area and the Local Highway Authority has not objected to the proposal on highway safety grounds. It is unlikely that the development would significantly prejudice opportunities for existing residents and visitors to park on-street during times when demand is highest during the evening and at weekends and the proposal would not, therefore, have a harmful impact in terms of highway and pedestrian safety or amenity 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 Gosport Borough Local Plan Review.

5. There are no protected or endangered species present on the site and given the location of the proposal it is unlikely that there would be any significant ecological impacts. It is recommended, however, to attach a condition ensuring the works are carried out in accordance with an ecological method statement to prevent any harmful impact upon Badgers or nesting birds. Subject to this condition, the development would not have an impact on protected species, in compliance with the NPPF and Policies LP44 of the Gosport Borough Local Plan, 2011 - 2029 and R/OS13 of the Gosport Borough Local Plan Review.

RECOMMENDATION: Grant Permission

Subject to the following condition(s):-

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

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

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

07/14/02 1 of 4, 07/14/02 2 of 4, 07/14/02 3 of 4, 07/14/02 4 of 4 and Plan A

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with the NPPF and Policies R/DP1, R/CF1 and R/T11 of the Gosport Borough Local Plan Review and LP10, LP32 and LP23 of the Gosport Borough Local Plan, 2011 - 2029.

3. No development shall be carried out until details of all external materials and finishes of the nursery building 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 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.

4. No development shall be carried out until a Method Statement detailing how construction activities will be undertaken so as to avoid impacts on nature conservation interests on the site has been submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Method Statement.

Reason - To provide adequate ecological protection and to comply with Policies LP44 of the Gosport Borough Local Plan, 2011 - 2029 and R/OS13 of the Gosport Borough Local Plan Review.

5. No development above slab level shall be carried out until details of the hard landscaping works, including the types of hard surfacing materials to be used and all boundary treatments, have been submitted to and approved, in writing, by the Local Planning Authority. The use of the building shall not commence until the hard landscaping works have been carried out in accordance with the approved details. The approved boundary treatment shall be retained thereafter.

Reason - In the interests of the amenity and to ensure the appearance of the development is satisfactory 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.

6. No development above slab shall be carried out 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 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.

7. The soft landscaping scheme approved pursuant to condition 6 shall be completed within the next planting season following first occupation of the development, and any trees or plants which die are removed or become seriously damaged or diseased during the first five years, shall be replaced with others of identical species (or as may otherwise be agreed, in writing, by the Local Planning Authority) during the next planting season.

Reason - To ensure the appearance of the development is satisfactory 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.

8. The use of the building shall not commence until the areas shown on the approved plan, 07/14/02, for the parking of vehicles for use of the nursery has made available and these areas shall be retained for that purpose at all times.

Reason - In the interests of highway safety and to ensure adequate parking is provided and retained, and to comply with NPPF and Policies LP10 and LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/T3 and R/T11 of the Gosport Borough Local Plan Review.

9. Notwithstanding the requirements of Condition 5 above, the use of the building shall not commence until the acoustic fence has been provided between points A-A shown on the approved plan, Plan A. The acoustic fence shall be thereafter retained.

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

10. The nursery use hereby permitted shall not be open before 08.30 or after 16.30 Mondays to Fridays and at no time whatsoever on Saturdays, Sundays and Public Holidays.

Reason - To protect the amenities of occupiers of neighbouring properties 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: 15/00029/FULL
APPLICANT: Mr Stuart Oldroyd Bilton Land Ltd
DATE REGISTERED: 19.01.2015

ERECTION OF 1NO. THREE BEDROOM DETACHED DWELLING (as amended by Ecological Report received 05/03/15)
Land Adjacent 2 Grays Close Gosport Hampshire PO12 2QL

The Site and the proposal

1. The application site is located at the entrance to an established residential estate within the Urban Area as defined by the Gosport Borough Local Plan Review 2006 and the emerging Gosport Borough Local Plan 2011-2029 (Publication Version July 2014). Sited to the immediate south of the junction of St Helens Road and Gomer Lane the application site constitutes the southern part of an area of land left undeveloped when the residential estate to the north and east was constructed in 1966. Together with the parcels of land to the north and east of the junction of St Helens Road and Gomer Lane the application site is one of three open grassed areas at the entrance to the estate.
2. The site is an irregular shaped 0.024ha parcel of land which is 23m from east to west but reduces from 12m (north to south) at the eastern end to less than 8m (north to south) at the western end. To the north and west, beyond St Helens Road and Gomer Lane respectively, are 36, 38 and 45 Gomer Lane all of which are two-storey dwellings with either their front or side elevations facing the application site. To the east, beyond an open grassed area is 75 St Helens Road, a two-storey dwelling, which has five windows on its western (side) elevation and a single garage and driveway which forms its western boundary. To the immediate south of the application site is 2 Grays Close, a two-storey dwelling with three windows on its side elevation facing the application site (downstairs bathroom and dining room and mid-level stairway serving the hall and landing). A 1.8m close boarded fence separates 2 Grays Close from the majority of the application site whilst the part nearest Grays Close is not delineated.
3. The proposal is for the erection of a three-bedroom two-storey dwelling. The 81sqm dwelling would be sited in the eastern part of the application site 1m from the boundary of 2 Grays Close. A 2.9m x 6m integral garage is proposed on the ground floor in addition to a 4.9 x 4m long driveway that would facilitate vehicular access onto Grays Close.
4. The dwelling would include a lounge, kitchen/diner, bathroom and hall at ground floor level and three bedrooms and a bathroom at first floor level. The dwelling would be finished in facing brick materials to match those used elsewhere on Grays Close. A cycle store, with bins in front, would be located to the rear (west) side of the dwelling whilst the submitted Design and Access Statement indicates that a "low hedge/line of planting would denote the boundary of the site" with a 1.8m high wall forming the boundary to the west facing Gomer Lane.

Relevant Planning History

49/00426/PA - 378 no. houses - Refused 05.04.49
49/00508/PA - 208 no. houses and 10 no. shops - Permitted 09.05.49
62/05662/PA - Residential development with detached semi-detached terraced houses bungalows and garages - Refused 27.08.62
62/05821/PA - Use of land residential development (244 dwellings) - Permitted 19.12.62
64/06403/PA - 56 no. houses and garages - Permitted 17.03.64
15/00030/FULL - Erection of 1 no. 2 bedroom dwelling - pending consideration
15/00031/FULL - Erection of 1 no. 3 bedroom detached dwelling - pending consideration

Relevant Policies

National Planning Policy Framework (NPPF), March 2012

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 currently being examined in Public. It is due for adoption in summer 2015. The policies within this document therefore also need to be given weight in decision making, where appropriate.

Gosport Borough Local Plan Review, 2006:

- R/DP3
- Provision of Infrastructure, Services and Facilities
- R/H4
- Housing Densities
- R/DP1
- General Standards of Development within the Urban Area
- R/T4
- Off-site Transport Infrastructure
- R/T11
- Access and Parking
- R/OS8
- Recreational Space for New Residential Developments
- R/OS13
- Protection of Habitats Supporting Protected Species
- R/ENV5
- Contaminated Land
- R/ENV14
- Energy Conservation

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

- LP42
- International and Nationally Important Habitats
- LP1
- Sustainable Development
- LP2
- Infrastructure
- LP10
- Design
- LP21
- Improving Transport Infrastructure
- LP23
- Layout of Sites and Parking
- LP24
- Housing
- LP34
- Provision of New Open Space and Improvement to Existing Open Space
- LP38
- Energy Resources
- LP44
- Protecting Species and Other Features of Nature Conservation Importance
- LP47
- Contamination and Unstable Land

Supplementary Planning Documents:

- Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014

Consultations

Natural England	No objection.
HCC Ecology	No objection.

Southern Water	No response received.
Local Highway Authority	Object. Inadequate parking is provided contrary to the Parking SPD. Following Central Government advice/guidance that tariff based contributions should not be sought for residential developments of 10 or less dwellings the current proposal does not generate a requirement for a transport contribution.
Environmental Health	No response received.
Streetscene Waste & Cleansing	No objection. Adequate storage for bins should be provided.
Streetscene Parks & Horticulture	No objection.
Building Control	No comment to make.

Response to Public Advertisement

32 letters of objection and a petition with 204 signatures.

Issues raised:-

- the estate was originally designed to include a number of green amenity spaces including the application site which constitutes a valuable and attractive green space which is utilised for community fetes and parties
- proposal would impact upon the open character of the area harmful to the established character of the estate and wider area
- the proposal would cram the dwelling into an otherwise low density street that would not respect the pattern and context of the area
- unacceptable impact upon 2 Grays Close by reason of loss of light to three windows (dining room, stairway, downstairs bathroom), overlooking to the rear, location of drain and overbearing impact due to proximity to the side elevation
- if permission was granted it would set a precedent for future development on the estates green spaces cumulatively harming the character of the area
- the presence of the green spaces were a factor in many residents purchasing their properties
- the design and mass of the dwelling is out of character
- the proposal is contrary to the Councils policies and design guide
- seven healthy and attractive trees were cut down on the day the application was made
- the proposal would be dangerous for pedestrians and school children using the footpath and cycle ways
- the dwelling would reduce visibility when turning out of St Helens Road harmful to highway safety and the wellbeing of pedestrians including school children
- visitors to Gomer School and Bay House School use the estate to park on and the proposal would reduce the availability of parking and force visitors to park closer to the junction
- visitors to the proposed dwelling would not be able to park and if they parked on the road it would restrict vehicular access to Gomer School that is required for emergency vehicles
- traffic issues have increased on the estate over the years
- St Helens Road and Grays Close are full to capacity (both parking and vehicle movements) at peak times
- the construction process required would be unacceptably disruptive and contractors would be unable to park
- the proposal would impact upon peace and tranquillity

Principal Issues

1. The main issues are the principle of introducing new residential development, the impact upon the character of the area, the impact upon residential amenity and the impact upon highway and pedestrian safety and parking provision.
2. The application site is located within the Urban Area Boundary where the principle of development is acceptable, provided that the details accord with the relevant policies of the National Planning Policy Framework (NPPF) and the relevant policies of the Gosport Borough Local Plan Review 2006 and the emerging Gosport Borough Local Plan, 2011 - 2029 (Publication Version July 2014). In this instance Saved Policy R/DP1 of the Local Plan 2006 and Policy LP10 of the emerging Local Plan 2011-2029 primarily apply.
3. Saved Policy R/DP1 states, in part, that for a proposal to be acceptable it must "not cause significant harm to the character of the surrounding area". Similarly emerging Policy LP10 requires that "new development be well designed to respect the character of the Boroughs distinctive built and natural environment". The NPPF supports the Councils policies stating (para 60) that development should ""seek to promote or reinforce local distinctiveness".
4. The character of the area where the application site is located is distinctive. When the wider residential estate was constructed in 1966 the application site was left undeveloped providing a welcoming low density and open character to the entrance to the estate. Such open areas are replicated throughout the grain of the estate (such as where St Helens Road meets Briar Close) and all, both individually and cumulatively, play important roles in establishing the character of the estate.
5. The importance of the grain of development is recognised by the Gosport Borough Design Supplementary Planning Document 2014 (pg. 16) that states "for a new development to integrate well with its context, it needs to take account of the grain that surrounds it, without necessarily trying to replicate it. It should integrate with existing movement networks and create attractive and continuous streetscapes, knitting in visually and functionally with existing development".
6. The application site constitutes an attractive and welcoming grassed area that contributes to establishing the distinctive character of the estate at the point of access from Gomer Lane. The introduction of built form would significantly and harmfully alter the character of the application site and wider estate contrary to the established grain and pattern of development of the estate including unbalancing the existing symmetry at the entrance of the estate. This would not reinforce or promote local distinctiveness resulting in significant harm to the character of the surrounding area through not respecting the distinctive built and natural environment.
7. Whilst the design of the proposed dwelling and garage and its positioning within the plot is considered acceptable and both the Local Plan 2006 and emerging Local Plan 2011-2029 recognise the need to provide housing to meet the Boroughs need the identified harm to the distinctive character of the area is considered to override these considerations. The proposal is therefore contrary to Saved Policy R/DP1 of the Gosport Local Plan Review 2006, Policy LP10 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014), the Gosport Borough Council Design Guidance Supplementary Planning Document February 2014 and the NPPF.
8. The proposed dwelling would present its side elevation (initially the 5.4m high garage) within 2.3m of the side elevation of 2 Grays Close with the full 8.6m high dwelling within 5.1m. Whilst it is not uncommon for the respective side elevations of dwellings to be located within close proximity there are three side windows on the side elevation of 2 Grays Close that would face the proposed dwelling. However, none of the windows solely serve primary indoor sitting areas and, as the proposal is to the north of 2 Grays Close, there would be no loss of direct sunlight to the three windows. Equally, whilst the proposal would overlook the rear of 2 Grays Close from its rear first-floor windows this would not be to an unacceptable degree and would be consistent with the layout of Grays Close. Accordingly, it is not considered that the proposal would result in an unacceptable

impact upon the amenity of the occupiers of 2 Grays Close. 75 St Helens Road, to the east, 45 Gomer Lane, to the north and 36 and 38 Gomer Lane, to the west, all face the application site (75 St Helens Road has five side windows facing the application site) and have adequate separation distances to mitigate any unacceptable impact to the amenity of their occupiers.

9. The proposal would be accessed from Grays Close, an unclassified road, and HCC Highways have raised no objection in this regard. Equally, no objection has been raised by HCC Highways with regard to the visibility splays for vehicles accessing and exiting St Helens Road from Gomer Lane.

10. The Gosport Borough Parking SPD recommends that a three-bedroom dwelling should provide two parking spaces. Whilst the proposed 7.0m x 3.3m garage would be in accordance with the Parking SPD and provide one vehicular space the proposed driveway, at 4.9m x 4m, would fall below the advised 3.3m x 6m size for a driveway so would not ensure "sufficient space around vehicles to allow convenient and safe loading and unloading and enable vehicle cleaning and maintenance without encroachment upon the adjacent footway or road" in addition to adequate space to open a garage door when a vehicle is parked. Therefore, as the proposal would have one usable vehicular parking space, within the garage, it would result both in vehicles that utilise the proposed driveway projecting onto the footpath and an expected need for on-street parking which would be unacceptable in the proposed location close to the junction of St Helens Road and Grays Close. No acceptable justification has been provided for the under provision. Accordingly, the proposal is in conflict with Saved Policy R/T11 of the Gosport Borough Local Plan Review 2006, Policy LP23 of the emerging Local Plan 2011-2029 (Publication Review July 2014) and the Gosport Borough Council Parking: Supplementary Planning Document February 2014.

11. Whilst a new vehicular access would need forming to the application site from Grays Close this would not require express planning permission in its own right. Furthermore, whilst the proposal would reduce the availability of on street parking the reduction would only be a single space and, whilst it is acknowledged that the local area is busy at peak times due to the presence of two schools, the loss of one space is not considered to be significantly harmful to the overall capacity of the area to accommodate on street parking. Similarly, it is not considered that the vehicular movements the proposal would generate to and from the access site would have an unacceptable impact upon either highway safety or amenity.

12. A number of representations received refer to the safety of pedestrians (including school children) using both the footpath the proposed dwelling would require the removal of and also the footpath network surrounding the site. The footpath that would require removal to facilitate the proposed dwelling is not a recognised Right of Way and the application site is in private ownership so the owner could choose to cease access to it, and the undertaking of activities on it, at any given time without the need for permission. With regard to the safety of those utilising the footpath along Grays Close, St Helens Close and Gomer Lane it is not considered that the addition of a further dwelling, in a similar layout to all those within the estate, would have an unacceptable impact either in terms of convenience or safety of pedestrians.

13. In accordance with the provisions of Section 106 of the 1990 Planning Act and Section 122 of the Community Infrastructure Levy Regulations 2010 the Council may require a planning obligation where it is a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. In this instance contributions are required for improvements to highway and transport infrastructure in accordance with Saved Policy R/DP3 of the Local Plan 2006, Policy LP2 of the emerging Local Plan 2011-2029 and Hampshire County Council Transport Contributions Policy: A New Approach to Calculating Transport Contributions in Hampshire September 2007 and outdoor playing space in accordance with Saved Policies R/DP3 and R/OS8 and Appendix O of the Local Plan 2006 and Policies LP2 and LP34 of the emerging Local Plan 2011-2029. The contributions are required to mitigate the specific impact of the proposed development. Whilst due regard is given to the Written Statement by The Minister of State for Housing and Planning on 28 Nov 2014 and the consultation response of the HCC Highways Officer it is considered that this guidance does not outweigh the

legislation in force and the identified need for the contributions to make the development acceptable.

14. With regards to improvements to highway and transport infrastructure and outdoor playing space the applicants have indicated a willingness to enter into a Section 106 agreement to secure these contributions. However, as no Section 106 agreement is in place the proposal is contrary to Saved Policy R/DP3 of the Local Plan 2006, Policy LP2 of the emerging Local Plan 2011-2029 and Hampshire County Council Transport Contributions Policy: A New Approach to Calculating Transport Contributions in Hampshire September 2007, Saved Policies R/DP3 and R/OS8 and Appendix O of the Local Plan 2006 and Policies LP2 and LP34 of the emerging Local Plan 2011-2029.

15. The applicants have paid £172 towards Gosport Bird Disturbance Mitigation in accordance with the Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014.

16. Trees were removed from the site prior to the submission of the planning application. However, the trees were not the subject of a Tree Preservation Order nor a planning condition to protect them and, therefore, permission was not required to fell them.

17. Whilst there would be an element of disruption to local residents during the construction process, should permission be granted, this could be controlled by planning condition to ensure that it is undertaken in an acceptable manner. Similarly, whilst representations contend that there would be an unacceptable impact upon peace and tranquillity it is considered that once the proposal was constructed the addition of a single dwelling to the estate would not have an unacceptable impact in this regard.

18. Representations refer to the application establishing a precedent should permission be granted. However, each application must be considered on its merits.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposal would introduce built form to an area of open grassed space, located at the entrance to the estate from Gomer Lane, which plays a key role in establishing the distinctive character of the area. This would fail to promote or reinforce local distinctiveness resulting in significant harm to the character of the surrounding area through not respecting the distinctive built and natural environment. This is in conflict with Saved Policy R/DP1 of the Gosport Local Plan Review 2006, Policy LP10 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014), the Gosport Borough Council Design Guidance Supplementary Planning Document February 2014 and the NPPF.

2. The proposal would not provide adequate off-street parking provision resulting in vehicles that utilise the proposed driveway unacceptably projecting onto the footpath and an expected need for unacceptable on-street parking close to the junction of Grays Close and St Helens Road. No acceptable justification has been provided for this under provision. This is in conflict with Saved Policy R/T11 of the Gosport Borough Local Plan Review 2006, Policy LP23 of the emerging Local Plan 2011-2029 (Publication Review July 2014) and the Gosport Borough Council Parking: Supplementary Planning Document February 2014.

3. The proposal does not make adequate provision to secure improvements to highway and transport infrastructure and outdoor playing space. This is contrary to Saved Policy R/DP3 of the Local Plan 2006, Policy LP2 of the emerging Local Plan 2011-2029 and Hampshire County Council Transport Contributions Policy: A New Approach to Calculating Transport Contributions in Hampshire September 2007, Saved Policies R/DP3 and R/OS8 and Appendix O of the Local Plan 2006 and Policies LP2 and LP34 of the emerging Local Plan 2011-2029.

ITEM NUMBER: 03.
APPLICATION NUMBER: 15/00030/FULL
APPLICANT: Stuart Oldroyd Bilton Land Ltd
DATE REGISTERED: 20.01.2015

ERECTION OF 1NO. 2 BEDROOM DWELLING (as amended by Ecological Report received 05/03/15)
Land Adjacent 75 St Helens Road Gosport Hampshire PO12 2RL

The Site and the proposal

1. The application site is located in an established residential estate within the Urban Area as defined by the Gosport Borough Local Plan Review 2006 and the emerging Gosport Borough Local Plan 2011-2029 (Publication Version July 2014). Sited to the east of the junction of St Helens Road and Gomer Lane, and to the immediate east of the junction of St Helens Road and Grays Close, the application site forms the eastern half of an area of land left undeveloped when the residential estate to the north and east was constructed in 1966. Together with the parcels of land either side of the junction of St Helens Road and Gomer Lane the application site is one of three open grassed areas at the entrance to the estate.
2. The site constitutes a square 0.027ha (17m x 16m) parcel of land. To the immediate east is 75 St Helens Road, a two-storey dwelling, which has five windows on its western (side) elevation and a single garage and driveway which forms the eastern boundary to the application site. The southern boundary is an approximately 2m high hedge beyond which is a bungalow (1A Grays Close). The entrance to 1A Grays Close is also the entrance to 1 Grays Close which is a two-storey dwelling located to the south-east of the site. Both 1 and 1A Grays Close have their front elevations facing the application site.
3. To the north of the application site is St Helens Road with two-storey dwellings (68 and 70 St Helens Road) beyond. To the west is the highway entrance to Grays Close with the area of open space at the junction of Gomer Lane and St Helens Road beyond.
4. The proposal is for the erection of a two-bedroom bungalow and single garage. The 82sqm bungalow would be sited in the north-western part of the application site adjacent to St Helens Road and Grays Close. The single width flat roof garage would be located between the bungalow and 75 St Helens Road with a 7.8m long driveway in front.
5. The bungalow would include two bedrooms, a lounge, kitchen/diner, study, bathroom and hall all at ground floor level and be finished in facing brick (to match the adjoining property). A bin store would be located to the rear of the garage whilst the submitted Design and Access Statement indicates that a "low hedge/line of planting would denote the boundary of the site" with a 1.8m high wall facing Grays Close.

Relevant Planning History

49/00426/PA - 378 no. houses - refused 05.04.49
49/00508/PA - 208 no. houses and 10 no. shops - permitted 09.05.49
62/05662/PA - Residential development with detached semi-detached terraced houses bungalows and garages - refused 27.08.62
62/05821/PA - Use of land residential development (244 dwellings) - permitted 19.12.62
64/06403/PA - 56 no. houses and garages - permitted 17.03.64
15/00029/FULL - Erection of 1 no. three bedroom detached dwelling - pending consideration
15/00031/FULL - Erection of 1 no. 3 bedroom detached dwelling - pending consideration

Relevant Policies

National Planning Policy Framework (NPPF), March 2012

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 currently being examined in Public. It is due for adoption in summer 2015. The policies within this document therefore also need to be given weight in decision making, where appropriate.

Gosport Borough Local Plan Review, 2006:

- R/DP1
General Standards of Development within the Urban Area
- R/DP3
Provision of Infrastructure, Services and Facilities
- R/T4
Off-site Transport Infrastructure
- R/T11
Access and Parking
- R/H4
Housing Densities
- R/OS8
Recreational Space for New Residential Developments
- R/OS13
Protection of Habitats Supporting Protected Species
- R/ENV5
Contaminated Land
- R/ENV14
Energy Conservation

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

- LP1
Sustainable Development
- LP2
Infrastructure
- LP10
Design
- LP21
Improving Transport Infrastructure
- LP23
Layout of Sites and Parking
- LP24
Housing
- LP34
Provision of New Open Space and Improvement to Existing Open Space
- LP38
Energy Resources
- LP44
Protecting Species and Other Features of Nature Conservation Importance
- LP48
Hazardous Substances

Supplementary Planning Documents:

Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014

Consultations

Natural England	No objection.
HCC Ecology	No objection.
Southern Water	No response received.

Local Highway Authority	No objection. The proposal provides parking in accordance with the Parking SPD. Following Central Government advice/guidance that tariff based contributions should not be sought for residential developments of 10 or less dwellings the current proposal does not generate a requirement for a transport contribution.
Streetscene Waste & Cleansing	No objection. Adequate storage for bins should be provided.
Streetscene Parks & Horticulture	No objection.
Building Control	No comment to make.
Environmental Health	No response received.

Response to Public Advertisement

32 letters of objection and a petition of objection with 204 signatures.

Issues raised:-

- the estate was originally designed to include a number of green amenity spaces including the application site which constitutes a valuable and attractive green space which is utilised for community fetes and parties
- proposal would impact upon the open character of the area harmful to the established character of the estate and wider area
- the proposal would cram the dwelling into an otherwise low density street that would not respect the pattern and context of the area
- the proposal is too close to the pavement
- if permission was granted it would set a precedent for future development on the estates green spaces cumulatively harming the character of the area
- the presence of the green spaces were a factor in many residents purchasing their properties
- the design and mass of the dwelling is out of character
- the proposal is contrary to the Councils policies and design guide
- seven healthy and attractive trees were cut down on the day the application was made
- the proposal would be dangerous for pedestrians and school children using the footpath and cycle ways
- visitors to Gomer School and Bay House School use the estate to park on and the proposal would reduce the availability of parking and force visitors to park closer to the junction
- visitors to the proposed dwelling would not be able to park and if they parked on the road it would restrict vehicular access to Gomer School that is required for emergency vehicles
- traffic issues have increased on the estate over the years
- St Helens Road and Grays Close are full to capacity (both parking and vehicle movements) at peak times
- the construction process required would be unacceptably disruptive and contractors would be unable to park
- the proposal would impact upon peace and tranquillity
- there is a gate and footpath across the application site that has been used by local residents for the last 40 years. The proposal would restrict access and residents would have to take less safe routes to the footpath network
- unacceptable impact upon 1 Grays Close and 75 St Helens Road by reason of loss of view (75 St Helens Road is the only property on the estate facing the open space as it was designed as an entrance to the estate), loss of outlook (due to proximity of the proposal), loss of light to windows

- if a second floor was proposed in the future it would have an unacceptable overlooking impact on neighbouring residential properties

Principal Issues

1. The main issues are the principle of introducing new residential development, the impact upon the character of the area, the impact upon residential amenity and the impact upon highway and pedestrian safety and parking provision.
2. The application site is located within the Urban Area Boundary where the principle of development is acceptable, provided that the details accord with the relevant policies of the National Planning Policy Framework (NPPF) and the relevant policies of the Gosport Borough Local Plan Review 2006 and the emerging Gosport Borough Local Plan, 2011 - 2029 (Publication Version July 2014). In this instance Saved Policy R/DP1 of the Local Plan 2006 and Policy LP10 of the emerging Local Plan 2011-2029 primarily apply.
3. Saved Policy R/DP1 states, in part, that for a proposal to be acceptable it must "not cause significant harm to the character of the surrounding area". Similarly emerging Policy LP10 requires that "new development be well designed to respect the character of the Boroughs distinctive built and natural environment". The NPPF supports the Councils policies stating (para 60) that development should ""seek to promote or reinforce local distinctiveness".
4. The character of the area where the application site is located is distinctive. When the wider residential estate was constructed in 1966 the application site was left undeveloped, and in combination with designing the windows on 75 St Helens Road to orientate west, provides a welcoming low density and open character to the entrance to the estate. Such open areas are replicated throughout the grain of the estate (such as where St Helens Road meets Briar Close) and all, both individually and cumulatively, play important roles in establishing the character of the estate.
5. The importance of the grain and pattern of development is recognised by the Gosport Borough Design Supplementary Planning Document 2014 (pg. 16) that states "for a new development to integrate well with its context, it needs to take account of the grain that surrounds it, without necessarily trying to replicate it. It should integrate with existing movement networks and create attractive and continuous streetscapes, knitting in visually and functionally with existing development".
6. The application site constitutes an attractive and welcoming grassed area that contributes to establishing the distinctive character of the estate at a key point close to the main access to the estate from Gomer Lane. The introduction of built form, including a 1.8m wall on the western boundary facing Gomer Lane, would significantly and harmfully alter the character of the application site and wider estate. The harm would be exacerbated by the application site's key location close to the entrance to the estate from Gomer Lane where it is highly visible from the public realm.
7. Whilst the design of the proposed bungalow and garage and its positioning within the plot is considered acceptable and both the Local Plan 2006 and emerging Local Plan 2011-2029 recognise the need to provide housing to meet the Boroughs need the identified harm to the distinctive character of the area is considered to override these considerations. The proposal is therefore contrary to Saved Policy R/DP1 of the Gosport Local Plan Review 2006, Policy LP10 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014), the Gosport Borough Council Design Guidance Supplementary Planning Document February 2014 and the NPPF.
8. The proposed bungalow would be separated from the residential development to the south (1A and 1 Grays Close) by an existing 1.8m hedge. Given the single-storey height (conditions could be used to remove permitted development rights for further works if consent is granted), the distance present and that both properties have their front elevations towards the application site it is not considered that the proposal would result in an unacceptable impact upon the amenity of the

occupiers of these properties. Equally, 2 Grays Close, to the west, and 69 and 70 St Helens Road, to the north, all face the application site and have adequate separation distances to mitigate any unacceptable impact to amenity.

9. However, 75 St Helens Road is located immediately to the east of the application site and the proposal would result in a 2.4m high garage located 3.8m from its western elevation and the proposed 5.8m high (at its highest) bungalow 8.8m away. 75 St Helens Road is designed differently to the majority of houses on St Helens Road in that the sole windows to its primary indoor sitting space are located on the side (west) elevation and not towards the highway like the other properties in the area. Whilst the intention for this is unclear a number of representations received speculate that it is to face the entrance to the estate, from Gomer Lane, providing an active and attractive frontage to the estate. The result is that should the proposal be granted permission the primary indoor sitting area of 75 would suffer from a significantly reduced loss of outlook (which is different from the loss of a view which carries no weight in planning terms). Both Saved Policy R/DP1 of the Local Plan 2006 and emerging Policy LP10 of the Local Plan 2011-2029 seek to ensure that new development does not result in an unacceptable impact upon amenity and, in particular in emerging Policy LP10, loss of outlook. Accordingly, the Design Guide states that to provide a reasonable outlook between a primary elevation and 2-storey wall a separation distance of 12.5m would be advisable. Whilst it does not specifically address whether a bungalow would constitute a '2-storey wall' and it is acknowledged that the proposed arrangement is not 'typical' it is clear that the intention of the Design Guide is to avoid situations such as that proposed where there would be a significant reduction in outlook from a primary indoor sitting area. Therefore, the loss of outlook from 75 St Helens Road is considered to be unacceptable in conflict with Saved Policy R/DP1 of the Gosport Borough Local Plan 2006, Policy LP10 of the emerging Gosport Borough Local Plan 2011-2029 (Publication Version July 2014) and the intentions of the Gosport Borough Council Design Guidance: Supplementary Planning Document: February 2014 (pg.41 and 42).

10. The proposal would be accessed from St Helens Road, an unclassified road, and HCC Highways have raised no objection. The proposed 7.8m x 4.9m driveway and 7.0m x 3.3m garage would provide two acceptable vehicular and cycle parking spaces in accordance with the Gosport Borough Parking SPD.

11. A number of representations received refer to the safety of pedestrians (including school children) using the pavement and also the impact the proposal would have upon on street parking. Whilst a new vehicular access would need forming to the application site from St Helens Road this would not require express planning permission in its own right. Furthermore, whilst the proposal would reduce the availability of on street parking the reduction would only be a single space and, whilst it is acknowledged that the local area is busy at peak times due to the presence of two schools, the loss of one space is not considered to be significantly harmful to the overall capacity of the area to accommodate on street parking. Similarly, it is not considered that the vehicular traffic the proposal would generate would have an unacceptable impact upon either highway safety or amenity.

12. In accordance with the provisions of Section 106 of the 1990 Planning Act and Section 122 of the Community Infrastructure Levy Regulations 2010 the Council may require a planning obligation where it is a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. In this instance contributions are required for improvements to highway and transport infrastructure in accordance with Saved Policy R/DP3 of the Local Plan 2006, Policy LP2 of the emerging Local Plan 2011-2029 and Hampshire County Council Transport Contributions Policy: A New Approach to Calculating Transport Contributions in Hampshire September 2007 and outdoor playing space in accordance with Saved Policies R/DP3 and R/OS8 and Appendix O of the Local Plan 2006 and Policies LP2 and LP34 of the emerging Local Plan 2011-2029. The contributions are required to mitigate the specific impact of the proposed development. Whilst due regard is given to the Written Statement by The Minister of State for Housing and Planning on 28 Nov 2014 and the consultation response of the HCC Highways Officer it is considered that this guidance does not outweigh the legislation in force and the identified need for the contributions to make the development acceptable.

13. With regards to improvements to highway and transport infrastructure and outdoor playing space the applicants have indicated a willingness to enter into a Section 106 agreement to secure these contributions. However, as no Section 106 agreement is in place the proposal is contrary to Saved Policy R/DP3 of the Local Plan 2006, Policy LP2 of the emerging Local Plan 2011-2029 and Hampshire County Council Transport Contributions Policy: A New Approach to Calculating Transport Contributions in Hampshire September 2007, Saved Policies R/DP3 and R/OS8 and Appendix O of the Local Plan 2006 and Policies LP2 and LP34 of the emerging Local Plan 2011-2029.

14. The applicants have paid £172 towards Gosport Bird Disturbance Mitigation in accordance with the Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014.

15. A number of trees were removed from the site prior to the submission of the planning application. However, the trees were not the subject of a Tree Preservation Order nor a planning condition to protect them and, therefore, permission was not required to fell them.

16. It is acknowledged that there is currently a gate in the southern boundary of the application site and a number of representations refer to a footway being formed across the application site in addition to events, such as fetes, being held on the land. However, the footway is not a recognised Right of Way and the application site is in private ownership and the owner could choose to cease such access to, and activities upon, the site at any given time without permission.

17. Whilst there would be an element of disruption to local residents during the construction process, should permission be granted, this could be controlled by planning condition to ensure that it is undertaken in an acceptable manner. Similarly, whilst representations contend that there would be an unacceptable impact upon peace and tranquillity it is considered that once the proposal was constructed the addition of a single dwelling to the estate would not have an unacceptable impact in this regard.

18. Representations refer to the application establishing a precedent should permission be granted. However, each application must be considered on its merits.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposal would introduce built form to an area of open grassed space, located close to the entrance to the estate from Gomer Lane, which plays a key role in establishing the distinctive character of the area. This would fail to promote or reinforce local distinctiveness resulting in significant harm to the character of the surrounding area through not respecting the distinctive built and natural environment. This is in conflict with Saved Policy R/DP1 of the Gosport Local Plan Review 2006, Policy LP10 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014), the Gosport Borough Council Design Guidance Supplementary Planning Document February 2014 and the NPPF.

2. The proposal, by reason of its proximity to 75 St Helens Road, would result in an unacceptable loss of outlook for the occupiers of 75 St Helens Road whose primary indoor sitting area is served solely by two ground-floor windows on its eastern elevation. This would be contrary to Saved Policy R/DP1 of the Gosport Borough Local Plan 2006, Policy LP10 of the emerging Gosport Borough Local Plan 2011-2029 (Publication Version July 2014) and the intentions of the Gosport Borough Council Design Guidance: Supplementary Planning Document: February 2014 (pg.41 and 42).

3. The proposal does not make adequate provision to secure improvements to highway and transport infrastructure and outdoor playing space. This is contrary to Saved Policy R/DP3 of the Local Plan 2006, Policy LP2 of the emerging Local Plan 2011-2029 and Hampshire County Council Transport Contributions Policy: A New Approach to Calculating Transport Contributions in

Hampshire September 2007, Saved Policies R/DP3 and R/OS8 and Appendix O of the Local Plan 2006 and Policies LP2 and LP34 of the emerging Local Plan 2011-2029.

ITEM NUMBER: 04.
APPLICATION NUMBER: 15/00031/FULL
APPLICANT: Mr Stuart Oldroyd Bilton Land Ltd
DATE REGISTERED: 19.01.2015

ERECTION OF 1NO. 3 BEDROOM DETACHED DWELLING (as amended by Ecological Report received 05/03/15)
Land Adjacent 45 Gomer Lane Gosport Hampshire PO12 2SF

The Site and the proposal

1. The application site is located at the entrance to an established residential estate within the Urban Area as defined by the Gosport Borough Local Plan Review 2006 and the emerging Gosport Borough Local Plan 2011-2029 (Publication Version July 2014). Sited to the immediate north of the junction of St Helens Road and Gomer Lane the application site constitutes the northern part of an area of land left undeveloped when the residential estate to the north and east was constructed in 1966. Together with the parcels of land to the south and south-east of the junction of St Helens Road and Gomer Lane the application site is one of three open grassed areas at the entrance to the estate.

2. The site is an irregular shaped 0.032ha parcel of land which is 29m from east to west but reduces from 15m (north to south) at the eastern end to less than 1m (north to south) at the western end. To the immediate east is 70 St Helens Road, a two-storey dwelling, which has one ground floor window on its western (side) elevation and a 0.8m hedge that bounds the application site. To the south and west, beyond St Helens Road and Gomer Lane respectively, are 2 Grays Close and 30 and 32 Gomer Lane all of which are two-storey dwellings with their front elevations facing the application site. To the immediate north of the application site is 45 Gomer Lane which is a two-storey dwelling with a combination of a 1.8m brick wall and a 1m brick wall with hedging above forming the northern boundary of the application site. There are no first-floor windows in the side elevation of 45 Gomer Lane and the ground floor side elevation is obscured by thick vegetation.

4. The proposal is for the erection of a three-bedroom two-storey dwelling and single detached garage. The 70sqm dwelling would be sited in the north-western part of the application site 1m from the boundary of 45 Gomer Lane. The single width flat roof garage would be located between the rear of the dwelling and 70 St Helens Road with a 6.5 m long driveway in front. A vehicular access would be created from the proposed driveway to St Helens Road.

5. The dwelling would include a lounge, kitchen/diner, study, bathroom and hall at ground floor level and three bedrooms and two bathrooms at first floor level. The dwelling would be finished in facing brick at ground floor level and tile hanging at first floor to replicate the materials utilised on 45 Gomer Lane. A bin store would be located to the southern side of the dwelling whilst the submitted Design and Access Statement indicates that a "low hedge/line of planting would denote the boundary of the site" with a 1.8m high wall between the proposed dwelling and 45 Gomer Lane.

Relevant Planning History

49/00426/PA - 378 no. houses - refused 05.04.49
49/00508/PA - 208 no. houses and 10 no. shops - permitted 09.05.49
62/05662/PA - Residential development with detached semi-detached terraced houses bungalows and garages - refused 27.08.62
62/05821/PA - Use of land residential development (244 dwellings) - permitted 19.12.62
64/06403/PA - 56 no. houses and garages - permitted 17.03.64
15/00029/FULL - Erection of 1 no. three bedroom detached dwelling - pending consideration
15/00030/FULL - Erection of 1 no. 2 bedroom dwelling - pending consideration

Relevant Policies

National Planning Policy Framework (NPPF), March 2012

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 currently being examined in Public. It is due for adoption in summer 2015. The policies within this document therefore also need to be given weight in decision making, where appropriate.

Gosport Borough Local Plan Review, 2006:

- R/DP1
General Standards of Development within the Urban Area
- R/DP3
Provision of Infrastructure, Services and Facilities
- R/H4
Housing Densities
- R/T4
Off-site Transport Infrastructure
- R/T11
Access and Parking
- R/OS8
Recreational Space for New Residential Developments
- R/OS13
Protection of Habitats Supporting Protected Species
- R/EMP5
Extension of Existing Employment Uses and Redevelopment of Redundant Employment Sites
- R/ENV14
Energy Conservation

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

- LP42
International and Nationally Important Habitats
- LP1
Sustainable Development
- LP2
Infrastructure
- LP10
Design
- LP21
Improving Transport Infrastructure
- LP23
Layout of Sites and Parking
- LP24
Housing
- LP34
Provision of New Open Space and Improvement to Existing Open Space
- LP38
Energy Resources
- LP44
Protecting Species and Other Features of Nature Conservation Importance
- LP47
Contamination and Unstable Land

Supplementary Planning Documents:

- Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014

Consultations

Natural England	No objection.
HCC Ecology	No objection.
Local Highway Authority	No objection. The proposal provides parking in accordance with the Parking SPD. Following Central Government advice/guidance that tariff based contributions should not be sought for residential developments of 10 or less dwellings the current proposal does not generate a requirement for a transport contribution.
Environmental Health	No response received.
Streetscene Waste & Cleansing	No objection. Adequate storage for bins should be provided.
Streetscene Parks & Horticulture	No objection.
Building Control	Proposal may require bespoke foundations due to tree constraints.

Response to Public Advertisement

32 letters of objection and a petition of objection with 204 signatures.

Issues raised:-

- the estate was originally designed to include a number of green amenity spaces including the application site which constitutes a valuable and attractive green space which is utilised for community fetes and parties
- proposal would impact upon the open character of the area harmful to the established character of the estate and wider area
- the proposal would cram the dwelling into an otherwise low density street that would not respect the pattern and context of the area
- the proposal is too close to the pavement
- if permission was granted it would set a precedent for future development on the estates green spaces cumulatively harming the character of the area
- the presence of the green spaces were a factor in many residents purchasing their properties
- the design and mass of the dwelling is out of character
- the proposal is contrary to the Councils policies and design guide
- seven healthy and attractive trees were cut down on the day the application was made
- the proposal would be dangerous for pedestrians and school children using the footpath and cycle ways
- the dwelling would reduce visibility when turning out of St Helens Road harmful to highway safety and the wellbeing of pedestrians including school children
- visitors to Gomer School and Bay House School use the estate to park on and the proposal would reduce the availability of parking and force visitors to park closer to the junction
- visitors to the proposed dwelling would not be able to park and if they parked on the road it would restrict vehicular access to Gomer School that is required for emergency vehicles
- traffic issues have increased on the estate over the years
- St Helens Road and Grays Close are full to capacity (both parking and vehicle movements) at peak times
- the construction process required would be unacceptably disruptive and contractors would be unable to park

- the proposal would impact upon peace and tranquillity

Principal Issues

1. The main issues are the principle of introducing new residential development, the impact upon the character of the area, the impact upon residential amenity and the impact upon highway and pedestrian safety and parking provision.
2. The application site is located within the Urban Area Boundary where the principle of development is acceptable, provided that the details accord with the relevant policies of the National Planning Policy Framework (NPPF) and the relevant policies of the Gosport Borough Local Plan Review 2006 and the emerging Gosport Borough Local Plan, 2011 - 2029 (Publication Version July 2014). In this instance Saved Policy R/DP1 of the Local Plan 2006 and Policy LP10 of the emerging Local Plan 2011-2029 primarily apply.
3. Saved Policy R/DP1 states, in part, that for a proposal to be acceptable it must "not cause significant harm to the character of the surrounding area". Similarly emerging Policy LP10 requires that "new development be well designed to respect the character of the Boroughs distinctive built and natural environment". The NPPF supports the Councils policies stating (para 60) that development should "'seek to promote or reinforce local distinctiveness".
4. The character of the area where the application site is located is distinctive. When the wider residential estate was constructed in 1966 the application site was left undeveloped providing a welcoming low density and open character to the entrance to the estate. Such open areas are replicated throughout the grain of the estate (such as where St Helens Road meets Briar Close) and all, both individually and cumulatively, play important roles in establishing the character of the estate.
5. The importance of the grain of development is recognised by the Gosport Borough Design Supplementary Planning Document 2014 (pg. 16) that states "for a new development to integrate well with its context, it needs to take account of the grain that surrounds it, without necessarily trying to replicate it. It should integrate with existing movement networks and create attractive and continuous streetscapes, knitting in visually and functionally with existing development".
6. The application site constitutes an attractive and welcoming grassed area that contributes to establishing the distinctive character of the estate at the point of access from Gomer Lane. The introduction of built form would significantly and harmfully alter the character of the application site and wider estate contrary to the established grain and pattern of development of the estate including unbalancing the existing symmetry at the entrance of the estate. This would not reinforce or promote local distinctiveness resulting in significant harm to the character of the surrounding area through not respecting the distinctive built and natural environment.
7. Whilst the design of the proposed dwelling and garage and its positioning within the plot is considered acceptable and both the Local Plan 2006 and emerging Local Plan 2011-2029 recognise the need to provide housing to meet the Boroughs need the identified harm to the distinctive character of the area is considered to override these considerations. The proposal is therefore contrary to Saved Policy R/DP1 of the Gosport Local Plan Review 2006, Policy LP10 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014), the Gosport Borough Council Design Guidance Supplementary Planning Document February 2014 and the NPPF.
8. The proposed dwelling would be separated from the end gable wall of 70 St Helens Road to the east by 13.8m. This would provide adequate distance to ensure that the rear of the proposed dwelling will have an acceptable outlook whilst the lack of first floor windows on the side elevation of 70 St Helens Road would mitigate any unacceptable overlooking impact. The proposed dwelling would present a two-storey side elevation within 2.2m of the side elevation of 45 Gomer Lane. However, the lack of any windows that solely serve primary indoor seating areas on the side elevations of both the proposal and 45 Gomer Lane would mitigate any unacceptable impact upon

the amenity of the occupiers of both dwellings. Equally, 2 Grays Close, to the south, and 30 and 32 Gomer Lane, to the west, all face the application site and have adequate separation distances to mitigate any unacceptable impact to the amenity of their occupiers.

9. The proposal would be accessed from St Helens Road, an unclassified road, and HCC Highways have raised no objection. Equally, no objection has been raised by HCC Highways with regard to the visibility splays for vehicles accessing and exiting St Helens Road from Gomer Lane. The proposed 6.5m x 3.6m driveway and 7.0m x 3.3m garage would provide two acceptable vehicular and cycle parking spaces in accordance with the Gosport Borough Parking SPD.

10. A number of representations received refer to the safety of pedestrians (including school children) using the pavement and also the impact the proposal would have upon on street parking. Whilst a new vehicular access would need forming to the application site from St Helens Road this would not require express planning permission in its own right. Furthermore, whilst the proposal would reduce the availability of on street parking the reduction would only be a single space and, whilst it is acknowledged that the local area is busy at peak times due to the presence of two schools, the loss of one space is not considered to be significantly harmful to the overall capacity of the area to accommodate on street parking. Similarly, it is not considered that the vehicular traffic the proposal would generate would have an unacceptable impact upon either highway safety or amenity.

11. In accordance with the provisions of Section 106 of the 1990 Planning Act and Section 122 of the Community Infrastructure Levy Regulations 2010 the Council may require a planning obligation where it is a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. In this instance contributions are required for improvements to highway and transport infrastructure in accordance with Saved Policy R/DP3 of the Local Plan 2006, Policy LP2 of the emerging Local Plan 2011-2029 and Hampshire County Council Transport Contributions Policy: A New Approach to Calculating Transport Contributions in Hampshire September 2007 and outdoor playing space in accordance with Saved Policies R/DP3 and R/OS8 and Appendix O of the Local Plan 2006 and Policies LP2 and LP34 of the emerging Local Plan 2011-2029. The contributions are required to mitigate the specific impact of the proposed development. Whilst due regard is given to the Written Statement by The Minister of State for Housing and Planning on 28 Nov 2014 and the consultation response of the HCC Highways Officer it is considered that this guidance does not outweigh the legislation in force and the identified need for the contributions to make the development acceptable.

12. With regards to improvements to highway and transport infrastructure and outdoor playing space the applicants have indicated a willingness to enter into a Section 106 agreement to secure these contributions. However, as no Section 106 agreement is in place the proposal is contrary to Saved Policy R/DP3 of the Local Plan 2006, Policy LP2 of the emerging Local Plan 2011-2029 and Hampshire County Council Transport Contributions Policy: A New Approach to Calculating Transport Contributions in Hampshire September 2007, Saved Policies R/DP3 and R/OS8 and Appendix O of the Local Plan 2006 and Policies LP2 and LP34 of the emerging Local Plan 2011-2029.

13. The applicants have paid £172 towards Gosport Bird Disturbance Mitigation in accordance with the Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014.

14. Trees were removed from the site prior to the submission of the planning application. However, the trees were not the subject of a Tree Preservation Order nor a planning condition to protect them and, therefore, permission was not required to fell them.

15. Representations received refer to the application site being utilised for fetes and parties. However, the application site is in private ownership so the owner could choose to cease access to it, and the undertaking of activities on it, at any given time without the need for permission.

16. Whilst there would be an element of disruption to local residents during the construction process, should permission be granted, this could be controlled by planning condition to ensure that it is undertaken in an acceptable manner. Similarly, whilst representations contend that there would be an unacceptable impact upon peace and tranquillity it is considered that once the proposal was constructed the addition of a single dwelling to the estate would not have an unacceptable impact in this regard.

17. Representations refer to the application establishing a precedent should permission be granted. However, each application must be considered on its merits.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposal would introduce built form to an area of open grassed space, located at the entrance to the estate from Gomer Lane, which plays a key role in establishing the distinctive character of the area. This would fail to promote or reinforce local distinctiveness resulting in significant harm to the character of the surrounding area through not respecting the distinctive built and natural environment. This is in conflict with Saved Policy R/DP1 of the Gosport Local Plan Review 2006, Policy LP10 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014), the Gosport Borough Council Design Guidance Supplementary Planning Document February 2014 and the NPPF.

2. The proposal does not make adequate provision to secure improvements to highway and transport infrastructure and outdoor playing space. This is contrary to Saved Policy R/DP3 of the Local Plan 2006, Policy LP2 of the emerging Local Plan 2011-2029 and Hampshire County Council Transport Contributions Policy: A New Approach to Calculating Transport Contributions in Hampshire September 2007, Saved Policies R/DP3 and R/OS8 and Appendix O of the Local Plan 2006 and Policies LP2 and LP34 of the emerging Local Plan 2011-2029.

ITEM NUMBER: 05.
APPLICATION NUMBER: 15/00053/OUT
APPLICANT: Mr Peter Westmoreland Crescent Properties (Alverstoke) Limited
DATE REGISTERED: 06.02.2015

DEMOLITION OF BUNGALOW AND ERECTION OF 2NO. FOUR BEDROOM DWELLINGS
7 Monckton Road Gosport Hampshire PO12 2BG

The Site and the proposal

1. The application site is located on Monckton Road within the Urban Area as defined by the Gosport Borough Local Plan Review 2006 and the emerging Gosport Borough Local Plan 2011-2029 (Publication Version July 2014). The site constitutes a rectangular 0.06ha (42m x 13m) parcel of land that is occupied by a detached bungalow with front and rear amenity space.
2. To the immediate north of the application site is 5 Monckton Road, a detached two-storey dwelling set back from the road by 9m, and to the immediate south 9 Monckton Road, a detached bungalow set back from the road by 9m. To the east are the rear gardens of 40 Clayhall Road and 36 Haselworth Drive which are orientated side on (by ninety degrees) to the application site. To the west of the application site, on the opposite side of Monckton Road, are 6 and 8 Monckton Road, both of which are detached dwellings. Hedging is present on all rear boundaries of the application site whilst an approximately 1m high brick wall forms the front boundary. The existing bungalow is set back from the road by 9m in conformity with other dwellings on Monckton Road.
3. The proposal is for outline permission for the demolition of the existing bungalow and the erection of two semi-detached dwellings. The application is accompanied by indicative elevations, floorplans and layout in addition to a Design and Access Statement. These indicate that the proposed dwellings would be 19m in depth (including 6.5m single-storey rear extension), 9m in height and each respectively 5.3m in width. The dwellings would be finished in render at ground floor with blue-grey cedar cladding above and a Marley modern interlocking slate roof.
4. Both respective dwellings would accommodate a living area, kitchen and utility at ground floor and two bedrooms and a bathroom respectively on each of the first and second floors. Both dwellings would have a single integrated 3m x 6.2m garage and a 9m x 6.2m parking area in front. Separate accesses would be created for each dwelling onto Monckton Road.

Relevant Planning History

Nil

Relevant Policies

National Planning Policy Framework (NPPF), March 2012

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 currently being examined in Public. It is due for adoption in summer 2015. The policies within this document therefore also need to be given weight in decision making, where appropriate.

Gosport Borough Local Plan Review, 2006:

- R/DP1
General Standards of Development within the Urban Area
- R/DP3
Provision of Infrastructure, Services and Facilities
- R/T4
Off-site Transport Infrastructure

R/T11
Access and Parking
R/H4
Housing Densities
R/OS8
Recreational Space for New Residential Developments
R/OS13
Protection of Habitats Supporting Protected Species
R/ENV5
Contaminated Land
R/ENV14
Energy Conservation

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

LP1
Sustainable Development
LP2
Infrastructure
LP10
Design
LP21
Improving Transport Infrastructure
LP23
Layout of Sites and Parking
LP24
Housing
LP34
Provision of New Open Space and Improvement to Existing Open Space
LP38
Energy Resources
LP44
Protecting Species and Other Features of Nature Conservation Importance
LP48
Hazardous Substances

Supplementary Planning Documents:

Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014

Consultations

Building Control	No response received.
Environmental Health	No response received.
Streetscene Waste & Cleansing	No objection. Adequate storage for bins should be provided.
HCC Ecology	A phase one habitat survey is required to assess whether there is a likelihood of protected species being present. A phase two survey should be undertaken where there is a likelihood of a protected species and mitigation measures proposed if necessary.
Local Highway Authority	No objection. The proposal could acceptably provide parking in accordance with the Parking SPD. Following Central Government

advice/guidance that tariff based contributions should not be sought for residential developments of 10 or less dwellings the current proposal does not generate a requirement for a transport contribution.

Response to Public Advertisement

3 letters of objection.

Issues raised:-

- semi-detached properties are not in keeping with the character of the road
- the proposed dwellings are too large in width and depth resulting in an imposing appearance
- three-storey properties are not in keeping with the character of the road as those that have three storeys on the road have loft conversions
- the proposal would increase the likelihood of traffic congestion and on street parking which would impact upon the current open character of the road
- loss of privacy to 9 Monckton Road from the proposed third-storey windows

1 letter of support.

Issues raised:-

- sensitive and attractive development
- would result in the development of a long neglected site

Principal Issues

1. The application seeks outline planning permission with all matters reserved so is seeking to establish whether the principle of development is acceptable. Therefore, it is necessary to consider whether the proposal could be undertaken in an acceptable form and manner based on the information submitted (such as the approximate location of buildings, routes and open spaces and the upper and lower limit for the height, width and length of the proposal). Accordingly, the main issues to consider include the principle of whether development of the site for two dwellings in the manner proposed is acceptable, the impact upon the character of the area, the impact upon neighbouring residential properties, highway safety, parking provision and biodiversity.

2. The application site is located within the Urban Area Boundary where the principle of residential development is acceptable, provided that the details accord with the relevant policies of the National Planning Policy Framework (NPPF) and the relevant policies of the Gosport Borough Local Plan Review 2006 and the emerging Gosport Borough Local Plan, 2011 - 2029 (Publication Version July 2014). In this instance Saved Policy R/DP1 of the Local Plan 2006 and Policy LP10 of the emerging Local Plan 2011-2029 primarily apply.

3. Saved Policy R/DP1 states, in part, that for a proposal to be acceptable it must "not cause significant harm to the character of the surrounding area". Similarly emerging Policy LP10 requires that "new development be well designed to respect the character of the Boroughs distinctive built and natural environment". The NPPF supports the Councils policies stating, at Para 60, that development should ""seek to promote or reinforce local distinctiveness".

4. Within this overarching context the importance of the grain of development is recognised by the Gosport Borough Design Supplementary Planning Document 2014 (pg. 16) that states "for a new development to integrate well with its context, it needs to take account of the grain that surrounds it, without necessarily trying to replicate it. It should integrate with existing movement networks and create attractive and continuous streetscapes, knitting in visually and functionally with existing development".

5. The character of the area where the application site is located is distinctive. All of the dwellings on Monckton Road, with the exception of a series of semi-detached former military dwellings at the southern section, are large detached properties set back from the highway within substantial plots

(the density of the first 22 dwellings on the northern section of Monckton Road is 17dph). The majority of dwellings are two-storey with a number having loft conversions to facilitate a room in the roof and are finished predominately in either brick or painted pebbledash render. Whilst it is notable that there are not large gaps between respective dwellings it is the general open character and sense of low density development, highlighted by the road width, which defines Monckton Road. The dwellings present on Monckton Road that deviate from the character described above are, in general, not ones that make a positive contribution to the character of the area.

6. The proposal would introduce two dwellings to the application site at a density of 33dph which is not characteristic of the low density of development on Monckton Road. To accommodate two dwellings within a relatively narrow plot (13m) the applicant has indicated that the dwellings would be both tall (three-storey) and deep. Furthermore, because of the height required to accommodate the indicated quantum of development the elevations provided do not afford comfort that two semi-detached properties could be designed within the plot in a way that would make a positive contribution to local distinctiveness. Contrarily, the indicative elevations provided do not, in proportion, material or design, demonstrate acceptably how the proposed dwellings would promote or reinforce local distinctiveness.

7. As it has not been demonstrated acceptably how two semi-detached properties could be accommodated on the site in an acceptable manner without resulting in significant harm to the character of the surrounding area it is considered that the principle of development has not been acceptably established. Therefore, the proposal is contrary to Saved Policy R/DP1 of the Gosport Local Plan Review 2006, Policy LP10 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014), the Gosport Borough Council Design Guidance Supplementary Planning Document February 2014 and the NPPF.

8. Due to the distances present, orientation of neighbouring properties and potential to secure an acceptable window configuration at the reserved matters stage it is considered that a pair of semi-detached properties could be accommodated on the site without having an unacceptable impact upon the amenity of neighbouring residential properties.

9. The proposal would be accessed from Monckton Road, an unclassified road, and HCC Highways have raised no objection. The Gosport Borough Parking SPD advocates that four bedroom dwellings should provide three off-road vehicular parking spaces. The proposal indicates the inclusion of two parking spaces in front of each respective dwellings and one parking space in an integral garage. Whilst the size of the integral garage falls below the minimum size required by the Parking SPD it is considered that, in principle, three off-road parking spaces could be acceptably provided. Furthermore, it is not considered that the vehicular traffic the proposal would generate, and the way in which vehicles would park, would have an unacceptable impact upon either highway safety or amenity.

10. The proposal would result in impacts to features which may support protected species. Accordingly, a phase one habitat survey is required to assess whether there is a likelihood of protected species being present and a phase two survey undertaken where it is considered there is a likelihood of a protected species (and subsequent mitigation measures proposed if necessary). No survey has been submitted with the application and, accordingly, the Council is unable to consider whether there will or will not be an unacceptable impact upon protected species. Given the sites location within relative proximity to an internationally designated site (Portsmouth Harbour SPA and RAMSAR) the lack of a survey is in conflict with Saved Policy R/OS13 of the Gosport Borough Local Plan Review 2006 and Policies LP42 and LP44 of the emerging Gosport Borough Local Plan 2011-2029 (Publication Version July 2014) and Section 68(3) of Chapter 2 of The Conservation of Habitats and Species Regulations 2010.

11. In accordance with the provisions of Section 106 of the 1990 Planning Act and Section 122 of the Community Infrastructure Levy Regulations 2010 the Council may require a planning obligation where it is a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. In this instance contributions are required for improvements to highway and transport infrastructure in

accordance with Saved Policy R/DP3 of the Local Plan 2006, Policy LP2 of the emerging Local Plan 2011-2029 and Hampshire County Council Transport Contributions Policy: A New Approach to Calculating Transport Contributions in Hampshire September 2007 and outdoor playing space in accordance with Saved Policies R/DP3 and R/OS8 and Appendix O of the Local Plan 2006 and Policies LP2 and LP34 of the emerging Local Plan 2011-2029. The contributions are required to mitigate the specific impact of the proposed development. Whilst due regard is given to the Written Statement by The Minister of State for Housing and Planning on 28 Nov 2014 it is considered that this guidance does not outweigh the legislation in force and the identified need for the contributions to make the development acceptable.

12. A contribution is also required to mitigate any impact the introduction of an additional dwelling would have upon bird disturbance in accordance with the Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014.

13. The applicants have not indicated a willingness to enter into a Section 106 agreement to secure these contributions. Therefore, as no Section 106 agreement is in place the proposal is contrary to Saved Policy R/DP3 of the Local Plan 2006, Policy LP2 of the emerging Local Plan 2011-2029 and Hampshire County Council Transport Contributions Policy: A New Approach to Calculating Transport Contributions in Hampshire September 2007, Saved Policies R/DP3 and R/OS8 and Appendix O of the Local Plan 2006 and Policies LP2, LP34 and LP42 of the emerging Local Plan 2011-2029 and the Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014.

14. Whilst the scope to improve the visual appearance of site is acknowledged and both the Local Plan 2006 and emerging Local Plan 2011-2029 recognise the need to provide housing to meet the Boroughs need the identified harm to the distinctive character of the area is considered to be unacceptable contrary to Saved Policy R/DP1 of the Gosport Local Plan Review 2006, Policy LP10 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014), the Gosport Borough Council Design Guidance Supplementary Planning Document February 2014 and the NPPF.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposal has failed to demonstrate that two semi-detached dwellings could be accommodated on the application site that would promote or reinforce local distinctiveness and respect the distinctive built environment. Therefore, the proposal would result in significant harm to the character of the surrounding area in conflict with Saved Policy R/DP1 of the Gosport Local Plan Review 2006, Policy LP10 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014), the Gosport Borough Council Design Guidance Supplementary Planning Document February 2014 and the NPPF.

2. The proposal does not make adequate provision for improvements to highway and transport infrastructure and outdoor playing space. This is contrary to Saved Policy R/DP3 of the Local Plan 2006, Policy LP2 of the emerging Local Plan 2011-2029 and Hampshire County Council Transport Contributions Policy: A New Approach to Calculating Transport Contributions in Hampshire September 2007, Saved Policies R/DP3 and R/OS8 and Appendix O of the Local Plan 2006 and Policies LP2 and LP34 of the emerging Local Plan 2011-2029.

3. The proposal does not make adequate provision to mitigate the impact upon internationally designated habitat sites. This is contrary to Policy LP42 of the emerging Gosport Borough Local Plan 2011-2029 (Publication Version July 2014) and the Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014.

4. Inadequate information has been submitted to demonstrate that there would be an acceptable impact upon any protected species that may be present on the application site. Given the sites

location within relative proximity to an internationally designated site (Portsmouth Harbour SPA and RAMSAR) the lack of a survey is in conflict with Saved Policy ENV5 of the Gosport Borough Local Plan Review 2006 and Policies LP42 and LP44 of the emerging Gosport Borough Local Plan 2011-2029 (Publication Version July 2014) and Section 68(3) of Chapter 2 of The Conservation of Habitats and Species Regulations 2010.

ITEM NUMBER: 06.
APPLICATION NUMBER: 14/00369/VOC
APPLICANT: Miss Lauren Wiltshire BDW Trading Ltd
DATE REGISTERED: 09.01.2015

VARIATION OF CONDITIONS 2, 7, 8, 10, 12, 13, 15, 16, 18, 21, 22, 23, 25, 26, 27, 28, 29, 30 AND 31 OF PLANNING PERMISSION REFERENCE 13/00431/FULL TO ALLOW REVISED CAR PARKING LAYOUT AND INSTALLATION OF SOLAR PV PANELS (as amplified by specification for archaeological evaluation received 17.3.15 and plans received 25.03.15)

Land North Of Manor Way & West Of Bayntun Drive/Redmill Drive At HMS Daedalus Lee-on-the-Solent Hampshire

The Site and the proposal

1. The application site lies to the south of the airfield at the Daedalus site, to the east of the Daedalus Conservation Area, to the east side of the Solent Enterprise Zone and west of the existing 148 no. MOD married quarters. The south part of the site is covered by substantial trees and shrubs which restrict visibility through to Manor Way. TPO G.127 protects 29 of these trees individually along with three groups covering 37, 3 and 13 trees respectively and this area has some ecological value. The site is possibly contaminated due to former uses on the site and it has archaeological potential.

2. The land was formerly identified by the MOD as land to be used for the erection of married quarters and Outline planning permission was granted in 2004 for the erection of 300 dwellings on the application site together with additional land to the north and east. Subsequently, following the approval of Reserved Matters, 148 of the 300 married quarters were built on land to the east. An application to extend the time limit for the implementation of the remaining 152 dwellings was refused in 2011 on the basis that there was no satisfactory justification for married quarters to be provided and as the prematurity of the application may have compromised future employment opportunities on the wider Daedalus site. Since that time, the site has been included in the Solent Enterprise Zone. A resolution to grant Outline planning permission for application reference 11/00282/OUT has provided improved certainty regarding the employment generating uses, alongside commercial and residential uses coming forwards on the wider Daedalus site for the land to the west of the application site. The application site is also included in the area covered by the Daedalus Supplementary Planning Document (SPD) and Policies R/DP4 and R/H3 of the Gosport Borough Local Plan Review which anticipates that up to 500 dwellings could be provided on the overall Daedalus site. As 148 of the married quarters have been constructed and there is a resolution to grant Outline planning permission for 200 additional dwellings on the main Daedalus site, the balance of 152 dwellings remains for the land covered by the Daedalus SPD, which includes this application site.

3. The area surrounding the application site is characterised by a mix of residential and commercial development. To the east are the existing 148 married quarters properties retained by the MOD as service accommodation. These houses are accessed along Chark Lane from Broom Way to the east and are detached, red brick properties in a cul-de-sac arrangement. There is an area of open space together with play area towards the centre of the development. The residential properties to the south of the application site in Manor Way are more eclectic in layout and appearance. No. 47 Milvil Road to the south west side of the application site is Locally Listed. Each of the properties in Manor Way, Milvil Road, and those immediately surrounding, are individual in appearance. A mix of trees, shrubs and plants have established on the existing highway verge north of Manor Way beyond which is an existing 2m high, mesh wire fence along the boundary of the application site. An existing footpath runs south of the south east boundary of the application site between Manor Way along the boundary of no. 56 Manor Way and behind the properties in Eastcliff Close to emerge on Broom Way opposite Court Barn Lane. Beyond Manor Way to the south are Milvil Road, Norwich Place and Eastcliff Close whereby, similar to Manor Way, the properties are each of unique design. The Daedalus airfield and its associated buildings are located to the north and west of the

application site. The land immediately north of the application site is of the same character to the application site comprising a mix of grassland and the remnants of partially demolished buildings. Beyond this a 2.5m high mesh fence borders the access road which runs along the south side of the airfield within Daedalus.

4. In March 2014 planning permission was granted, under reference 13/00431/FULL, for the erection of 101 residential units on the site comprising 12 no. one bedroom, 33 no. two bedroom, 28 no. three bedroom and 28 no. four bedroom dwellings made up of a mix of flats, terraces, semi-detached and detached properties. The approved two storey properties are of mixed designs under hipped and gabled roofs. 40 of the units are to be provided as affordable housing and are to be pepper-potted across the site. Overall 15% of the houses are to be built to Lifetime Homes standards. Mixed types and levels of hardstanding were shown across the development to differentiate between public and private areas and to show junctions on the highway where vehicular and pedestrian access is shared. Vehicular access were shown to the north east corner of the application site from Bayntun Drive with an additional possible access point shown into the Daedalus site along Implacable Road to the west which would be available for linking the proposed development to the wider Daedalus site.

5. This access was, however, approved to be closed until the eastern part of the main Daedalus site is developed. Two additional cycle and pedestrian access points were shown to the southern side of the site. The first is from Manor Way to the south east corner of the site where an area of existing adopted highway passes across the south side of numbers 28 and 30 Redmill Drive and abuts the application site boundary and the second is from Manor Way to the south, close to where Milvil Lane abuts Manor Way from the south. The approved plans also showed a cycle route passing from Broom Way to the east, across the site and then south along Milvil Lane to link the two areas of Lee-on-the-Solent.

6. The removal of six individual trees within TPO G127 was also approved. A knee rail was proposed to separate an ecology corridor in the southern part of the site from the area of informal open space north of this. Within the open space, the provision of children's play equipment was also proposed.

7. Works have commenced on the site and 36no. dwellings have been completed (including the 3no. show homes, plots 98, 99 and 100) and 29no. are now occupied (Plots 1-14 and 33-47). The remainder of the site is currently being constructed and each new dwelling is currently above slab level. The felling of the trees, the erection of the knee rail and the provision of the pedestrian/cycle route, the area of Open Space, ecology corridor and play area has yet to be implemented.

8. Condition 2 of planning permission reference 13/00431/FULL requires the development to be carried out in accordance with the approved plans. The applicant is seeking minor material amendments to the site layout following discussions with the Local Highway Authority and is seeking to provide Solar PV Panels on every house within the site.

9. The changes to the development consist of:

- the removal of 1no. visitor parking space from the verge adjacent to plot 45 and its re-provision within the verge adjacent to plots 4 and 5;
- the removal of 2no. visitor parking spaces from the verge adjacent to plot 73 and the re-provision of 1no. within the verge adjacent to plot 94 and 1no. in the verge adjacent to plots 65 and 66;
- the provision of Solar PV Panels on the most southerly facing roof slope of each dwelling.

10. It is, therefore, proposed to vary a number of conditions attached to the consent to allow for the updated site layout and the erection of the Solar PV Panels, namely, conditions; 2 (approved plans), 7 and 8 (land contamination), 10 and 12 (tree protection measures), 13 (cycle routes), 15 (ecology), 16 (provision of knee rail), 18 (hard landscaping), 21 and 22 (soft landscaping), 23 (materials), 25 (long stay cycle parking and refuse storage and collection), 26 and 27 (boundary treatment), 28 and 29 (car parking areas), 30 (removal of permitted development rights) and 31 (play equipment).

11. The applicant has also included details to be considered under this application that were reserved by condition on planning permission reference 13/00431/FULL. These consist of soft and hard landscaping details, a Construction Environmental Management Plan (CEMP), details of finished floor and site levels, an archaeological assessment, land contamination discovery strategy, details of tree protection measures and cycle routes through the site, foul and surface water drainage details, street lighting details, an ecological assessment, details of external materials, boundary treatments and an on-site play area. An additional specification for archaeological evaluation and additional plans which clarify the location of the affordable housing and parking allocation have also been received.

11. The overall design and layout (including the number, external appearance and tenure of the dwellings, overall number of parking spaces, access into the site and cycle routes) of the proposed development remains unchanged from that which was approved under planning permission reference 13/00431/FULL. This will minimise the need to discharge multiple conditions at later stages of the development.

Relevant Planning History

01/00655/OUT (K15857) - Outline Application - Erection of 300 units to provide officers and other ranks married quarters: Phase 1 to comprise 148 units and phase 2 to comprise 152 units - permitted - 26.10.04

04/00770/DETS - Details pursuant to K15657 - erection of 148 no. officers and other ranks married quarters (Phase 1) - permitted 04.02.05

10/00019/EXT - Renewal of planning permission to extend the time limit for implementation of Phase 2 - Outline application - Erection of 300 units to provide officers and other ranks married quarters: Phase 1 to comprise 148 units and phase 2 to comprise 152 units - refused 21.02.11 for the following reasons

- 1.)Lack of information to demonstrate the need for married quarters and prematurity of development of the site which could compromise employment generation.
- 2.)Inadequate provision of transport infrastructure, services and facilities.
- 3.)Inadequate provision of educational facilities.
- 4.)Inadequate provision of affordable housing.
- 5.)Inadequate provision of outdoor playing space.

13/00431/FULL - Erection of 101 residential units together with associated access, parking and landscaping and works to trees within TPO G127 (as amended and amplified by plans received 03.01.14 and 06.01.14) - permitted 11.03.14

Relevant Policies

National Planning Policy Framework (NPPF), March 2012

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 currently being examined in Public. It is due for adoption in summer 2015. The policies within this document therefore also need to be given weight in decision making, where appropriate.

Gosport Borough Local Plan Review, 2006:

R/DP3

Provision of Infrastructure, Services and Facilities

R/DP1

General Standards of Development within the Urban Area

R/DP4

Mixed-use Developments

R/T2

New Development

R/T3

Internal Layout of Sites

R/T4

Off-site Transport Infrastructure
R/T9
Cycleways and Footpaths
R/T10
Traffic Management
R/T11
Access and Parking
R/H3
Major Housing Proposals as Part of a Mixed Use Development
R/H4
Housing Densities
R/H5
Affordable Housing
R/BH5
The Local List
R/BH8
Archaeology and Ancient Monuments
R/OS8
Recreational Space for New Residential Developments
R/OS11
Protection of Areas of National Nature Conservation Importance
R/OS13
Protection of Habitats Supporting Protected Species
R/ENV4
Treatment of Foul Sewage and Disposal of Surface Water
R/ENV5
Contaminated Land
R/ENV10
Noise Pollution
R/ENV11
Minimising Light Pollution

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

LP5
Daedalus
LP22
Accessibility to New Development
LP23
Layout of Sites and Parking
LP21
Improving Transport Infrastructure
LP24
Housing
LP13
Locally Important Heritage Assets
LP11
Designated Heritage Assets including Listed Buildings, Scheduled Ancient Monuments and Registered Historic Parks & Gardens
LP34
Provision of New Open Space and Improvement to Existing Open Space
LP43
Locally Designated Nature Conservation Sites
LP45
Flood Risk and Coastal Erosion
LP40
Waste and Material Resources
LP48
Hazardous Substances

LP47
Contamination and Unstable Land
LP1
Sustainable Development
LP10
Design
LP2
Infrastructure

Consultations

Economic Prosperity	No objection.
HCC Landscape, Planning & Heritage	No objection, subject to the previous mitigation measures continuing to apply.
Southern Water	No objection. Approval of the connection to the public sewer will be required.
Natural England	No objection.
Environment Agency (Hants & IOW)	No objection.
Hampshire & Isle Of Wight Wildlife Trust	No response received.
HCC Ecology	No objection, subject to the submission of a post-completion report demonstrating how the ecological and landscaping measures have been implemented.
HCC Education Office	No response received.
Royal Society For The Protection Of Birds	No response received.
Eastern Solent Coastal Partnership	No objection.
County Planning	No response received.
Building Control	No objection.
Environmental Health	No objection, subject to the submission of a post-completion validation report.
Housing Strategic	No response received.
Streetscene Parks & Horticulture	No objection. All tree protection measures & landscape plans appear suitable and acceptable for the site in terms of species choice, protection and layout.
Streetscene Waste & Cleansing	No objection, please refer to previous comments.
Crime Prevention & Design	No response received.
Hampshire Fire And Rescue Service	No objection. Access to the proposed site should be in accordance with Approved

Scottish And Southern Energy

No response received.

Local Highway Authority

No objection.

Response to Public Advertisement

Nil

Principal Issues

1. The principle of the development and the appropriateness of the overall design and layout was considered and approved under application reference 13/00431/FULL. The employment and skills plan is being delivered and affordable housing and contributions toward outdoor playing space and recreational disturbance have been made in accordance with the Section 106 attached to the previous consent. If this application is approved, the Section 106 will need to be varied to secure the full delivery of the remaining affordable housing, employment and skills, outdoor playing space, recreational disturbance and the long term retention and management of the ecology corridor. The only issues to consider in the determination of this application, therefore, are the acceptability of the amendments to the site layout and the provision of Solar PV Panels and the acceptability of the submitted details in terms of the impact on the visual amenity of the locality, the amenities of nearby and prospective residents, the adequacy of the parking provision, highway and pedestrian safety, protected species, trees, open space, archaeology, the interests of nature conservation, land contamination and foul and surface water drainage.

2. The proposed car parking provision still provides an appropriate level of parking to meet the requirements of the proposed development. The arrangement and distribution of spaces provides flexibility for the occupiers of the site. The amended location of visitor spaces on the internal roads remain distributed around the site and the arrangement of car parking, more generally, ensures that the appearance of the development is high quality and that car parking does not dominate the appearance of the development. The Solar PV Panels are small in scale and set in from the edges of the roof and, as such, are acceptable in visual terms and the provision of identical panels on each house provides further visual continuity throughout the site. The changes to the layout and the provision of the Solar PV Panels is, therefore, acceptable in design terms 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.

3. The location of the visitor spaces is such that there would be no harmful impact in terms of disturbance from their use and the size and location of the Solar PV Panels is such that they would similarly have no impact upon the amenities of the prospective occupiers of the dwellings. The submitted CEMP provides measures to ensure that the impact of construction works on the existing highway, surrounding residents and the environment is kept to a minimum and it is proposed to control the continued compliance with the CEMP by condition. Given the above, the proposal is 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.

4. The amendments to the site layout have no additional impact upon protected species within the locality and the continued adherence to the mitigation measures contained within the submitted Ecological Assessments together with the provision of the knee rail between the open space and ecology corridor will be controlled by condition. Details of the tree protection measures currently in place on the site have been submitted and are acceptable. Their continued retention for the duration of the development will similarly be controlled by condition. Given the above, the proposal is in compliance with the NPPF and Policies LP10 and LP43 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 and R/OS13 of the Gosport Borough Local Plan Review.

5. The previously approved cycle and pedestrian routes through the site are unchanged and the submitted details show appropriate measures to prevent cars and motorcycles entering the site via

the cycle and footpaths. The full provision and retention of these measures will be controlled by condition. The retained areas of trees and landscaping along the southern boundary of the application site will ensure that the proposed development is physically and visually separated from the existing residential properties in Manor Way. The applicant has confirmed their intention to retain the existing fencing along the southern boundary of the application site which will ensure that the landscaped character and residential amenities of Manor Way and the surrounding roads to the south are retained. Details of the play equipment to be provided in the open space have been provided and are acceptable. Subject to conditions to secure the above, the proposal is 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.

6. The application is supported by a specification for archaeological evaluation which satisfactorily addresses the archaeological potential of the site and subject to the compliance with the methodology contained within the evaluation, the proposal complies with the NPPF and Policies LP11, LP13 of the Gosport Borough Local Plan, 2011 - 2029 and R/BH8 of the Gosport Borough Local Plan Review.

7. The submitted land contamination assessments are satisfactory to demonstrate that practicable and effective measures are available to treat, contain or control any land contaminants present on the site and the agreed methodologies are being adhered to. It is proposed, however, to require the provision of a validation report upon completion of the development to confirm the results of the land contamination assessment. Subject to this condition, complies with the NPPF and Policies LP43 of the Gosport Borough Local Plan, 2011 - 2029 and R/ENV5 and R/ENV4 of the Gosport Borough Local Plan Review.

8. Details of the surface and foul water drainage have been submitted, which includes the provision of soakaways within the site and connections to the main foul sewers that are to an adoptable standard. Subject to conditions to implement and retain these schemes, the proposal is acceptable and complies with the NPPF and Policies LP45 of the Gosport Borough Local Plan, 2011 - 2029 and R/ENV4 of the Gosport Borough Local Plan Review.

9. Notwithstanding the above, it is also proposed to re-impose conditions to cover all other matters unresolved and to ensure that the development is completed in accordance with the details and methods agreed previously. These consist of the provision and retention of the car parking spaces and long and short stay cycle parking; a condition to control the provision of a vehicular access from the application site to Daedalus to the west in the future; the felling of the 6no. trees covered by TPO G127 and the removal of permitted development rights for porches on some of the properties.

RECOMMENDATION: Grant Permission

Subject to variation of Section 106 agreement relating to

1. affordable housing
2. an employment and skills plan
3. open space provision and management of and mitigation against recreational disturbance

Subject to the following condition(s):-

1. The development hereby permitted must be begun before 11 March 2017.
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:

ST-05-09 M

ST-05-13 J (House/Garage/Details portfolio)

ST-05-14 B

ST-05-16 D

ST-05-17 B

BSH 18619 03D

BSH 18619 10 E

BSH 18619 11D

BSH 18619 12D

BSH 18619 13D

BSH 18619 14D

BSH 18619 15D

BSH 18619 16D

BSH 18619 17D

BSH 18619 18D

BSH 18619 19D

BSH 18619 20D

BSH 18619 21D

BSH 18619 22D

3785/14 Rev. A

3785/02/03 Rev. I

BSO-A4140-EXT-WRKS-01D

BSO-A4140-EXT-WRKS-02D

BSO-A4140-EXT-WRKS-03F

BSO-A4140-EXT-WRKS-04F

BSO-A4140-EXT-WRKS-05B

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 Policy R/DP1 of the Gosport Borough Local Plan Review.

3. No development shall be carried out other than in accordance with the hereby approved Construction Environmental Management Plan (CEMP) dated 18 December 2015 unless otherwise agreed, in writing, by the Local Planning Authority.

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

4. No development shall be carried out other than between 0800 and 1800 Monday and Friday, 0900 and 1300 on Saturday's and at no time on Sunday's or Public Holiday's unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To preserve the amenities of the occupiers of the neighbouring properties and to comply with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

5. No development shall be carried out other than in accordance with the approved Written Specification For Archaeological Evaluation dated 17 March 2015 unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To assess the extent, nature and date of any archaeological deposits that might be present, the impact of the development upon these heritage assets, to ensure that heritage assets on the site are satisfactorily preserved and recorded and to comply with the NPPF and Policies LP11, LP13 of the Gosport Borough Local Plan, 2011 - 2029 and R/BH8 of the Gosport Borough Local Plan Review.

6. No development shall be carried out other than in accordance with the measures contained within the Wilson and Bailey, Assessment and Discussion of the Potential Ground Related Challenges to the Proposed Residential Redevelopment dated April 2013 unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future uses of the land, neighbouring land, surface water, groundwater and wider environment are mitigated to ensure that the development can be carried out safely without any unacceptable risks to workers, neighbours and off site receptors and to comply with the NPPF and Policies LP43 of the Gosport Borough Local Plan, 2011 - 2029 and R/ENV5 and R/ENV4 of the Gosport Borough Local Plan Review.

7. Within 6 months of the date of this planning permission, a validation report, carried out by an independent, competent person, to confirm that the measures contained within Wilson and Bailey, Assessment and Discussion of the Potential Ground Related Challenges to the Proposed Residential Redevelopment dated April 2013 shall be submitted to and approved, in writing, by the Local Planning Authority. The validation report shall include photographic evidence of the remediation measures and as built drawings of the development unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future uses of the land, neighbouring land, surface water, groundwater and wider environment are mitigated to ensure that the development can be carried out safely without any unacceptable risks to workers, neighbours and off site receptors and to comply with the NPPF and Policies LP43 of the Gosport Borough Local Plan, 2011 - 2029 and R/ENV5 and R/ENV4 of the Gosport Borough Local Plan Review.

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

Reason - To ensure that risks from land contamination to the future uses of the land, neighbouring land, surface water, groundwater and wider environment are mitigated to ensure that the development can be carried out safely without any unacceptable risks to workers, neighbours and off site receptors and to comply with the NPPF and Policies LP43 of the Gosport Borough Local Plan, 2011 - 2029 and R/ENV5 and R/ENV4 of the Gosport Borough Local Plan Review.

9. The approved tree protection measures shown on plan no. BSH 18619 03D shall be retained in the approved condition for the duration of development on site unless otherwise agreed, in writing, by the Local Planning Authority. Any tree protection that becomes unstable during development shall be replaced immediately.

Reason - To ensure the trees are appropriately protected during development and to comply with the NPPF and Policy R/DP1 of the Gosport Borough Local Plan.

10. In accordance with the details of the application no works to the trees the subject of this permission shall take place other than:

- felling of trees T13, T17, T28, T29, T30 and T31 of TPO G127

Reason - To maintain, as far as possible, the appearance of the area, and to comply with the NPPF and Policy R/DP1 of the Gosport Borough Local Plan Review.

11. No development shall be carried out other than in accordance with the details relating to tree protection and hard surface removal shown on approved plan no. BSH 18619 03D unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the trees are appropriately protected during development and to comply with the NPPF and Policy R/DP1 of the Gosport Borough Local Plan.

12. Within 6 months of the date of this planning permission, the approved measures to prevent cars and motorcycles accessing the site through the cycle and pedestrian routes shown on plan no. 3785/02/03 Rev. I, shall be carried out in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority. The approved measures shall be retained at all times thereafter.

Reason - To ensure the cycle and pedestrian access to the site is safe and to comply with the NPPF and Policies LP2, LP22, LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/T2, R/T3, R/T10 and R/T11 of the Gosport Borough Local Plan.

13. No access to or from Implacable Road shall be provided until details, including materials, levels, type and method of construction, and a timetable for the provision of that access have been submitted to and approved, in writing, by the Local Planning Authority. The access from Implacable Road shall be provided in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the future development of the adjoining land is not prejudiced, to ensure that safe access to and through the site can be provided and to comply with the NPPF and Policies LP2, LP22, LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/T2, R/T3, R/T10 and R/T11 of the Gosport Borough Local Plan.

14. No development shall be carried out other than in accordance with Section 6.0 (Opportunities Ecological Enhancement, Mitigation), Figure 6 and Technical Appendices 9 and 10 of the Aluco Ecology, Ecological Assessment dated September 2013 and the ACD Landscape Management and Maintenance Plan dated August 2013 approved pursuant to Condition 15 of planning permission reference 13/00431/FULL unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that features of ecological importance on the site are preserved and enhanced and to comply with the NPPF and Policies LP43 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 and R/OS13 of the Gosport Borough Local Plan Review.

15. Within 6 months of the date of this planning permission, the approved knee rail shown on approved plan no. ST-05-09 M shall be erected and retained in the approved position at all times unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that features of ecological importance on the site are preserved and enhanced and to comply with the NPPF and Policies LP43 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 and R/OS13 of the Gosport Borough Local Plan Review.

16. The development shall be carried out in accordance with the approved foul water drainage scheme shown on the approved plan no. 3785/14 Rev. A and the approved foul water drainage scheme shall be retained thereafter, unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - To ensure that adequate disposal of foul water is provided on site and to comply with the NPPF and Policies LP45 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 and R/ENV4 of the Gosport Borough Local Plan Review.

17. The development shall be carried out in accordance with the approved surface water drainage scheme shown on the approved plan no. 3785/14 Rev. A. The approved surface water drainage scheme shall be retained thereafter, unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - To prevent the increased risk of flooding, to protect water quality, habitat and residential amenity, and ensure future maintenance of the surface water drainage system, and to comply with the NPPF and Policies LP10, LP23, LP45 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1, R/T3, R/T10, R/T11 and R/ENV4 of the Gosport Borough Local Plan Review.

18. Within 6 months of the date of this planning permission, the hard landscaping shall have been provided in accordance with the details shown on plan nos. BSH 18619 17D, BSH 18619 18D, BSH 18619 19D, BSH 18619 20D, BSH 18619 21D and BSH 18619 22D. The approved hard landscaping shall thereafter be retained unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the appearance of the development is satisfactory, to ensure highway and pedestrian safety, to ensure satisfactory surface water drainage and to comply with the NPPF and Policies LP10, LP23, LP45 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1, R/T3, R/T10, R/T11 and R/ENV4 of the Gosport Borough Local Plan Review.

19. Within 3 months of the date of this planning permission, the implementation of the street lighting shall have been carried out in accordance with the approved Cole Easdon Consultants Ltd Adoptable Road Lighting Scheme dated May 2014 unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To provide a good quality environment for prospective occupiers of the site, to ensure highway and pedestrian safety, to preserve biodiversity on the site and to comply with the NPPF and Policies LP10 and LP43 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1, R/ENV11, R/T3, R/T11 and R/OS13 of the Gosport Borough Local Plan Review.

20. The soft landscaping shall be completed within the next planting season following the first occupation of the first residential property in accordance with plan nos. BSH 18619 10 E, BSH 18619 11D, BSH 18619 12D, BSH 18619 13D, BSH 18619 14D, BSH 18619 15D and BSH 18619 16D. 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, to preserve the ecological environment on the site, to ensure highway and pedestrian safety, to ensure satisfactory surface water drainage and to comply with the NPPF and Policies LP10 and LP43 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1, R/ENV11, R/T3, R/T11 and R/OS13 of the Gosport Borough Local Plan Review.

21. The soft landscaping approved under condition 20 shall be retained, managed and maintained in accordance with the ACD Landscape Management and Maintenance Plan dated August 2013 and Section 6.2.18 of the Aluco Ecology Ecological Assessment dated September 2013 approved pursuant to Condition 22 of planning permission reference 13/00431/FULL unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the appearance of the development is satisfactory, to preserve the ecological environment on the site, to ensure highway and pedestrian safety, to ensure satisfactory surface water drainage and to comply with the NPPF and Policies LP10 and LP43 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1, R/ENV11, R/T3, R/T11 and R/OS13 of the Gosport Borough Local Plan Review.

22. No development shall be carried out other than in accordance with the details of materials shown on plan no. ST-05-16 D unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the appearance of the development is satisfactory and to comply with the NPPF and Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 and R/OS13 of the Gosport Borough Local Plan Review.

23. Within 6 months of the date of this planning permission, the approved short stay cycle parking shown on plan nos. BSO-A4140-EXT-WRKS-01D, BSO-A4140-EXT-WRKS-02D, BSO-A4140-EXT-WRKS-03F, BSO-A4140-EXT-WRKS-04F and BSO-A4140-EXT-WRKS-05B shall have been provided. The approved short stay cycle parking shall be retained for the parking of cycles at all times thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure a satisfactory level of short stay cycle parking is provided on the site and to comply with the NPPF and Policies LP22, LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/T3 and R/T11 of the Gosport Borough Local Plan.

24. Within 3 months of the date of this planning permission, the long stay cycle parking, refuse stores and refuse collection points for plots 1-14 and 33-47 shall have been provided in accordance with the details shown on approved plans ST-05-09 M unless otherwise agreed, in writing, by the Local Planning Authority. The long stay cycle parking, refuse stores and refuse collection points shall be retained for the parking of cycles and storage and collection of refuse at all times thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that satisfactory levels of long stay cycle parking, refuse storage and refuse collection are provided on site and to comply with the NPPF and Policies LP22, LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/T3 and R/T11 of the Gosport Borough Local Plan Review.

25. The long stay cycle parking, refuse stores and refuse collection points for plots 15-32 and 48-101 have been provided in accordance with the details shown on approved plans ST-05-09 M before for that dwelling is occupied unless otherwise agreed, in writing, by the Local Planning Authority. The long stay cycle parking, refuse stores and refuse collection points shall be retained

for the parking of cycles and storage and collection of refuse at all times thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that satisfactory levels of long stay cycle parking, refuse storage and refuse collection are provided on site and to comply with the NPPF and Policies LP22, LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/T3 and R/T11 of the Gosport Borough Local Plan Review.

26. Within 6 months of the date of this planning permission, the approved boundary treatments shall have been provided in accordance with the details shown on plans ST-05-09 M.

Reason - To ensure the appearance of the development is satisfactory, to preserve the amenities of the occupiers of the neighbouring properties and prospective occupiers 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.

27. The existing boundary treatment between points A - A - A - A - A - A - A on plan ST-05-09 M shall be retained at all times unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the appearance of the development is satisfactory, to preserve the amenities of the occupiers of the neighbouring properties, to preserve ecology on the site and to comply with the NPPF and Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 and R/OS13 of the Gosport Borough Local Plan Review.

28. No dwelling shall be occupied until the car parking areas for that dwelling have been laid out and provided in accordance with the details shown on plans ST-05-17A, Single Garage, Double Garage and Triple Garage unless otherwise agreed, in writing, by the Local Planning Authority. The car parking area shall be retained for that purpose at all times thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure a satisfactory level of car parking is provided on site and to comply with the NPPF and Policies LP10 and LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/T3 and R/T11 of the Gosport Borough Local Plan Review.

29. Within 6 months of the date of this planning permission, the areas shown hatched on plan ST-05-09 M, for access and the parking and turning of vehicles shall have been made available, surfaced, and marked out, and these areas shall be retained for those purposes at all times.

Reason - In the interests of highway safety and to ensure adequate access and parking is provided and retained, and to comply with the NPPF and Policies LP10 and LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/T3 and R/T11 of the Gosport Borough Local Plan Review.

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no porches shall be erected outside any external door on plots 6, 7, 8, 9, 10, 11, 12, 13, 36, 37, 38, 39, 40, 62, 63, 64, 65, 75, 76, 77, 78 and 79 as shown on plan ST-05-09 M.

Reason - In order to preserve the appearance of the development, to ensure pedestrian access across the site is retained, to ensure vehicle parking is retained and to comply with the NPPF and Policies LP10 and LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/T3 and R/T11 of the Gosport Borough Local Plan Review.

31. Within 6 months of the date of this planning permission, the approved play equipment shown on plan no. 9312 shall have been installed in the area hatched green on approved plan ST-05-09 M.

Reason - To ensure the appearance of the development is satisfactory 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: 07.
APPLICATION NUMBER: 14/00469/FULL
APPLICANT: J Mosley C/O ADP Architects Ltd
DATE REGISTERED: 22.09.2014

INTERNAL AND EXTERNAL ALTERATIONS TO CREATE 4 NO. RESIDENTIAL UNITS WITH ASSOCIATED CAR PARKING AND REFUSE AND CYCLE STORAGE (as amplified by plans received 06.10.14 and 28.01.15)
108 Queens Road Gosport Hampshire PO12 1LH

The Site and the proposal

1. The application site is located on a prominent corner plot on the eastern side of Queens Road at the junction with Battenburg Road. The site is currently occupied by a 2.5 storey building which extends the entire length of the plot. The building has a rendered finish with a brown tiled pitched roof and large gable fronting Queens Road. It was formerly used as a martial arts club. Ancillary living accommodation is located at its eastern end in the form of a single, one bedroomed dwelling. The existing floor plan shows additional accommodation in the western side of the building, however, this does not constitute a further dwelling. The front, western elevation of the building contains an entrance door, with two windows at ground floor level and one first floor window. The southern side elevation fronting Battenburg Road contains a total of eight windows, with two pedestrian doors and a set of garage doors. The eastern rear elevation contains three ground floor and two first floor windows. There are no windows in the northern elevation facing the rear garden of number 110 Queens Road. A narrow footpath at the rear of the site provides access to the back gardens of the dwellings on Queens Road and Avenue Road. There are parking restrictions along both sides of Battenburg Road intersected with two vehicular dropped kerbs on each side of the highway. The area is characterised by two storey terraced dwellings set on rectangular plots with rear gardens approximately 15 metres long. The adjoining property to the north, number 110, is a two storey dwelling with two storey and single storey elements at the rear. The property has a flat roof rear dormer window and first floor windows in the rear elevation. To the south of the site and on the opposite side of Battenburg Road is 106 Queens Road, a two storey hipped roof dwelling constructed from red brick. There is a single storey lean-to structure on the rear elevation.

2. In 2009, the application site was the subject of an outline planning application reference K6814/11, all matters reserved, for the part demolition of the existing building and the erection of a two storey building to provide one dwelling and two flats, in addition to the retention of the existing residential unit on the site. This planning application comprised the retention of a section of building on the eastern side of the site containing the existing one bedroom dwelling with retained integral garage and the building on the western end of the site containing three flats. The area in between the two buildings was proposed to contain a garden for use of one of the units, bin and cycle storage and two parking spaces. This proposal would have resulted in the loss of a minimum of two on-street parking spaces.

3. This application was considered by the Regulatory Board on 17 February 2009. Members refused to grant planning permission for the development on the grounds that the development, by reason of its inappropriate design and layout, would have resulted in an undesirable form of development, out of keeping with the established pattern of development in the locality, to the detriment of the character and appearance of the area. It was also considered that the proposed amenity space would be unacceptably overshadowed for long periods of the day creating an unsatisfactory and undesirable environment for the users of this space. An inappropriate level of on-site parking was provided and one of the proposed spaces afforded inadequate intervisibility between vehicles exiting the site and all other users of the public highway. Inadequate provision was made for bin and bicycle storage and an insufficient level of information was submitted to justify the loss of the existing community facility.

4. A subsequent planning application was considered by the Local Planning Authority under reference K6814/12 later in 2009. This application was similarly an Outline application, with all

matters reserved, for the part demolition of the existing building and erection of a two storey building to provide one dwelling and two flats and amendments to existing residential accommodation. Again, there would be four residential units on the site. This planning application comprised the retention of the two storey residential unit at the eastern end of the site. The resultant vacant land was to be redeveloped through the erection of a two storey building attached to the southern elevation of number 110 Queens Road to provide one dwelling and two bedroom flats. The retained unit was to be increased from one to two bedrooms. An indicative layout which showed the provision of four on-site parking spaces, rather than two, and increased cycle parking facilities, refuse storage and amenity space was submitted. In addition, elevational drawings showing the altered design of the proposed building and amendments to the retained building and sufficient justification for the loss of the existing community facility were also provided. The application was considered at the Regulatory Board on 8 September 2009 where Members resolved to grant planning permission for this amended, Outline scheme, subject to the completion of a Section 106 agreement.

5. An application to extend the time limit for the implementation of this development was considered and approved, under delegated authority, in 2012. This consent will expire on 28 January 2016.

6. In December 2013 a full planning application was made, reference 13/00556/FULL, for internal and external alterations to the existing building to create five residential units in total, with associated car parking and refuse and cycle storage. The existing building was to be retained and the external appearance was proposed to be altered with the use of horizontal rendered panels and the replacement and insertion of new windows in the southern elevation and inset balconies. No additional windows were proposed in the eastern or northern elevations. The existing garage in the southern elevation that fronts Battenburg Road was proposed to be widened to create an undercroft area containing three parking spaces, bin and cycle storage and a pedestrian access to a first floor flat. The access arrangement would have resulted in the loss of a minimum of two on-street parking spaces along Battenburg Road.

7. This application was refused, under delegated authority, in February 2014 as it was considered that due to its inappropriate design and constrained size of the plot in relation to the amount of development proposed, it would result in a contrived, cramped and congested layout which would be out of keeping with the established pattern of development in the locality and detrimental to the character and appearance of the area. The development was also considered to make inadequate provision for the parking and manoeuvring of vehicles which would result in harmful overspill parking in the local road network to the detriment of local amenity and highway and pedestrian safety and it did not make adequate provision for outdoor playing space or address the impact of recreational disturbance.

8. It is now proposed to make internal and external alterations to the existing building to create four residential units in total, with associated car parking and refuse and cycle storage.

9. The existing building is proposed to be retained with the external appearance being altered with the use of horizontal rendered panels and the replacement and insertion of new windows in the southern elevation and three inset balconies. There would be a projecting bay window at first floor level in the western elevation and seven high level roof lights inserted into the northern roof slope and three in the southern roof slope. No additional windows are proposed in the eastern or northern elevations.

10. Internally, a dwelling accessed from Queens Road on the western side of the building would be created (Unit 1), the plans show this to be a two bedroom dwelling with a room in the roof, however, the plans also show a study/dressing room of sufficient size to be considered as an additional bedroom. The central area of the building would be divided into two dwellings accessed from Battenburg Road (Units 2 and 3), each with one bedroom and an inset balcony, and the existing ancillary living accommodation at the eastern end of the building being converted into a one bedroom dwelling (Unit 4). This unit would also have an inset balcony and would similarly have a study of sufficient size to be considered as a bedroom.

11. The retained forecourt on the western side of the building would be utilised to provide visitor cycle parking for Unit 1. The existing garage in the southern elevation that fronts Battenburg Road is proposed to be retained for the use of Unit 4 for the parking of one vehicle and long stay cycle and refuse storage.

12. Originally it was proposed to have long stay cycle storage located within Units 1-3, however, amended plans have now been received which show the undercroft area adjacent to the garage containing visitor cycle storage, a long stay cycle and bin store for the use of these units.

13. The application is supported by a Design & Access Statement which provides justification for the loss of the existing community facility and a Transport Statement.

14. Amended plans have been received which show proposed reductions in the extent of yellow lines along Battenburg Avenue resulting in the provision of two additional on-street parking spaces and further information on the windows serving the ground floor bedrooms fronting the footway.

Relevant Planning History

K6814 - use of premises as a warehouse refused 20.04.70

K6814/1 - use of premises as a bingo hall refused 08.06.70

K6814/2 - use of premises as a studio for deportment, dancing, photography temporary consent permitted 08.06.70 (expired 31.12.73)

K6814/3 - Outline Application demolition of building and erection of 2no. terraced houses permitted 21.04.71

K6814/4 - use of premises for storage (first approved 22.06.72 and expired 31.12.74) permitted 11.02.74

K6814/5 - use of premises as snooker hall refused 17.06.74

K6814/6 - change of use from store to place of worship permitted 20.12.74

K6814/7 - Outline Application erection of 2 storey block of four flats - refused 27.06.89 (Appeal dismissed T/APP/J1725/A/89/131479/P.4 - 12.02.90)

K6814/8 - Outline Application erection of 4 flats together with car parking facilities - permitted 11.01.91

K6814/9 - change of use/conversion of existing hall (D1) to martial arts club (D2) and ancillary living accommodation - permitted 02.04.96

K6814/10 - Outline Application demolition of existing building and erection of 3 storey building to provide 5no. 1 bedroom flats, 3no. 2 bedroom flats including double integral garage and cycle storage - withdrawn 26.11.08

K6814/11 - Outline Application part demolition of existing building and erection of 2 storey building to provide 1no. 3 bed roomed dwelling and 2no. flats (as amended by plan received 30.01.09) - refused 03.03.09

K6814/12 - Outline application - part demolition of existing building and erection of 2 storey building to provide 1no. three bedroomed dwelling and 2no. flats and amendments to existing residential accommodation to form 2 bed dwelling - permitted 28.09.09

K6814/13 - Renewal of Outline Planning Permission (K6814/12) to extend the time limit for the part demolition of existing building and erection of 2 storey building to provide 1no. three bedroom dwelling and 2no. flats and amendments to existing residential accommodation to form two bedroom dwelling - permitted 28.01.13

13/00556/FULL - Internal and external alterations to create 5 no. residential units with associated car parking and refuse and cycle storage (as amended by plans received 29.01.14) - refused 10.02.14

Relevant Policies

National Planning Policy Framework (NPPF), March 2012

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

currently being examined in Public. It is due for adoption in summer 2015. The policies within this document therefore also need to be given weight in decision making, where appropriate.

Gosport Borough Local Plan Review, 2006:

- R/H4
- Housing Densities
- R/DP1
- General Standards of Development within the Urban Area
- R/DP3
- Provision of Infrastructure, Services and Facilities
- R/CF2
- Protection of Existing Health and Community Facilities
- R/T11
- Access and Parking
- R/T4
- Off-site Transport Infrastructure
- R/OS8
- Recreational Space for New Residential Developments
- R/OS13
- Protection of Habitats Supporting Protected Species

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

- LP10
- Design
- LP2
- Infrastructure
- LP32
- Community, Cultural and Built Leisure Facilities
- LP23
- Layout of Sites and Parking
- LP21
- Improving Transport Infrastructure
- LP34
- Provision of New Open Space and Improvement to Existing Open Space
- LP44
- Protecting Species and Other Features of Nature Conservation Importance

Consultations

Crime Prevention & Design

The ground floor bedroom windows offer opportunities for crime and anti-social behaviour; the window opened for ventilation during a hot summer night, the window being banged by people passing down the street etc. It is recommended that the sleeping quarters are moved to the first floor, or defensible space is provided about the ground floor of units 2 and 3.

The front doors that open directly onto the public highway should be certificated to PAS24:2012 standard.

The access to the bin store is recessed this provides an area in which people might loiter especially during inclement weather. To reduce the opportunities for crime and anti-

	social behaviour, this recess should be significantly reduced.
Local Highway Authority	No objection. In line with the Parking SPD there would be a requirement for five car parking spaces for a development of this size along with five secure cycle storage spaces and four short stay spaces. The plans show there to be adequate cycle provision. It is noted that the existing approved scheme for four units was accepted with the provision of four parking spaces. No windows, doors, utility boxes and down pipes should project onto the highway. A Transport Statement has been submitted demonstrating that the existing permitted use has the potential to generate a greater number of multi modal trips onto the network, as such, no Transport Infrastructure, Services and Facilities. Contribution would be sought. The developer needs to liaise with HCC for the section of the double yellow line to be reduced in the event planning permission is been granted. No fees are required for these works.
Streetscene Waste & Cleansing	No objection. Adequate arrangements have been made for refuse/recycling arrangements.
Environmental Health	No objection.
Building Control	No objection. An application for Building Regulation approval required.
Natural England	No objection. The proposal is likely to increase the level of recreational disturbance along the coast, the impact of which will need to be satisfactorily mitigated.

Response to Public Advertisement

3 letters of objection (to original plans)

Issues raised:-

- converting into fewer dwellings would be more suitable
- supporting information is imprecise
- noise disturbance during building works
- future maintenance concerns regarding guttering and requirement for services overhanging boundaries
- development is cramped and congested and density is too high
- loss of privacy from windows in eastern elevation
- development will exacerbate existing parking issues in the locality
- development proposes insufficient level of car parking
- proposed level of car parking is not justified
- existing parking restrictions are being ignored

Principal Issues

1. Each application is required to be considered, as submitted, on its merits in light of the relevant national and local planning policies. The submitted forms, plans and information is of adequate detail and the plans show the relationships between the properties, and, in conjunction with the site visit, are sufficient to enable the application to be determined. A certain level of disturbance is inevitable during the construction period but if it becomes a statutory nuisance, the matter can be dealt with through the Environmental Health legislation. The future maintenance of the property and the location of domestic gas pipes are not material planning considerations. Policies R/CF2 of the Local Plan Review and LP32 of the Gosport Borough Local Plan, 2011 - 2029 are concerned with the protection of existing health and community facilities. The applicant has confirmed that the existing building was used exclusively by members of a martial arts club and was not available for hire by members of the general public. There is also a new purpose built community building that has opened in Avenue Road, within walking distance of the application site. Consequently, there is no conflict with Policies R/CF2 or LP32. The application site is located within the Urban Area Boundary where the principle of development is acceptable, provided that the details accord with the relevant policies of the National Planning Policy Framework (NPPF) and the relevant policies of the Gosport Borough Local Plan Review and the emerging Gosport Borough Local Plan, 2011 - 2029. The main issues in this case, therefore, are the appropriateness of the design and the impact on the character and visual amenity of the locality, the impact on the amenities of adjoining and prospective occupiers, the adequacy of access and parking arrangements, highway and pedestrian safety and the provision for cycle parking, refuse storage and collection, open space, nature conservation and recreational disturbance.

2. The site is located within 300 metres of the Stoke Road District Shopping Centre and prospective occupiers would, therefore, have access to numerous local shops, services and facilities, as well as good links to public transport. Whilst the proposed development provides no useable outside amenity space, prospective occupiers would have access to inset balconies and would be within easy walking distance of a number of Existing Open Spaces, including the Grove to the east and Leesland Park to the west. Notwithstanding the concerns raised by Hampshire Constabulary regarding the potential for theft, anti-social behaviour and the appropriateness of ground floor bedroom windows overlooking the footway, the developer has confirmed that the ground floor bedrooms windows would be fitted to 'secured by design' standards and will have mechanical means of ventilation when the windows are closed. The specific windows, doors and measures to help reduce instances of anti-social behaviour within the bin/cycle store are proposed be controlled by condition. The development would, at 133 dwellings per hectare (dph), be significantly higher than the density range of 30-50dph set out in Policy R/H4 of the Gosport Borough Local Plan Review but less than the 167dph of the refusal under reference 13/00556/FULL in 2014. Given the above, the development will bring a vacant building into use and, on balance, will provide an acceptable living environment for prospective occupiers. The provision of four dwellings is, therefore, acceptable in this location and accords with the NPPF and Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 and R/H4 of the Gosport Borough Local Plan Review.

3. Paragraph 60 of the NPPF states that "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles". This is of particular importance where the prominence of the building would be increased within its surroundings, as per the application proposal. The existing building occupies a prominent corner plot which currently represents an alien form of development, in an area characterised by terraced dwellings with long rear gardens, and is currently in poor visual condition. The application would retain the building and attempts to enhance the visual appearance through the use of contemporary design features such as inset balconies, projecting first floor bay window and contrasting render finishes. There is no requirement for the proposed development to replicate the adjacent buildings in terms of design and detailing but it is important that proposals successfully integrate with the existing character of the street and ultimately reinforce the character of the area. In this instance, the reduction in the number of residential units from the previous refusal reflects the previous approval on the site and has allowed for a more coherent elevation fronting Battenburg Road and the design of the alterations is reflective of the residential dwellings in the vicinity in terms of rhythm

and uniformity in the streetscene. Securing a high quality design is a core principle within the NPPF and, overall, for the above reasons and given the quality of the proposed materials, doors and windows, which will be controlled by condition, the proposed development is an example of good quality contemporary design on a site that, given its unique characteristics, has the potential for such. The proposal would not harmfully impact the character and visual amenity of the locality, and is 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.

4. The proposal will not increase the size of the existing building and, as such, there would be no impact on the amenities of the occupiers of neighbouring dwellings in terms of light or outlook. Furthermore, the proposed roof lights would be high level and there are to be no additional windows proposed in the north or eastern elevations. The use of the rooms served by the existing windows in the eastern elevation would be unchanged as a result of the proposal and the neighbouring dwellings to the south and west are located on the opposite side of a highway. Given the above, and the fact that the proposed balconies would be set within the building, there would not be a harmful impact in terms of loss of privacy. To avoid any future harmful impacts to the amenities of the occupiers of the properties to the north, a condition is recommended to remove the permitted development rights to prevent alterations and extensions to the roof of the building and the insertion of windows in the northern elevation. In terms of activity and noise, Unit 1 on the western side of the building would utilise an existing pedestrian access, which was formally the main entrance to the hall and the other units would all be accessed from the Battenburg Road frontage. Although the proposal would include balconies and undercroft parking and bin and cycle storage, the location of these areas is of sufficient distance from the neighbouring properties to ensure no harmful disturbance to the occupiers of the neighbouring properties. It is proposed to secure details of the mechanical ventilation to the ground floor windows fronting Battenburg Avenue by condition to ensure that the amenities of the prospective occupiers are preserved. Acceptable levels of cycle and refuse storage are shown and the proposed servicing facilities are acceptable and would not affect the existing facilities of neighbouring dwellings. Therefore, the development would not have a harmful impact on the amenities of the occupiers of the neighbouring properties, 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.

5. Under the current Parking SPD, the previous planning consent on the site, which could still be implemented, would have required 6no. parking spaces and was approved with the provision of 4no. on-site spaces for the use of the 4no. residential units. This arrangement, however, would have also resulted in the loss of a minimum of 2no. on-street parking spaces along Battenburg Road due to the size and location of the access. The existing lawful use of the building as a martial arts club with an ancillary residential unit is also deficient in terms of overall parking numbers. The proposed parking provision, therefore, has to be considered on its own merits. The SPD indicates that 5no. car parking spaces should be created for the development, as proposed (6no. should the study/dressing rooms be considered as bedrooms). The provision of 1no. space, therefore, represents a shortfall. Although the proposed level of on-site parking is lower than recommended in the SPD and lower than the extant consent on the site, the proposed development would not create any new accesses from the highway and, unlike the previous applications, there would be no loss of existing on-street parking provision in the locality as a consequence. The plans show a section of double yellow lines adjacent to the site to be reduced in size to allow for greater level of on-street parking and the implementation of this is proposed to be controlled by condition. Taking the above into account, the retention of 1no. space on the site and the creation and retention of up to 4no. spaces, on-street, represents an overall level of parking that is an improvement over the previously approved scheme and also provides more flexibility for the prospective occupiers and existing residents in the locality in the event that any of the prospective occupiers do not own a car. According to Census information, car ownership within the Christchurch Ward is less than one vehicle per household, the third lowest in the Borough. There are restrictions in the wider area which prevent inappropriate parking, the enforcement of which is a matter for the Local Highway Authority and the Police. Moreover, 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 within the Stoke Road District Centre, as there is currently no on-site visitor provision. It is acknowledged there would have been some linked trips

between visits to the martial arts club 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. 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. 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. Taking all of the above factors into consideration, the proposal is acceptable in this particular location, in so far as it relates to car and cycle parking provision, access and highway and pedestrian safety, in accordance with the NPPF and Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review and Policies LP10 and LP23 of the Gosport Borough Local Plan 2011 - 2029.

6. In accordance with the provisions of Section 106 of the 1990 Planning Act and Section 122 of the Community Infrastructure Levy Regulations 2010 the Council may require a planning obligation where it is a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. In this instance, the applicant has confirmed a willingness to enter a planning obligation relating to the payment of a sum in lieu of provision of outdoor playing space on site to make a contribution towards public open space facilities within the Borough. The contributions are required to mitigate the specific impact of the proposed development. Whilst due regard is given to the Written Statement by The Minister of State for Housing and Planning on 28 Nov 2014 it is considered that this guidance does not outweigh the legislation in force and the identified need for the contributions to make the development acceptable. Without these obligations, the proposal is, therefore, unacceptable. A contribution is also required to mitigate any impact the introduction of an additional dwelling would have upon bird disturbance in accordance with the Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014. Subject to the completion of the Section 106 agreement to secure commuted sums towards outdoor playing space and appropriate mitigation for the impact of recreational bird disturbance, the proposal would not harm the interests of nature conservation and is in compliance with the NPPF and Policies LP21, LP34 and LP44 of the Gosport Borough Local Plan, 2011 - 2029 and R/OS8, R/OS11 and R/OS13 of the Gosport Borough Local Plan Review.

RECOMMENDATION: Grant Permission

Subject to Section 106 agreement relating to

1. The payment of a commuted sum towards the provision and/or improvement of outdoor playing space.
2. The payment of a commuted sum towards measures to mitigate recreational disturbance.

Subject to the following condition(s):-

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

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

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

1622 LO1, 1622/02, 1622/01C, 1622/SK10a, 1622 03B, 1622 04A, 1622 05H and 1622 06D

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with the NPPF and Policies R/DP1, R/H4 and R/T11 of the Gosport Borough Local Plan Review and LP10, LP24 and LP23 of the Gosport Borough Local Plan, 2011 - 2029.

3. No development shall be carried out until details of all external facing and roofing materials have been submitted to and approved, in writing, by the Local Planning Authority. The development shall

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

Reason - Such details have yet to be provided and to ensure that the appearance of the development is acceptable and to comply with the NPPF and Policy R/DP1 of the Gosport Borough Local Plan Review and LP10 of the Gosport Borough Local Plan, 2011 - 2029.

4. No development shall be carried out until details of the proposed windows, doors, rooflights and garage doors, including details of the opening mechanism and ventilation, 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 and the opening mechanisms and ventilation shall be retained thereafter.

Reason - In the interests of amenity and to ensure that the appearance of the development is acceptable and to comply with the NPPF and Policies R/DP1 of the Gosport Borough Local Plan Review and LP10 of the Gosport Borough Local Plan, 2011 - 2029.

5. No development shall be carried out until details of security measures for the undercroft bin/cycle store have been submitted to, and approved by, the Local Planning Authority. The development shall not be occupied until the security measures have been provided in accordance with the approved details and the approved security measures shall be retained thereafter.

Reason - In the interests of amenity and to reduce instances of anti-social behaviour and to comply with the NPPF and Policies R/DP1 of the Gosport Borough Local Plan Review and LP10 of the Gosport Borough Local Plan, 2011 - 2029.

6. No development shall be carried out until measures to secure the alterations to the existing parking restrictions on Battenburg Road have been submitted to and approved, in writing, by the Local Planning Authority. The dwellings shall not be occupied until these approved measures have been implemented.

Reason - In the interests of amenity and highway safety and to ensure adequate parking is provided and retained, and to comply with the NPPF and 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.

7. The development shall not be occupied until facilities for the short and long stay cycle and refuse storage for units 1-3 shown on the approved plans have been provided. The approved facilities shall be retained thereafter.

Reason - In the interests of amenity 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.

8. The areas on the approved plan, 1622 05H, for the accommodation of a private vehicle and refuse and secure cycle storage for Unit 4 shall be used for those purposes only and for no other purpose whatsoever.

Reason - In the interests of amenity and highway safety and to ensure adequate parking is provided and retained, and to comply with the NPPF and 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration any of the dwellinghouses hereby approved, including the insertion of windows and the enclosure of the undercroft area, shall be permitted.

Reason - In order to protect the amenities of the occupiers of the neighbouring dwellings and to ensure that the appearance of the development is acceptable and to comply with the NPPF and Policy R/DP1 of the Gosport Borough Local Plan Review and LP10 of the Gosport Borough Local Plan, 2011 - 2029.

ITEM NUMBER: 08.
APPLICATION NUMBER: 15/00065/FULL
APPLICANT: McCarthy and Stone Retirement Lifestyles Ltd
DATE REGISTERED: 11.02.2015

ERECTION OF NEW BUILDING, INCLUDING TEN STOREY TOWER, TO PROVIDE 28 NO. ONE BEDROOM AND 20 NO. TWO BEDROOM RETIREMENT APARTMENTS, WITH ASSOCIATED COMMUNAL FACILITIES, ACCESS, CAR PARKING, ELECTRIC BUGGY, CYCLE AND REFUSE STORAGE AND FLOOD DEFENCES (as amplified by Extended Phase 1 Habitat Survey received 11.03.15)
Land Adjacent To Harbour Road Gosport Hampshire PO12 1BG

The Site and the proposal

1. The application site has a total area of 0.25 hectares. It is located within the Urban Area Boundary, the 'Coldharbour' Mixed Use Area and the Coastal Zone Policy Area, as defined on the Proposals Map of the Gosport Borough Local Plan Review. The site is identified as an area of archaeological interest. Portsmouth Harbour, a Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI), is to the north, beyond Gosport Boat Yard. This of international importance to wading birds. Noteworthy flora includes Dwarf Eelgrass, Narrow-Leaved Eelgrass, Marine Eelgrass and Golden Samphire. The northernmost part of the site is located within Flood Zones 2 and 3. The remainder of the site is located within Flood Zone 1. Public car parking is available in the North Cross Street public car parks (approximately 100 metres away), and the Minnett Road North and Minnett Road South public car parks (approximately 300 metres away).
2. The Gosport Bus Interchange and Ferry Terminal are located approximately 450 metres to the south east. The Ferry Terminal provides access to Portsmouth Harbour. The Bus Interchange provides services to a range of locations within the Borough, as well as services to Fareham, Warsash and Southampton.
3. The site is generally flat, but has a shallow decline in gradient towards its north-eastern corner, where the land gradually falls by approximately 1 metre. There is also a decline in gradient towards the north western corner of the site. The site occupies a prominent position on the southern side of Harbour Road where it runs east-west, adjacent to the Gosport Boat Yard. The surrounding area is characterised by a combination of industrial, commercial and residential uses.
4. Adjacent to the north-western boundary of the application site is a two storey, red brick, building known as Clarence Square Council School. The building is included on the Borough Council's List of Buildings of Local Interest, for its historic and architectural interest. The principal façade of the building originally addressed Clarence Square, an area of the town laid out by the late 17th Century, and developed around a natural inlet in the coastline. During the 18th Century, the southern side of Clarence Square saw the erection of a row of Georgian townhouses. The townhouses would have occupied the northern extent of the application site. The town houses were demolished as part of the program of post-war slum clearance and the Clarence Square Council School building is, therefore, all that remains from the original development. The building still contains a number of timber, sash windows in its southern and northern elevations. The principal access into the building is from the northern elevation, however, there are also accesses in the western elevation, fronting Mumby Road. There is a modern, two storey extension on the western side of the building, the first floor of which has been finished using corrugated sheeting. The ground floor is rendered and painted white. The building is currently used as office space, as well as for retail and storage. There is a vehicular access on the eastern side of the building which is used to service a set of double doors.
5. To the north-west of the site is a vacant, three storey building constructed in the 1950s from red brick with a corrugated, pitched roof. It was originally constructed as a sail loft. The Council has recently considered a planning application for the demolition of the building and the erection of a replacement building to provide 31 no. flats. The application was considered under reference

14/00550/FULL at the Regulatory Board on 24 February 2015, at which time, Members resolved to grant planning permission, subject to conditions and appropriate planning obligations to secure the provision of, or a contribution towards, improvements towards a Traffic Regulation Order; outdoor playing space; educational facilities and recreational disturbance mitigation measures.

6. Further to the north-west, and on the eastern side of Mumby Road, is the 'Rope Quays' development, a mixed-use scheme, approved in March 2003, under planning permission reference K15900. This development comprises a combination of residential and commercial floorspace, as well as a doctor's surgery. The development is constructed, for the most part, from red brick and render, with significant areas of glazing and exposed metalwork. The buildings range in height from two to fourteen stories.

7. Immediately to the north of the application site is the Gosport Boat Yard, which is used, primarily for the storage and repair of boats. The boat yard is accessed via a set of gates towards the eastern side of the application site.

8. The land, the subject of this planning application, together with the land immediately to the south, was recently granted planning permission for its comprehensive redevelopment, comprising the demolition of all buildings and the erection of a 1550 square metre food store (Class A1), 1 no. 275 square metre commercial unit (Classes A1, A2, A3, A4, A5, B1 and D1) and the erection of up to 48 no. residential units (Class C3). The application site was split in to two parts; 'Area A' and 'Area B'.

9. Within Area A, details were submitted for the erection of a 1550 square metre food store (Class A1) and 1 no. 275 square metre commercial unit (Classes A1, A2, A3, A4, A5, B1 and D1). Following the demolition of all buildings across the site (in accordance with the planning permission), this part of the development is currently being built-out and is at a relatively advanced stage in the construction process.

10. Within Area B (which comprises the land the subject of this latest planning application), planning permission was granted for the erection of up to 48 no. residential units. Details of the Scale and Layout of the building, as well as the Access were submitted and approved.

11. The approved plans for Area B show that the building for the 48 no. flats would have a largely rectangular footprint, with a 'landmark', ten storey, residential tower positioned in the north eastern corner of the application site. The approved plans show that the building would 'step down' in height, to three stories, at its western end to reflect the scale of adjacent buildings and those that would have historically occupied the 'Clarence Square' development. The approved plans show that 32 no. car parking spaces would be provided, equating to 0.66 spaces per residential unit. The approved car parking spaces would be accessed via a new vehicular access from the section of Harbour Road that extends east-west along the northern side of the site. The access would occupy a central position in the northern elevation of the building, sited 75 metres from the junction to the west between Harbour Road and Mumby Road and approximately 40 metres from the bend in the road where Harbour Road turns south, towards Mumby Road. The plans show that visibility splays of 2.4 x 43 metres could be provided at the vehicular access. The provision of the proposed visibility splays would result in the loss of 7 no. unrestricted, on-road car parking spaces on the northern section of Harbour Road.

12. This latest proposal relates to the area of land referred to as Area B under the previous planning permission reference 14/00076/FULL (herein referred to as 'the previous consent'). As with this previous consent, it is proposed to provide 48 no. residential units, comprising 28 no. one bedroom units and 20 no. two bedroom units. The units would provide retirement apartments to persons over the age of 60, when in single occupancy, and 60 and 55 years when in joint occupancy. Although this latest application follows the broad principles established by the previous consent, the siting of the approved access has been amended slightly and there are minor differences in the footprint of the building. In light of these revisions, the development cannot be progressed as a Details Pursuant application to the original consent. The applicant has, therefore, submitted a 'Full' planning application, for determination by the Local Planning Authority.

13. Like the previous consent, the proposed building would have a largely rectangular footprint, sited adjacent to the southern edge of the east-west section of Harbour Road. The building would have an overall length of approximately 70 metres and a maximum depth of 20 metres. At its closest point, the building would be sited 3 metres from the back edge of the east-west section of Harbour Road and 8 metres from the north-south section of this highway. At its closest point, the southern (rear) elevation of the building would be sited 4.7 metres from the opposing northern elevation of the adjacent food store, approved under the previous consent, together with its associated loading/unloading area. The application site would be separated from the commercial site immediately to the south by a 2.1 metre high, timber fence. The western elevation would be sited immediately adjacent to the shared boundary with the Clarence Square Council School building. There would be a separation distance of over 4 metres between the opposing elevations.

14. In accordance with the principles established under the previous consent, the building would be three stories high adjacent to the Clarence Square Council School building, rising to four stories, with a six storey element towards its eastern end, culminating in the provision of a ten storey tower in the eastern corner of the application site. The building, which would range from 6.8 metres to 23.4 metres in height, would include a variety of pitched and flat roofs and would contain staggers in its footprint in an attempt to avoid the appearance of long, flat façade. It is proposed to utilise a varied palette of materials, in an attempt to break up the overall mass of the building. The submitted plans show that the development would be built using 3 no. different brick types, together with 2 no. types of cladding panel.

15. The northern elevation would contain a number of projecting and Juliet balconies in order to utilise views across Portsmouth Harbour. The north-eastern corner of the proposed tower would be recessed, with curved, projecting balconies providing outside amenity space. The eastern elevation of the proposed tower would also contain a number of projecting and Juliet balconies on all floors, as they would also afford views across the Harbour.

16. The balconies on the three, four and six storey elements of the building would be constructed onto supporting, stainless steel posts and would be enclosed by horizontal, wire railings. The balconies on the ten storey tower would be counter levered and would project over 1 metre from the face of the building. The balconies would have powder coated, aluminium bases and would be enclosed by glass balustrades. The entrance to the building would be defined by a glazing which would wrap around the eastern corner of the ground floor of the proposed tower. The glazing would enclose a large entrance lobby/reception area, which would be accessed via a set of steps from the east-west section of Harbour Road.

17. The rear elevation of the building would front the adjacent commercial development approved to the south. The plans show that building would be designed to reflect the principles established under the previous consent, utilising a combination of pitched and flat roofs. Like the front elevation of the building, it is proposed to utilise different bricks and cladding materials, with large areas of glazing introduced in an attempt to break up the mass of the elevation and provide visual interest.

18. The internal layout has been designed so that all the residential units would be sited on the northern side of the building, away from the adjacent food store and its associated car parking and delivery area. The windows in the rear elevations of the three, four and six storey elements of the building would not, therefore, serve living accommodation but would, rather, provide natural light to the shared corridor to the respective flats. In the interests of residential amenity, and due to its proximity to the delivery area of the adjacent food store, it is not proposed to include any windows on the ground, first, second, or third floors of the rear elevation of the proposed residential tower.

19. As the front of the building would be sited in Flood Zones 2 and 3, all living accommodation would be set at first floor level, above 4.5 AOD, with parking provided at ground floor level, beneath the building itself. The parts of the building below 4.5 AOD (ie, the car park), would be constructed from waterproof concrete. The parking area would be enclosed by a feature, flood defence, gabion wall which would be erected along almost the full length of the site frontage. It would have an overall height of 2.1 metres and would comprise stone filled baskets. The gabion wall would include

timber benches, together with high level, louvered modules to provide natural ventilation to the car park. The plans also show that the wall would include backlit, glass-rocks, in an attempt to add visual interest. The wall would be topped with a granite aggregate capping, together with a metal, wire fence, which would enclose private patios for use by prospective occupiers of the proposed first floor flats. The Flood Risk Assessment (FRA), submitted in support of the application, includes details of a surface water drainage strategy for the site and indicates that a flood management plan will be developed. This would include signing up to the Environment Agency flood warnings and informing residents of any impending flood event.

20. The proposed development would provide a total of 34 no. car spaces (2 no. more than was approved under the previous consent), equating to 0.71 spaces per residential unit. The spaces would not be allocated. The car parking spaces would be arranged in a linear arrangement. The car parking area would also include the plant room and facilities for the storage of refuse bins and mobility scooters. A set of double doors in the Harbour Road frontage would allow for the collection of refuse bins. An internal lobby area would provide 2 no. lifts (in addition to a staircase) which would permit access to the residential accommodation above. The plans show that facilities would be provided for the storage of 10 no. cycles within the car parking area.

21. The proposed car parking spaces would be accessed via a new vehicular access from the section of Harbour Road that extends east -west along the northern side of the site. The access would be positioned towards the western end of the building, approximately 45 metres from the access to the adjacent Gosport Boat Yard. The access would provide sufficient width to allow 2 no. vehicles to pass simultaneously. The plans indicate that the entrance would be designed to include a flood barrier, which would be used in the event of a flood.

22. As with the previous consent, the plans show that visibility splays of 2.4 x 43 metres would be provided at the vehicular access. The provision of the proposed visibility splays would again result in the loss of 7 no. unrestricted, on-road car parking spaces on the northern section of Harbour Road. As with planning permission reference 14/00076/FULL, it is proposed to remove a large, Lime tree towards the north eastern corner of the application site. 2 no. trees within the highway verge of the east -west section of Harbour Road would be retained. 3 no. new trees would also be planted to complement the existing street planting. The plans also show that it is proposed to widen the existing footway.

23. The application is supported by a Transport Statement which considers the impacts of the proposed development on the highway network. The Statement has been prepared to take account of the demographic of the prospective occupiers and is tailored to reflect data obtained from existing developments. The Statement concludes that the proposed development is likely to generate up to 75 no. vehicular movements per day. Of the 75 no. trips, approximately 12% (9 no.) would be made during morning and evening peaks.

24. The application is also supported by a Habitat Survey, which assesses the likelihood of protected species being present at the site. An Extended Phase 1 Habitat Survey has been submitted (following consultation with the County Ecologist) to assess the potential impact of the residential tower on instances of bird strike. The extended report also considers the impact any lighting associated with the development could have on the interests of nature conservation.

25. As the site is identified as having Archaeological potential, the applicant has submitted an Archaeological Appraisal. Archaeological investigations have already been conducted as part of planning permission reference 14/00076/FULL, in consultation with the County Archaeologist.

26. The land, the subject of this application, is identified as being potentially contaminated due to its former uses. The application is, therefore, supported by a Geo-Environmental Assessment Report.

27. A Tree Survey has been submitted which assesses the impact of the proposed development on the trees lining Harbour Road.

28. A Noise Assessment has been submitted in support of the application. The Assessment analyses the background noise levels associated with the adjacent roads and commercial uses in order to establish whether they would result in harmful levels of disturbance to adjacent occupiers.

29. A Construction Phase Plan and Method Statement has also been submitted in support of the application.

Relevant Planning History

K18151 - Outline Application - Mixed use development including a residential tower block of up to 150 no. units (Class C3), a hotel with up to 75 no. bedrooms (Class C1) and flexible ground floor uses with a floorspace of up to 1250 square metres, including retail shops, restaurant and public house (Classes A1, A2, A3, A4, A5, B1 and D1), together with associated parking and amenity space - withdrawn 02.02.15

14/00076/FULL - Hybrid application comprising: demolition of all existing buildings and the erection of a 1550 square metre food store (Class A1) and 1 no. 275 square metre commercial unit (Classes A1, A2, A3, A4, A5, B1 and D1) (Appearance, Layout, Scale, Access and Landscaping) and the erection of up to 48 no. residential units (Class C3) (Scale, Layout and Access) - permitted 20.08.14

Relevant Policies

National Planning Policy Framework (NPPF), March 2012

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 currently being examined in Public. It is due for adoption in summer 2015. The policies within this document therefore also need to be given weight in decision making, where appropriate.

Gosport Borough Local Plan Review, 2006:

- R/DP1
General Standards of Development within the Urban Area
- R/DP3
Provision of Infrastructure, Services and Facilities
- R/DP4
Mixed-use Developments
- R/T2
New Development
- R/T4
Off-site Transport Infrastructure
- R/T10
Traffic Management
- R/T11
Access and Parking
- R/H3
Major Housing Proposals as Part of a Mixed Use Development
- R/H4
Housing Densities
- R/H5
Affordable Housing
- R/EMP2
Land Allocated for Employment Use as Part of Mixed-Use Development
- R/EMP3
Protection of Existing Employment Sites from Inappropriate Development
- R/EMP5
Extension of Existing Employment Uses and Redevelopment of Redundant Employment Sites
- R/CF6

Provision of Educational Facilities
R/BH5
The Local List
R/BH8
Archaeology and Ancient Monuments
R/OS8
Recreational Space for New Residential Developments
R/OS11
Protection of Areas of National Nature Conservation Importance
R/OS12
Locally Designated Areas of Nature Conservation Importance
R/OS13
Protection of Habitats Supporting Protected Species
R/OS14
Biodiversity Action Plans
R/CH1
Development within the Coastal Zone
R/ENV2
River and Groundwater Protection
R/ENV4
Treatment of Foul Sewage and Disposal of Surface Water
R/ENV5
Contaminated Land
R/ENV10
Noise Pollution
R/ENV11
Minimising Light Pollution
R/ENV14
Energy Conservation
R/ENV15
Renewable Energy

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

LP1
Sustainable Development
LP4
The Gosport Waterfront and Town Centre
LP10
Design
LP13
Locally Important Heritage Assets
LP22
Accessibility to New Development
LP23
Layout of Sites and Parking
LP24
Housing
LP34
Provision of New Open Space and Improvement to Existing Open Space
LP37
Access to the Coast and Countryside
LP38
Energy Resources
LP39
Water Resources
LP42
International and Nationally Important Habitats
LP43

Locally Designated Nature Conservation Sites
 LP44
 Protecting Species and Other Features of Nature Conservation Importance
 LP45
 Flood Risk and Coastal Erosion
 LP46
 Pollution Control
 LP47
 Contamination and Unstable Land

Supplementary Planning Documents:
 Gosport Borough Council Parking: Supplementary Planning Document February 2014

Consultations

DEFRA (MMA)	No response received.
Defence Infrastructure Organisation - Wind	No objection.
Environment Agency (Hants & IOW)	No objection, subject to conditions to control finished floor levels and the submission and approval of a suitable surface water drainage scheme.
Natural England	No objection. The proposal will introduce 48 no. additional dwellings which is likely to result in increased recreational activity on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. To address this impact, a contribution towards appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, is required.
Royal Society For The Protection Of Birds	No response received.
Southern Water	Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be secured. Any planning permission should include an informative advising the applicant of this requirement. An informative should also be used to advise the applicant of the requirement to submit a formal application for connection to the public sewer.
Hampshire & Isle Of Wight Wildlife Trust	No objection.
HCC Ecology	No objection. The application has demonstrated that the development will not have a harmful impact on the interests of

	<p>nature conservation. The proposal will introduce 48 no. additional dwellings which is likely to result in increased recreational activity on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. To address this impact, a contribution towards appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, is required. It is not considered that the development will have a harmful impact in terms of its potential to result in bird strikes, particularly associated with the erection of the ten storey tower.</p>
HCC Education Office	<p>As these are age restricted units, the proposal will not increase the requirement for school places in this part of the Borough. The applicant will not, therefore, be required to make an Education Contribution towards additional Primary School places in the locality.</p>
HCC Landscape, Planning & Heritage	<p>No objection. A condition should be attached to ensure that any archaeological remains encountered during development are recognised and recorded.</p>
Eastern Solent Coastal Partnership	<p>No objection. The Flood Risk Assessment is acceptable. A condition should be included requiring that all residential accommodation is set above 4.5 metres AOD.</p>
Crime Prevention & Design	<p>No response received.</p>
Hampshire Fire And Rescue Service	<p>No objection. Access for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the Building Regulations. Consideration should be given to the installation of an Automatic Water Suppression System (AWSS) within the building.</p>
Building Control	<p>No response received.</p>
Environmental Health	<p>No objection. In accordance with the suggestions outlined in the submitted Noise Assessment, a condition should be used requiring details of the glazing and mechanical ventilation system for the building.</p>
Housing Strategic	<p>No response received.</p>
Streetscene Leisure & Play	<p>No response received.</p>

Streetscene Parks & Horticulture	The trees to be retained should be protected during the building works.
Streetscene Waste & Cleansing	No objection. There is adequate space for the requisite number of bins. A flush threshold and dropped kerb will be required to facilitate collection.
Local Highway Authority	No objection. The plans demonstrate that adequate visibility splays can be achieved at the access, subject to the provision of a Traffic Regulation Order (TRO) to restrict parking on the highway adjacent to the proposed entrance/egress. Any planning permission should include a condition to secure the necessary TRO and to require the submission, approval and subsequent implementation of a Construction Management Plan.

Response to Public Advertisement

2 letters of objection

Issues raised:-

- the development will put additional strain on the health and support services of the area
- the Acoustic Report does not fully assess the noise associated with the adjacent Boat Yard
- concerned that access to the boat yard will be restricted/prevented during the construction period
- concerned about the loss of on-street parking

3 letters of support

Issues raised:-

- the development will result in more trade in the High Street
- the building looks nice
- the development will improve a blighted area and help Gosport's waterfront to prosper

1 letter of observation

Issues raised:-

- no objection to the principle of the development but questions whether there is adequate storage for mobility scooters
- questions whether there is adequate parking and whether the development would result in increased parking problems in the locality

Principal Issues

1. The principle of residential development for up to 48 no. residential units, taking into account its environmental impact, the provision of a new access from Harbour Road and issues of nature conservation, land contamination, flooding and archaeology, has been considered and approved under the Hybrid planning permission reference 14/00076/FULL and the land has already been cleared, in accordance with this consent. For the reasons outlined in paragraph 12 in the first section of this report, this latest proposal cannot, however, be considered as a Details Pursuant application to the previously consented scheme and notwithstanding the previous permission, must, therefore, be considered on its own merits. Accordingly, the main issues in this case, are the acceptability of the proposal in land use terms; the acceptability of the design and the impact of the development on the character and visual amenity of the locality and the setting of the adjacent Locally Listed Building; the amenity of adjacent users/occupiers; whether the development can be

delivered without prejudicing the access and servicing arrangements of adjacent uses, or the future redevelopment of adjoining land; whether appropriate provisions can be made for access, car and cycle parking, refuse storage and collection and servicing and; whether the development can be delivered without having a harmful impact on the interests of archaeology, nature conservation, flooding and land contamination.

2. The acceptability of the principle of providing residential accommodation in this location is established by Policies R/DP4 and R/H3 of the Gosport Borough Local Plan Review and by the grant of planning permission 14/00076/FULL, which was also for 48 no. units. The sentiment of Policy R/DP4 is echoed in Policies LP3 and LP4 of the Gosport Borough Local Plan 2011-2029 (Publication Version), which identify the application site as forming part of the Waterfront redevelopment area. The Gosport Borough Local Plan 2011-2029 (Publication Version) recognises that the whole of the Gosport Waterfront allocation could accommodate approximately 700 no. dwellings. The provision of 48 no. residential units will contribute towards this provision.

3. According to Hampshire County Council's 'Long Term Population Projection', Gosport Borough Council's population of persons aged over 65 years is projected to increase by 44.1% between 2006 and 2026, with the population of persons aged over 85 years projected to increase by 94% over the same period. Taking all the above matters into account, the proposal to provide 48 no. age restricted, residential units continues to be considered acceptable in this location, in accordance with Policy R/H4 of the Gosport Borough Local Plan Review and Policy LP24 of the emerging Local Plan 2011-2029, where higher density development is appropriate, and where prospective occupiers would have access to a range of local services and facilities.

4. Given its siting relative to the existing accesses and the nearby junction, the use of the proposed access will not result in harmful disturbance to adjacent occupiers. Taking into consideration the previous use of the site, together with the proposed access arrangements, the submitted plans demonstrate that the proposed development can be accommodated without compromising the existing access or servicing arrangements/everyday operations of neighbouring uses. Should it be necessary to close the road during the construction period, a license would be required from the Local Highway Authority. The proposed development would not compromise the redevelopment of adjacent sites, including the Clarence Square Council School building and/or the Gosport Boat Yard. It will not result in the loss of existing public access to the coast and will not prejudice future proposals to extend public access along the waterfront as opportunities arise within the waterfront regeneration area. In light of the above, it is considered that the proposed development can be accommodated on the site, without prejudicing the future redevelopment of the adjoining land/buildings or the wider redevelopment of the Cold Harbour Mixed Use Allocation, in accordance with the NPPF, Policies R/DP1, R/DP4 and R/H3 of the Gosport Borough Local Plan Review and Policies LP3, LP4 and LP24 of the Gosport Borough Local Plan 2011-2029 (Publication Version).

5. The design of the proposed building has been carefully considered so as to respect the historic scale and layout of the former Clarence Square. The principal, northern elevation has been sited so as to align with the historic pattern of development in this location and reflects the layout approved under the previous consent. The tower element would be sited at the eastern corner of the site, in accordance with the principles established under this consent. The building would reduce in height at its western end to ensure a scale of development that is sympathetic to adjacent sites and the former Clarence Square development, including the surviving Clarence Square Council School building.

6. The variation in the design of the façade, including the provision of both flat and pitched roofs and prominent gabled projections, coupled with a varied, external palette of materials, will help to successfully reduce the perceived mass of the long, front and rear elevations. The choice of external materials and the siting and proportioning of the window openings have also been carefully considered so as to achieve a suitable level of visual interest, whilst at the same time, successfully avoiding the appearance of a confused/fussy elevation. The variety of materials, roof pitches and roof heights, and the recesses/projections in the footprint will help to create a building that is appropriate to the historic character of this part of the Borough. The provision of projecting balconies will add further interest to the building, increasing natural surveillance and providing

active, vibrant frontages. The siting of the balconies achieves an appropriate level of rhythm and articulation, helping to avoid monotony in the long front and rear elevations, whilst at the same time, utilising views across Portsmouth Harbour. Importantly, 2 no. styles of balcony will be used and this will ensure that the elevations are not unduly repetitious.

7. The rear elevation of the building forms the backdrop to the development immediately to the south of the application site. It is essential, therefore, that the building achieves a suitably high quality dual-frontage, noting that this facade would be clearly visible from a number of public vantage points. The variety in roof form and the staggered arrangement of the footprint will achieve a suitable level of visual interest, breaking up the overall mass of the building and achieving a suitable rhythm and vertical emphasis in the three, four and six storey elevations. The internal layout has been successfully modelled so that all living accommodation will be located at the front of the building, away from the adjacent food store and its associated car park and delivery area. Notwithstanding this, the main corridors to the living accommodation have been deliberately positioned at the rear of the building, allowing a number of window openings to be included in the rear elevation in order to provide natural light to these communal areas. This will ensure that the elevation does not present a dull, blank façade, retaining an element of activity, even during hours of darkness, when the corridor lighting would be visible.

8. The previous consent established the acceptability of erecting a ten storey tower in the north-eastern corner of the site, subject to achieving a high quality design. The ground floor of the tower will include an extensive area of glazing, creating an attractive, active frontage that will contribute to the vibrancy and vitality of the area, whilst clearly defining the entrance to the building. The upper floors have been designed so as to create a well-proportioned, elegant tower in order to create a defining, landscape feature that will act as an exemplar of the positive regenerative work earmarked for this particular part of the Borough. The recessed, curved balconies on the north eastern corner will not only give the tower a unique and distinctive appearance, it will also successfully help to 'soften' what would otherwise be a harsh, angular feature. This, coupled with the provision of clad panels, framed by projecting brick panels and well-proportioned Juliet balconies, will help to achieve a high quality design that is appropriate to its waterfront location.

9. The proposed gabion wall on the northern side of the building will form an integral part of the flood defences for the site. The provision of a gabion wall is appropriate given the maritime location and it has been designed to include timber benches (thereby helping to enhance the public realm) and baskets filled with glass-rock. These parts of the wall would be back-lit at night in order to provide visual interest. This, coupled with the provision of additional tree planting and the widening of the footway will ensure that this aspect of the proposal makes a positive contribution to the appearance of the development and the overall public realm, so as to achieve a pleasant environment, particularly for the pedestrian users. The proposed gabion wall will screen the car parking area from public view and this will ensure the development is not dominated by large, unattractive areas of hard standing/parked vehicles.

10. The final details of the external facing materials, the materials to be used in the construction of the gabion wall, the steps, boundary railings, benches and the external lighting for the site, will be controlled by condition. Subject to these conditions, and for the reasons outlined above, the proposed development is considered acceptable in design terms. It will introduce a positive landmark feature on the Gosport waterfront, providing a high quality reference for future redevelopment, in accordance with the NPPF, Policy R/DP1, R/CH1, R/BH5 and R/BH8 of the Gosport Borough Local Plan Review, Policies LP1 and LP10 of the Gosport Borough Local Plan 2011-2029 (Publication Version) and the Design SPD.

11. Measures to protect residents and adjacent commercial occupiers during construction will be controlled by planning conditions. In the interests preserving the amenity of neighbouring occupiers, a condition will also be included to control the siting and design of any site compound, the hoarding to be erected around the site and measures to control the emission of dust and dirt from the site during construction. The siting of residential accommodation adjacent to commercial sites is not uncommon in waterfront locations, where the marine environment often constitutes a desirable location for both residential occupiers and marine/leisure based industries. The submitted Acoustic

Report concludes that the adjacent uses will not result in unacceptable levels of disturbance to prospective occupiers of the proposed flats, but recommends that suitable glazing be installed so as to reduce the potential levels of disturbance associated with nearby marine related industries. In accordance with the recommendations of the report, a condition is proposed that will require details of the glazing to be installed in all windows and balconies, as well as a mechanical ventilation system to serve the living accommodation, to be submitted to the Local Planning Authority, so as to ensure that prospective occupiers will not be exposed to unacceptable levels of noise. Subject to this condition, it is considered that the development will provide a pleasant living environment for prospective occupiers. The development is, therefore, considered to comply with the NPPF, Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review and Policy LP1 of the Gosport Borough Local Plan 2011-2029 (Publication Version).

12. Due to its siting relative to existing buildings, particularly the recently approved food store to the south, the orientation of the properties and the fact the building will occupy a similar footprint to that which was previously approved, it is not considered that the development will have an unacceptable impact on the amenity of any neighbouring occupiers in terms of loss of light, outlook or privacy. Likewise, due to the orientation of the buildings, it is not considered that the proposal will result in harmful levels of overshadowing, in accordance with the NPPF, Policy R/DP1 of the Gosport Borough Local Plan Review and Policy LP10 of the Gosport Borough Local Plan 2011-2029 (Publication Version).

13. The submitted Transport Assessment indicates that the proposed development will generate a total of 75 no. vehicular trips per day, with approximately 9 no. trips in the morning and evening peak hours. The Assessment indicates that this would, on average, equate to one additional vehicular movement on to the highway network every 6.5 minutes during the peak periods. As with the previous consent, it is again, therefore, considered that the provision of 48 no. residential units will not have a harmful impact on the safe operation of the highway, or contribute to harmful traffic congestion.

14. The Council's Parking SPD sets out the parking requirements for development proposals and allows applicants to justify their car parking provision where a development proposal does not comply with those standards. The car parking requirements for this particular development have been calculated according to the specific requirements of the applicant, having regard to the demographic of the prospective occupiers and the experiences of existing developments that they operate. Under the previous consent, the provision of 32 no. spaces, to serve 48 no. residential units, was considered acceptable. The latest development would provide 2 no. additional spaces. The provision of 34 no. spaces, to serve the 48 no. residential units, equates to 0.71 spaces per unit. The Town ward has the lowest car ownership level in the Borough. The application site is also highly accessible by a number of modes of transport and is within walking distance to the Gosport Bus Station and Ferry Terminal, reducing the reliance on the use of the private motor vehicle. Numerous public car parks are available within easy walking distance of the site and this will serve to complement the on-site car parking provision. Appropriate facilities for the secure storage of bicycles, which will be secured by condition, will also provide additional sustainable alternatives to the use of the private motor vehicle. Facilities for the storage of mobility scooters, which will be conveniently accessed from the eastern side of the building, will further reduce the reliance on the private motor vehicle. In light of this, the demographic of the prospective occupiers and the fact the flats will be one and two bedroom units only, the car parking provision is considered acceptable in this location. The provision and subsequent retention of the car, cycle and mobility scooter parking will be controlled by condition. Subject to these conditions, the quantum of car parking proposed is acceptable in this accessible location.

15. Tracking drawings have been provided which demonstrate that there will be adequate space within the proposed car parking area to allow vehicles to turn safely and conveniently. The proposed access has been sited a sufficient distance from the adjacent junctions and the access into the adjacent Gosport Boat Yard and Clarence Square School Building to ensure that there will be no conflict between vehicles exiting the site and all other users of the public highway. The access has sufficient width to allow 2 no. vehicles to pass, thereby facilitating safe entry and egress. The layout is such that it will be necessary to prohibit some long stay car parking in Harbour Road,

by means of a Traffic Regulation Order, so as to facilitate safe access and to ensure that adequate visibility splays can be maintained, as was considered acceptable under the previous consent. The applicant has confirmed a willingness to pay a contribution to cover the costs incurred by the Local Highway Authority to make the Traffic Regulation Order. Given the location of the site, close to public car parks, the loss of on-street parking in Harbour Road is considered acceptable. Subject to a condition to control these matters, the proposed access arrangement for development is acceptable. The development, therefore, complies with the NPPF, Policies R/DP1, R/T3, R/T10 and R/T11 of the Gosport Borough Local Plan Review and Policies LP22 and LP23 of the Gosport Borough Local Plan 2011-2029 (Publication Version).

16. The proposal will introduce 48 no. additional dwellings which is likely to result in increased recreational activity on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. To address this impact, a contribution towards appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, is required. Without this obligation, the proposal is unacceptable. Subject to the completion of the Section 106 agreement to secure commuted sums towards mitigating the impact of recreational disturbance, the proposal complies with the NPPF and Policies 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. The County Ecologist has advised that, as the site has already been cleared, in accordance with the previous consent, it is of little ecological value and based on the findings of the submitted Extended Phase 1 Ecological Survey, the site is highly unlikely to provide habitat for any protected species. The County Ecologist has also confirmed that the proposed development will not have a harmful impact on bird flight paths or instances of bird strike. In the interests of preserving the environment of over-wintering birds, a condition is proposed that will restrict the use of percussive piling, or works involving the use of heavy machinery, that result in a noise level exceeding 69bdA being audible when measured from the nearest point of the Portsmouth Harbour Special Protection Area during the over-wintering bird period (October - March inclusive), unless the existing noise level at the nearest point of the receptor site already exceeds 69dbA. If the resultant noise level would exceed the existing noise levels when measured from Portsmouth Harbour SPA, no works will be permitted during the overwintering bird period. A condition will also be used requiring the applicant to submit details of measures to enhance biodiversity at the site, through the provision of bat and/bird boxes. Subject to these conditions, the proposed development will preserve the environment for the over-wintering bird population, will not harm the interests of nature conservation and will enhance opportunities for biodiversity, in accordance with the aims and objectives of the NPPF and Policies R/DP1, R/OS11, R/OS12 and R/OS13 of the Gosport Borough Local Plan Review.

17. Paragraph 7.38 of the Gosport Borough Local Plan 2011-2029 (Publication Version) advises that, as the waterfront is located within Flood Zones 2 and 3 and is allocated for comprehensive mixed use development, it has been the subject of a Strategic Flood Risk Assessment. The Local Plan 2011-2029 (Publication Version) advises that the site offers significant regeneration benefits that are unrivalled anywhere else in the Borough. In accordance with the NPPF, a sequential test has, therefore, been undertaken where it has been demonstrated that there are no alternative sites in the Borough. On this basis, the principle of developing within the Flood Zone has been established as being acceptable, so long as appropriate mitigation can be achieved. The Environment Agency has confirmed that, by setting all proposed living accommodation at a level above 4.5 metres AOD, all residential units will remain free of flooding for the lifetime of the development. The provision of the gabion, flood wall, together with the flood barriers that can be provided across the vehicular access and refuse store in the event of a flood, will also protect people and property during flooding events. The development will provide a new surface water drainage system that will include provision of a storage volume to cater for run-off if the existing drainage system becomes tide locked. The Environment Agency has confirmed that this will provide an increased level of protection to the site and surrounding area. Subject to a condition to control this and the submission of details of how the flood defences will be delivered, managed and maintained over the lifetime of the development, the East Solent Coastal Partnership has confirmed that it considers the proposal to comply with the NPPF in respect of flooding and that the coastal defence proposals for this development are in line with the draft strategic policy recommendations.

In the interests of public safety, the applicant has also indicated that emergency evacuation measures will be put in place in the event that a flood event should occur. A condition will control the precise details of the evacuation plan, which will be required to demonstrate the availability of safe access to higher ground. The condition will require the approved Evacuation Plan to be implemented in the event of a flooding event. Subject to the submission and approval of the aforementioned measures, the proposed development will not increase the risk of flooding to people or property, or pollute controlled waters. The development, therefore, complies with the National Planning Policy Framework and Policies R/DP1, R/ENV2 and R/ENV4 of the Gosport Borough Local Plan Review.

18. The developer has demonstrated that the risks from any existing land contamination have been identified and that adequate measures can be put in place to protect human health and controlled waters both during the construction phase and upon occupation. Any contamination will be subject to risk assessment and a series of mitigation measures can be agreed depending on the type of contamination identified and the receptor being affected. The necessary investigation and remediation measures, will be secured by condition. Subject to this condition, the development complies with the NPPF, Policies R/DP1, R/ENV2 and R/ENV5 of the Gosport Borough Local Plan Review and Policy LP47 of the Gosport Borough Local Plan 2011-2029 (Publication Version).

19. As the application site is located within an area of archaeological potential, a condition will be used (as suggested by the County Archaeologist) that will secure the submission, approval and implementation of an appropriate Written Scheme of Investigation relating to any archaeology found to be present at the site. This will ensure that any finds are appropriately preserved and recorded, in accordance with the NPPF and Policy R/BH8 of the Gosport Borough Local Plan Review. Subject to the above conditions, it is not considered that the development will have a harmful impact on built heritage or archaeology.

20. In accordance with the provisions of Section 106 of the 1990 Planning Act and Section 122 of the Community Infrastructure Levy Regulations 2010 the Council may require a planning obligation where it is a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. Whilst due regard is given to the Written Statement by The Minister of State for Housing and Planning on 28 Nov 2014, it is considered that this guidance does not outweigh the legislation in force and the identified need for the contributions to make the development acceptable.

21. In this respect, and in accordance with Policy R/OS8 of the Gosport Borough Local Planning Review, the applicant is, therefore, required to enter into a planning obligation to pay a commuted sum towards the provision and/or improvement of outdoor playing space in the Borough, in accordance with the requirements of the NPPF and Policy R/OS8 of the Gosport Borough Local Plan Review. This planning obligation would be separate from the planning obligation relating to ecological mitigation measures, as described within paragraph 16 of this section of the report.

22. In accordance with the Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review, the applicant is required to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards improvements to transport infrastructure, services and facilities. Without this obligation, the proposal would be unacceptable in this respect.

23. In accordance with Policy R/H5 of the Gosport Borough Local Plan Review (and as amplified by Appendix F), the applicant is also required to enter into a planning obligation to secure the provision of affordable housing on site, or a financial contribution in lieu of that provision. In accordance with Policy R/H5 of the Gosport Borough Local Plan Review, there would be a requirement for 40% of the units (19 no.) to be made available on the affordable housing market.

24. As set out above, the planning obligations are required in order for the development to comply with Gosport Borough Local Plan Review policies. The applicant has requested that the requirement to provide contributions towards outdoor playing space and improvements to transport infrastructure and affordable housing on site, or a contribution to the Council in lieu of that provision, be subject

to a viability assessment to demonstrate whether the requirement would make the development unviable.

25. In conclusion, it is considered that the proposal represents a sustainable form of development that complies with the overarching principles of the NPPF, the Gosport Borough Local Plan Review and the Gosport Borough Local Plan 2011-2029 (Publication Version).

RECOMMENDATION: Grant Permission

Subject to Section 106 agreement relating to

1. the payment of a commuted sum towards outdoor playing space, subject to viability.
2. the payment of a commuted sum towards measures to mitigate the impact of increased recreational activity on Special Protection Areas.
3. the provision of affordable housing at the site or the payment of a commuted sum in lieu of that provision, subject to viability.
4. the payment of a commuted sum towards transport infrastructure, services and facilities, subject to viability.

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, unless otherwise agreed, in writing, by the Local Planning Authority:

SW-2038-03-AC-005 Rev C
SW-2038-03-AC-020 Rev D
SW-2038-03-AC-021 Rev C
SW-2038-03-AC-022 Rev B
SW-2038-03-AC-010 Rev C
SW-2038-03-AC-011 Rev B
SW-2038-03-AC-012 Rev B
SW-2038-03-AC-013 Rev B
SW-2038-03-AC-014 Rev D
SW-2038-03-AC-025 Rev A
SW-2038-03-AC-026 Rev A
SW-2038-03-AC-015 Rev C
SW-2038-03-AC-027 Rev A
SW-2038-03-AC-028 Rev A
SW-2038-03-AC-029 Rev A
SW-2038-03-AC-016 Rev B

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

3. No development above slab level shall take place until details, including samples, of all external facing materials, including the brick bond and materials to be used in the construction of the roof and the glazing, balustrades, supporting up-rights and hand rails to the balconies, 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, and to comply with the National Planning Policy Framework and Policy R/DP1 of the Gosport Borough Local Plan Review.

4. No development shall take place until the measures to protect people from flooding events have been submitted to and approved, in writing, by the Local Planning Authority. The measures shall include details of:

- a) The gabion, flood defence wall, including sections, sample materials and elevation plans;
- b) the flood barrier to be installed across the vehicular access and the approved refuse store, including a manufacturer specification, elevation plans;
- c) a Flood Management Plan, including an Emergency Flood Evacuation Plan, to be implemented in the event of a flood;
- d) the flood proofing measures to the stairwells, refuse, plant and mobility scooter stores within the car park;
- e) how the flood defences will be delivered, managed and operated over the lifetime of the development

The approved measures shall be provided, in accordance with the approved details, before the development hereby approved is first occupied and shall be retained thereafter in accordance with the approved maintenance and management details.

Reason - In the interests of visual amenity and reducing the risk of flooding to people and property and future users in compliance with the National Planning Policy Framework.

5. No development shall take place until details of the windows and balcony doors, including colour finishes, details of how the windows will be set back within the reveals and the measures to protect prospective occupiers from unacceptable levels of noise, including a mechanical ventilation system, have been submitted to and approved, in writing, by the Local Planning Authority. The windows and balcony doors shall be installed in accordance with the approved details and retained thereafter.

Reason - Such details have yet to be submitted and in the interests of residential amenity and to comply with the National Planning Policy Framework and Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

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

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

7. No development above slab level shall take place until details of a soft landscaping scheme including the size/densities of tree/shrubs, the phasing of timing of planting, and provision for its maintenance during the first five years from the date of planting, shall be submitted to and approved, in writing by the Local Planning Authority.

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

8. The landscaping scheme approved in accordance with Condition 7 above shall be completed within six months from the completion of the building shell, or within the next available planting season, and any trees or plants which die are removed or become seriously damaged or diseased during the first five years, shall be replaced with others of identical species (or as may otherwise be agreed in writing with the Local Planning Authority) during the next planting season.

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

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

- (a) the location of the site compound and any buildings within it;
 - (b) the location of any moveable structures, plant, or machinery required temporarily in connection with the development
 - (c) the means of enclosure of the site compound;
 - (d) the provisions to be made for the parking of contractors, site operatives, employees and visitors vehicles;
 - (e) access to the site for construction vehicles;
 - (f) the provision for wheel washing facilities;
 - (g) a scheme for recycling/disposing of waste and spoil resulting from demolition and construction works;
 - (h) the method and timing of any piling required;
 - (i) measures to control the emission of dust and dirt from the site during construction;
 - (j) measures to prevent adverse impacts to surface water and ground water
- The development shall be carried out in accordance with the approved CEMP unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the environment is protected and that the construction works on site do not impact surrounding properties and/or adjacent occupiers and to comply with the National Planning Policy Framework and Policies R/DP1, R/BH8, R/T2, R/T3, R/T10, R/T11 R/ENV2, R/ENV4, R/ENV10 and R/ENV12 of the Gosport Borough Local Plan Review.

10. No development, including demolition, shall take place until details of the measures to deal with the risks associated with land contamination have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall include:

- (a) a desk top study of the former uses of the site and adjacent land and their potential for contamination, together with a report of the findings of a site walkover and a preliminary risk assessment;
- (b) should the details submitted pursuant to (a) above reveal a potential for contamination, an intrusive site investigation and assessment of the risks posed to human health, the fabric of buildings and receptors in the wider environment, including water resources, shall be carried out and the results of the studies submitted and approved, in writing, by the Local Planning Authority.
- (c) where the details submitted pursuant to (b) above reveal the presence of contamination, a detailed scheme for remedial works to mitigate the contamination, eliminate risks to receptors and ensure the site is suitable for the proposed development and a timetable for the remediation works, shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include details of how the completion of the remedial works will be validated by a competent person and, where appropriate, maintained and monitored. The development shall be carried out in accordance with the approved details.

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

11. Notwithstanding the requirements of condition 10 above, if, during development, contamination not previously identified is found to be present at the site, then no further works shall be carried out until a remediation strategy detailing how this unsuspected contamination is to be dealt with has been submitted to and approved, in writing, by the Local Planning Authority. The remediation shall be carried out in accordance with the approved details before any further works are carried out.

Reason - To ensure that risks from land contamination, ground gases and contaminated groundwater to the future uses of the land, neighbouring land, surface water, groundwater and the wider environment are mitigated and to ensure that the development can be carried out safely without any unacceptable risks to workers, neighbouring or prospective occupiers and off site

receptors and to comply with the National Planning Policy Framework and Policy R/ENV5 of the Gosport Borough Local Plan Review.

12. No development shall take place until a written programme of archaeological investigation and recording has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the findings of the archaeological investigation/recording shall be submitted to the Local Planning Authority within 6 months of the completion of the development.

Reason - To ensure that any archaeological evidence is investigated and recorded and to comply with the National Planning Policy Framework and Policy R/BH8 of the Gosport Borough Local Plan Review.

13. No development shall take place until plans and particulars showing the detailed proposals for all of the following aspects of the development have been submitted to and approved, in writing, by the Local Planning Authority:

(a) the provision to be made for the renewable energy sources including a timetable for that provision;

(b) the provision to be made to enhance the biodiversity interests of the site, including bat and/or bird boxes, and a timetable for that provision.

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

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

14. No development shall take place until details of a surface water drainage scheme, based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include details of the following:

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

(b) a timetable for the implementation of the surface water drainage scheme;

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

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

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

15. No development shall take place until a scheme to dispose of foul water has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include details of the following:

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

(b) a management plan for the lifetime of the development.

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

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

16. Internal floor levels for any residential floorspace shall not be less than 4.5 metres above ordnance datum (AOD).

Reason - In the interests of reducing the risk of flooding to people and property and future users in compliance with the National Planning Policy Framework.

17. No development shall take place until details of all external lighting for the site, including within the car park and the backlighting the gabion walls, have been submitted to and approved, in writing, by the Local Planning Authority. These details shall include:

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

The approved lighting shall be provided before the development hereby approved is first occupied and shall be retained thereafter, unless otherwise agreed, in writing, by the Local Planning Authority.

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

18. No development above slab level shall take place until details of the timber fencing, railings, benches and external entrance steps have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include:

- (a) elevation drawings showing the height and design of the boundary treatment, railings, steps and benches
- (b) sample materials and/or manufacturer specifications of the materials to be used in the construction of the boundary treatment, railings, benches and steps

The development shall not be occupied until the boundary treatments, railings, benches and steps shall be provided in accordance with the approved details.

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

19. The residential development hereby approved shall not be occupied until the access and parking areas have been provided in accordance with approved plan SW-2038-03-AC-010 Rev C. The access and parking areas 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 highway and pedestrian safety and the visual amenity of the locality and to comply with the National Planning Policy Framework and Policy R/DP1, R/T3 and R/T11 of the Gosport Borough Local Plan Review.

20. No development shall take place until details of the measures necessary to prevent on street parking adjacent to the vehicular access have been submitted to and approved, in writing, by the Local Planning Authority. The residential units hereby approved shall not be occupied until the measures have been provided in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Policies R/DP1, R/T2, R/T3, R/T4, R/T9, R/T10 and R/T11 of the Gosport Borough Local Plan Review.

21. No development above slab level shall take place until details of the cycle parking facilities have been submitted to and approved, in writing, by the Local Planning Authority. The approved

cycle parking facilities for each unit shall be provided in accordance with the approved details before that unit is first occupied.

Reason - To ensure adequate bicycle parking facilities are provided and to comply with the National Planning Policy Framework and Policy R/DP1 of the Gosport Borough Local Plan Review.

22. No development above slab level shall take place until facilities for the storage and removal of refuse have been provided in accordance with the details shown on approved plan SW-2038-03-AC-010 Rev C. The approved facilities shall be retained and kept available for these purposes at all times.

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

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

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

24. No materials, including those obtained from demolition, site clearance or construction works, shall be burnt on the site.

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

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

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

26. No development shall be carried out until tree protection measures, in accordance with BS5837 - 2012, have been erected in accordance with the details to be submitted to and approved, in writing, by the Local Planning Authority. The approved tree protection measures shall be approved, in situ, by the Local Planning Authority and shall be retained at all times for the duration of the construction works on site. Any tree protection measures that become damaged or otherwise unstable shall be replaced in accordance with the approved details immediately.

Reason - To ensure the satisfactory protection of existing trees and to protect existing ecological habitats and to comply with the National Planning Policy Framework and Policies R/DP1 and R/OS13 of the Gosport Borough Local Plan Review.

27. The residential accommodation hereby permitted shall not be occupied other than by persons aged 60 years and over when in single occupancy or 55 and 60 years and over when in dual occupancy.

Reason - A reduced contribution has been made towards the provision of outdoor playing space within the Borough in lieu of on site provision in compliance with Policy R/OS8 of the Gosport Borough Local Plan Review.

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no satellite antenna shall be permitted to be erected.

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

ITEM NUMBER: 09.
APPLICATION NUMBER: 14/00606/VOC
APPLICANT: Pavilions (Gosport) Management Company
DATE REGISTERED: 23.01.2015

AMENDMENT TO APPROVED OPENING TIMES OF VEHICLE AND PEDESTRIAN GATES TO THE SITE, INCLUDING PERMANENT CLOSURE OF NORTH AND SOUTH VEHICLE AND PEDESTRIAN GATES WITH CONTROLLED RESIDENT ACCESS ONLY (REMOVAL OF CONDITION 5 OF APPLICATION K.15660/31) AND AMENDMENT TO ACCESS ARRANGEMENTS APPROVED UNDER APPLICATION K.15660/5 (NORTH GATE) (CONSERVATION AREA)
St George Barracks (South) Mumby Road Gosport Hampshire

The Site and the proposal

1. St George Barracks South comprises a group of buildings of historic and architectural importance and more recent additions within a Conservation Area immediately to the north east of Gosport Town Centre. Surrounding the site are Grade II Listed railings approximately 1.6 metres high, set within a concrete plinth. There are three existing vehicular and pedestrian access points, one each on the east and southeast boundaries to Clarence Road and one on the northern boundary to Mumby Road. Gate U, located 75 metres south of the junction with Mumby Road, is used for both vehicle access and egress, Gate S, at the southeast end of the site, is for vehicle egress only and gate Z to Mumby Road is restricted to vehicle access only, via a right turn lane, although it would appear this has never been used, despite the off-site highway works being completed. There are single pedestrian gates at Z and S and a pair of pedestrian gates to gate U.

2. The existing gates arrangements at Gate Z, were approved under application K.15660/5 for the original redevelopment of the site and the vehicle gate was indicated as being fixed open, with the pedestrian gate unrestricted. Planning permission was granted under application reference K.15660/31 for electronically operated vehicle gates at Gates U and S, with pedestrian and cycle access gates to the adjacent footpaths. The vehicle gates were to be left open between the hours of 7am and 9pm and electronically operated using an induction loop between 9pm and 7am. The pedestrian gates were to be unlocked between the hours of 7am and 9pm and operated by a keypad lock (entry only) outside of those times, however, the keypads were never installed allowing unrestricted pedestrian access to the site. The permanent closure of the pedestrian and vehicular gates (S and Z) has been in place for a number of years in contravention of the previous permissions.

3. This proposal is for the permanent closure of the north (Gate Z) and southeast (Gate S) vehicle gates, with the residents of the site still being able to use the existing pedestrian gates in these locations by a key or access code entry system. The applicant has indicated that the vehicle gates to Clarence Road (Gate U) would remain as approved, being open between the hours of 7am and 9pm and electronically operated outside of these hours, utilising the existing induction loop. The pedestrian gates would be controlled using a key or access code entry system as with the gates at Z and S. With the exception of the key or access code mechanisms for the pedestrian gates at the 3 entrances, no further external changes are proposed. The applicant has provided a supporting statement clarifying the proposals and a 'Technical Note' supporting the application and the highway impacts that result from closing the northern and south east gates.

Relevant Planning History

K15660/5 - Change Of Use Of Existing Buildings And Erection Of New Buildings To Provide 159no. Dwellings, Offices (B1a), Community Offices, Community Building (D1), Access, Parking, Amenity Areas And Landscaping - permitted 17.03.03

K15660/6 - Listed Building Application - alterations to gymnasium, sergeant's mess, barrack block and old hospital, together with demolition of 3no. extensions to old hospital and railings to facilitate conversion to B1 and C3 uses - permitted 17.03.03

K15660/31 - Erection of 2no. electronically operated vehicle gates and related work (Listed building in Conservation area) - permitted 18.08.06

K15660/32 - Listed Building Application - erection of 2no. electronically operated vehicle gates and related work (Conservation Area) - permitted 18.08.06

14/00408/VOC - Removal of condition 5 of planning permission 06/00379/full (15660/31) to allow the permanent closure of 2 no. Pedestrian and vehicle access gates (Listed building in Conservation Area) - pending consideration

Relevant Policies

National Planning Policy Framework (NPPF), March 2012

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 currently being examined in Public. It is due for adoption in summer 2015. The policies within this document therefore also need to be given weight in decision making, where appropriate.

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/BH1

Development in Conservation Areas

R/BH3

Development Affecting Listed Buildings

R/T3

Internal Layout of Sites

R/T11

Access and Parking

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

LP10

Design

LP11

Designated Heritage Assets including Listed Buildings, Scheduled Ancient Monuments and Registered Historic Parks & Gardens

LP12

Designated Heritage Assets: Conservation Areas

LP23

Layout of Sites and Parking

Consultations

The Gosport Society	No objection
Crime Prevention & Design	No response received.
Building Control	No objection. A fire tender must be able to gain access to within 45m of all units to satisfy the Building Regulations.
Local Highway Authority	No objection - Having assessed the situation on site there are no highway related implications for the closure of the vehicular accesses and installation of controlled resident access. A condition should be imposed requiring the

north gate to be permanently stopped up, vehicular crossover closed off with full height kerbs, bollards removed and footway re-instated. The no right turn road sign and post should be removed. Ghost island's diagonal road markings to diag. 1040 to be reinstated.

Hampshire Fire And Rescue Service

No objection - The following recommendations are advisory only. Any permanent closure or removal of existing access must receive a suitable assessment. A single entrance to a development of this size may meet the standards, however a suitable alternative route would always be advantageous. This could be a suitably secured entrance provided with some security arrangements agreed with the fire service, e.g. a gate padlocked with a soft metal hasp or staple which could be easily cut using standard fire service tools. Hampshire Fire and Rescue Service (HFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS).

Response to Public Advertisement

Nil

Principal Issues

1. No additional physical works are proposed as part of this application, with the exception of the mechanisms on the pedestrian gates which were considered acceptable in the granting of application K15660/31. Subject to details of the locking mechanism the proposals would, therefore, preserve the fabric and appearance of the Listed railings, the setting of the adjacent Listed Buildings and the character and appearance of the Conservation Area. The main issues in this case are, therefore, the impacts of the proposals on traffic safety conditions in the locality and the issue of pedestrian access into and through the site.

2. The proposal would increase the number of vehicles using the eastern access to the site, being the only way to access and egress in a vehicle, however, this unauthorised situation has been in operation for a number of years. The applicant has also indicated that the southern access can continue to be used as a secondary emergency access if required which they would need to determine in consultation with the Fire Service who have raised no objection to the proposal. The applicant's 'Technical Note' clarifies the likely impacts of the proposed closure on traffic safety conditions and concludes that there would be an immaterial impact on the local road network. The Local Highway Authority have confirmed that they have no objection to the closure of the vehicular accesses and installation of controlled resident access and, therefore, the proposals would not have a detrimental impact on traffic safety conditions in accordance with Policies R/T11 of the Gosport Borough Local Plan Review and Policy LP23 of the Gosport Borough Local Plan 2011-2022. The proposals do not include the permanent removal of the gates and whilst the suggested condition from of the Local Highway Authority is noted, future proposals may result in the re-opening of the gate and the condition is, therefore, considered unnecessary at this time.

3. The closure of the pedestrian gates prevents the use of the site as a pedestrian through route from Mumby Road to High Street and vice versa. The applicant's 'Technical Note' supporting the

application indicates that the closure of the pedestrian gates results in an increased distance of 75m around the site, rather than through it and this limited increase in distance is not considered to have a harmful impact on routes to and from the High Street area for non-residents. The provision of the locking mechanisms on the pedestrian gates will allow residents, and possibly their visitors to use them when cycling/walking reducing their distance of travel, which will assist in encouraging them to use alternative transportation to the car.

4. The applicants have noted the original reason for the planning condition attached to K15660/31, relating to the access arrangements and timing and operation of the gates was in the interests of highway safety. The reason for the condition was "to maintain adequate access and turning facilities and in the interests of highway safety, and to comply with Policies R/DP1 and R/T3 of the Gosport Borough Local Plan Review." The reason refers to maintaining adequate access and highway safety, not maintaining adequate access for highway safety, inferring that the condition was to cover more than just a highways issue. In granting planning permission for the gates to be closed under application K15660/31 it was concluded in the officer report that "given that all of the gates will be open throughout the day and well into the evening, and the vehicle gates will open automatically on approach by vehicles, it is not considered that the proposals would make the development appear unduly exclusive to members of the public and other residents in the locality". Notwithstanding the applicant's view that there is no legislative requirement for access to Listed Buildings, they have indicated the arrangements for the pedestrian and vehicle gate to the east (Gate U) would remain as approved under application K15660/31 and would be open between 7am and 9pm. The applicant has also indicated their willingness for the imposition of a condition to this effect on any approval. This would mean that the site would still be accessible by members of the public wishing to view the Listed Buildings during the day which is considered to be an acceptable solution in this case.

RECOMMENDATION: Grant Permission

Subject to the following condition(s):-

1. Within 3 months of the date of this permission, details of the proposed locking mechanism to the north (Gate Z) and southeast (Gate S) pedestrian gates shall be submitted to and approved, in writing, by the Local Planning Authority. The approved locking mechanism shall be installed within 1 month of details being approved and thereafter be retained.

Reason - To ensure an appropriate design solution for the railings and to assist the use of alternative modes of transport to the car and maintain adequate access to the site for residents and to comply with Policies R/DP1, R/BH1, R/T3 and R/T11 of the Gosport Borough Local Plan Review.

2. The eastern gate (Gate U), shall be maintained and operated in accordance with the details approved on plan SK-102 rev D at all times.

Reason - To maintain adequate access and turning facilities and in the interests of highway safety, and to comply with Policies R/DP1 and R/T3 of the Gosport Borough Local Plan Review.