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16 February 2015

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

**MEETING:** Regulatory Board  
**DATE:** 24 February 2015  
**TIME:** 6.00 pm  
**PLACE:** Council Chamber, Town Hall, Gosport  
**Democratic Services contact:** Vicki Stone

LINDA EDWARDS  
BOROUGH SOLICITOR

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### **MEMBERS OF THE BOARD**

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

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

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

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

(To be read by the Chairman if members of the public are present)

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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

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**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 13 JANUARY 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 Friday, 20<sup>th</sup> February 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 Friday, 20 February 2015).*

6. 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:

PART II  
Contact Officer:  
Linda Edwards  
Ext: 5401

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

7. REPORTS OF THE BOROUGH SOLICITOR AND DEPUTY  
CHIEF EXECUTIVE

*Schedule of planning applications with recommendations.  
(grey sheets – pages 1-51 )*

PART II  
Contact Officer:  
Debbie Gore  
Ext: 5455

8. ANY OTHER ITEMS

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

**A MEETING OF THE REGULATORY BOARD  
WAS HELD ON 13 JANUARY 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).

**70. APOLOGIES**

An apology for inability to attend the meeting was submitted on behalf of the Leader of the Council.

**71. DECLARATIONS OF INTEREST**

- Councillors Allen and Gill declared a personal interest in respect of item 14/00530/FULL – 15 Mumby Road, Gosport, (page 3 of the grey pages of the Report of the Borough Solicitor & Deputy Chief Executive).

**72. MINUTES**

**RESOLVED:** That the Minutes of the Regulatory Board meeting held on 2 December 2014, be approved and signed by the Chairman as a true and correct record.

**73. DEPUTATIONS**

A deputation had been received on the following item:

- Item 1 of the grey pages– 14/00530/FULL – 15 Mumby Road, Gosport, Hants, PO12 1AA

**74. PUBLIC QUESTIONS**

No public questions had been received.

**PART II**

**75. REPORT OF THE BOROUGH SOLICITOR & DEPUTY CHIEF EXECUTIVE**

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

**RESOLVED:** That a decision be taken on the application for planning consent as detailed below:

**76. 14/00530/FULL – CHANGE OF USE FROM RETAIL (CLASS A1) TO OFFICE (CLASS B1) (CONSERVATION AREA)  
15 MUMBY ROAD, GOSPORT, HANTS, PO12 1AA**

**Councillor Allen declared a personal interest in respect of this item.**

**Councillor Gill declared a personal interest in respect of this item; although he was not entitled to vote as he was an ex-officio Member of the Board.**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 14/00530/FULL.

The Planning Officer updated the Board advising that further to the publication of the report, a consultation response had been received from the Local Highway Authority. No objection had been raised. The Local Highway Authority had responded that the proposed use would result in less demand than the current retail use. Accordingly, the lack of vehicular and cycle parking provision was acceptable and no transport contribution or transport planning conditions were required. The Planning Officer advised that the proposal was in accordance with Saved Policy R/T11 of the Gosport Borough Local Plan Review, 2006: Policy LP23 of the Gosport Borough Local Plan 2011 – 2029 (Publication Version 2014) and the Parking SPD 2014 concluding that there was no change to the Officer's recommendation.

Mr Graham Jacobs was invited to address the Board. He circulated photographs and documents to Members which outlined the location of the unit and advised that the site formed part of a mixed use redevelopment which originally consisted of 12 residential apartments and 3 offices on the ground floor.

Mr Jacobs advised Members that the property had been vacant since 2012 despite active marketing.

Members were further advised that the occupiers of the property, Mr and Mrs Lees of Lees Bricklaying Services currently based in Stoke Road, were looking to expand their business and relocate to Mumby Road which would generate more employment opportunities within the Borough.

Mr Jacobs stated that he understood the proposed B1 change of use was contrary to the Gosport Borough Local Plan but considered that the location of the unit was poor for a retail offering and would generate a lower level of footfall than the High Street. He concluded that bringing the unit back into occupancy and contributing to the vibrancy of the surrounding area would be preferable to a vacant unit.

Following a question from a Member Mr Jacobs confirmed that Lees Bricklaying employed part time contractors and the proposed use would be similar to a recruitment agency for construction and bricklaying services.

Councillor Mrs Cully was invited to address the Board whereby she thanked Members for the opportunity to speak on this application as Ward Councillor. She informed Members that she welcomed the application which sought to expand a local business that employed local residents and trained apprentices within the building trade.

Councillor Mrs Cully further advised that she recognised the importance of encouraging retail use in the Town Centre but felt that the proposal by Lees Bricklaying would see an increase in employment opportunities within the Borough. In addition, Councillor Mrs Cully felt that this unit would encourage visitors to the High Street.

In relation to a Member's question clarification was sought on the difference between Class B1 and Class A2 usage as It was felt that the proposed application offering recruitment services could be described as a professional service. It was confirmed by the Planning officer that there are distinct differences between an A2 and B1 office use and the proposed application sought a B1 usage which Officers considered reflected the supporting information submitted with the application.

Following discussions, Members recognised the importance in complying with the Local Plan to protect the Town Centre but felt, that the unit was located away from the main shopping area and welcomed the opportunity to bring a vacant unit back into use enabling a local business to expand.

It was proposed and seconded that the application be approved with conditions attached to the planning permission to include opening hours and appearance of the shopfront.

A vote was taken and it was agreed that delegated authority be given to the Head of Development Control, in consultation with the Borough Solicitor and Deputy Chief Executive, to determine appropriately worded planning conditions.

**RESOLVED:** That planning application 14/00530/FULL - 15 Mumby Road, Gosport be approved subject conditions and that authority be delegated to the Head of Development Control in consultation with the Borough Solicitor and Deputy Chief Executive to impose appropriate conditions including controlling opening hours and the appearance of the unit.

## **69. ANY OTHER BUSINESS**

Members were advised of the progress of two appeals dealt with by the Planning Inspectorate.

It was reported that a start date had been received for the Planning Appeal for the Royal Sailors Rest. The Planning Inspectorate has also dismissed the appeal for 38 High Street, Lee-on-the-Solent, supporting the Planning Officer's decision to refuse the application on the basis that the building would be out of character with the surrounding area and would harm highway safety. The Inspector did not agree that the proposal would harm the living conditions of the existing occupiers of no 38 High Street, with particular regard to garden space, but did support the requirement for contributions towards open space and infrastructure, services and facilities and the measures required to avoid or mitigate potential adverse effects from recreational use of the nearby SPA by future residents. Full details of the Inspector's decision will be included in the Members Information Bulletin.

The meeting concluded at 18:20PM

CHAIRMAN

<b>Board/Committee:</b>	<b>Regulatory Board</b>
<b>Date of Meeting:</b>	<b>24 February 2014</b>
<b>Title:</b>	<p><b>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</b></p> <p><b>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</b></p>
<b>Author:</b>	<b>Borough Solicitor and Deputy Chief Executive</b>
<b>Status</b>	<b>For Decision</b>

## 1. Purpose

- 1.1. Concurrent planning applications have 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. 1.2km of the proposed section of road is within the Gosport Borough whilst the junction between the proposed road and Stubbington Lane is within Fareham Borough.
- 1.2. The purpose of this report is to consider firstly, whether to grant planning permission for the works within Gosport Borough (15/00009/FULL) and, secondly, the neighbouring Authority consultation (P/15/0014/FP) received from FBC regarding the proposed junction at Stubbington Lane.

## 2. Recommendation

- 2.1 Authority be delegated to the Head of Development Control to grant permission for application reference 15/00009/FULL subject to:
  - The planning conditions set out at Appendix A; and
  - Written confirmation that Fareham Borough Council have granted planning permission for the proposed junction at Stubbington Lane (FBC application no. P/15/0014/FP)
- 2.2 Agree that the response at Paragraph 4.4 be sent to Fareham Borough Council by the Head of Development Control in response to the neighbouring Authority consultation regarding the proposed junction at Stubbington Lane (FBC application no. P/15/0014/FP).



### **3. Planning Application 15/00009/FULL**

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

The proposal seeks planning permission for a section of road located within the wider Daedalus airfield site, to the north-west of Lee on Solent, which was designated as an Enterprise Zone in 2011. The proposed section of road was indicatively included within the application for outline consent (reference 11/00282/OUT) for the redevelopment of the Daedalus site which the Council resolved to approve in 2012 subject to a section 106 agreement and planning conditions. However, it is now proposed to be constructed in advance of the outline consent being both granted and implemented because £7.09m of Central Government funding is available for the construction of the road to unlock the development potential of the Daedalus waterfront. To access the funding the road must be constructed to a timescale that is not compatible with bringing it forward through the remainder of the outline planning application process.

- 3.2 The application site is a linear parcel of land orientated east-west across the Daedalus site to the north of the built form at Daedalus Waterfront and Bayntum Drive and to the south of the DVLA test centre and Maritime Coastguard Agency building. This largely follows the existing access road across the site which is predominantly flat. The centre section of the application site is located within the urban area, and the area identified by Saved Policy R/DP4 of the Gosport Borough Local Plan Review 2006 for mixed use development, whilst the eastern and western sections of the application site are outside the defined Urban Area within an area identified as a Strategic Gap by Saved Policy R/OS2 of the Local Plan 2006. The entire application site is identified as a regeneration area by Policy LP5 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014). The Daedalus No.16 Conservation Area is located approximately 150m to the south of the central section of the application site. The key features of the Conservation Area closest to the application site are the 1930's Barracks Square and Wykeham Hall.
- 3.3 It is proposed to construct a 1.2km section of road including pedestrian and cycle pathways. The road would extend to the edge of the Borough in the west, adjacent to but not including the access to Stubbington Lane. The road will connect in the east to Broom Way via the section of road permitted by the Council in 2013 under reference 13/00224/FULL.
- 3.4 The road proposed includes a number of spur points to connect both to the existing road network at Daedalus Waterfront and to potential future access points to development areas within the site. Furthermore, a roundabout is proposed near the existing Maritime Coastguard Agency building to facilitate access to both that building and for future potential access to Drake Road to the south. The road includes a new access to Ross House, accessed through its northern boundary, that would replace the existing access onto Stubbington Lane (retaining the existing Ross House junction to Stubbington Lane and creating the new proposed junction to Stubbington Lane would be

unacceptable in highway safety terms). Amended plans have been received to move the proposed access to Ross House 2m to the west so that it does not necessitate the demolition of the existing bin store.

- 3.5 From the eastern end of the proposed road to the proposed roundabout the road would be 7.3m in width to accommodate all sizes of vehicle. However, from the roundabout to the west the width would reduce to 5.5m (with a 4.8m pinch point) to deter use by heavy goods vehicles. The entire length of road includes a 3m shared footway/cycleway to its south and a 1m service strip to the north. This would provide sufficient width to allow future widening of the road if necessary.
- 3.6 The proposed road and shared footpath and cycleway would be finished in tarmac whilst lighting columns, between 6-8m high and spaced at approximate 40m intervals, would be provided along the length of the road. No landscaping is proposed whilst drainage would be provided to capture any surface water run-off and channel it to a public sewer to the east and private sewer to the west.
- 3.7 The application is supported by a transport assessment, biodiversity report, land contamination assessment, flood risk assessment, planning statement and archaeology statement.

### **3.8 Relevant Planning History**

#### Planning applications considered by Gosport Borough Council:

14/00554/FULL – Land to East of Maritime Coastguard Agency Building - Erection of 244 No. photovoltaic panels – permitted 30.01.15

14/00536/FULL – Erection of structural support frame to south western elevation – pending consideration

14/00475/VOC – Maritime Coastguard Agency Building - Variation of condition 12 of planning permission reference 13/00559/FULL to vary the height and profile of the roof, include skylights/sunlights, the erection of a canopy and a single storey plant room – pending consideration

14/00470/FULL – Junction of Implacable Road and Hermes Road - Demolition of building 87 – permitted 24.12.14

13/00559/FULL – Maritime Coastguard Agency Building - Erection of coastal safety training hub and rescue station with training wall and associated engineering works, access, car parking and landscaping – permitted 09.04.2013

13/00224/FULL – Installation and construction of section of road and associated works – permitted 12.09.13

11/00282/OUT - EIA - Outline application with all matters reserved except for access - employment-led mixed use scheme including up to 69,992 sqm of commercial floor space in new buildings and re-use of existing buildings (use classes b1, b2 and b8); up to 1,075 sqm of retail (use classes a1, a2, a3 and/or a4); up to 200 residential units (use class c3); up to 32 units of care accommodation (use class c2); up to

1,839 sqm of community uses (use class d1); up to 8,320 sqm of hotel use (use class c1); up to 2,321 sqm of leisure (use class d2); new and upgraded vehicular and pedestrian access arrangements; hard standing and car parking; open space provision; landscaping; and associated works - resolution to grant permission subject to conditions and the completion of the related section 106 agreement 29.03.12

Planning applications made to Fareham Borough Council:

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 – pending consideration

P/11/0436/OA - Use of airfield for employment based development (up to 50202 sqm of floor space) in new and existing buildings (use classes B1, B2 & B8) with incremental demolition together with clubhouse (class D2) vehicle access, allotments, open space and landscaping – permitted 03.06.11

P/11/0544/FP - Improvements to an existing vehicular access including construction of a new ghost island and pedestrian facilities from the B3385 Broom Way and construction of a new site access road - permitted 13.01.12

P/11/0545/FP - Construction of new vehicular access and associated access road from the B3334 Gosport Road to provide access to existing hangars west area of Daedalus airfield - permitted 13.01.12

P/13/0194/FP - New vehicular and pedestrian access from Broom Way including alterations to existing junction and construction of internal access road and associated drainage works - permitted 03.06.13

P/13/0201/FP - Construction of purpose built engineering training facility for Fareham College, comprising single storey building including engineering workshop, classrooms and other supporting facilities including car parking - permitted 21.06.13

### **3.9 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 due for Examination in Public in early 2015 and 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/DP4

Mixed-use Developments

R/DP1

General Standards of Development within the Urban Area

R/BH8

Archaeology and Ancient Monuments

R/ENV4

Treatment of Foul Sewage and Disposal of Surface Water

R/T10

Traffic Management  
R/ENV10  
Noise Pollution  
R/T2  
New Development  
R/T3  
Internal Layout of Sites  
R/ENV5  
Contaminated Land  
R/DP3  
Provision of Infrastructure, Services and Facilities  
R/T1  
Land Use and Transport  
R/OS2  
Strategic Gaps

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

LP2  
Infrastructure  
LP5  
Daedalus  
LP10  
Design  
LP21  
Improving Transport Infrastructure  
LP13  
Locally Important Heritage Assets  
LP45  
Flood Risk and Coastal Erosion  
LP23  
Layout of Sites and Parking  
LP47  
Contamination and Unstable Land  
LP46  
Pollution Control

Supplementary Planning Documents:

Gosport Borough Council Design Guidance: Supplementary Planning  
Document: February 2014

Gosport Borough Council Supplementary Planning Document: Daedalus 2011

### **3.10 Consultations**

Civil Aviation Authority	No response received.
BAA Safeguarding	No response received.
Environmental Health	All construction works that result in noise being audible at the site boundary should only be

undertaken between 0800 and 1800 Monday to Friday, 0900 and 1300 on Saturday's and not at all on Sunday's or Bank Holiday's. Any lighting should not cause glare or spillage nuisance to neighbouring properties. Smoke and dust on the site should be controlled so as not to cause a nuisance to neighbouring properties. Land contamination assessment is acceptable subject to the recommendations proposed in the submitted contamination report.

Local Highway Authority

No objection subject to planning conditions requiring a Construction Management Plan and the wheel washing of construction traffic before they re-join the public highway.

The following additional comments are made:

- The design of the road proposed would accommodate the forecast levels of traffic;
- If the junction proposed to Stubbington Lane is not built traffic using the road could access/exit the site to/from the west via Drake Road, Brambles Road and Nottingham Place subject to the number of vehicle movements not exceeding 100 per hour (Drake Road and Bramble Road) and 50 (Nottingham Place) per hour. This limit is controlled via a legal agreement between the Local Highway Authority and the Homes and Communities Agency that accompanies the outline planning permission (reference 11/00282/OUT).

HCC Ecology

No response received.

HCC Landscape, Planning & Heritage

No objection. The previous works for the construction of the airfield will have compromised the survival of any archaeological remains.

Environment Agency (Hants & IOW)

No comments.

Building Control

No comments.

Fareham LPA

No response received.

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

2 letters of objection.

Issues raised:-

- The proposed junction to Stubbington Lane would result in queues of stationary traffic harmful to the amenity of residents of Ross House (including their gardens) due to the generation of noise and air pollution and a loss of privacy. The impact would be exacerbated by the prevailing wind direction;
- The traffic generated at the junction to Stubbington Lane would result in residents at Ross House experiencing traffic queues when accessing/existing their homes;
- The proposal would result in the demolition of the existing bin store at Ross House;
- The proposal would result in the loss of the grass in front of Ross House;
- Heavy Goods Vehicles should be directed to the Broom Way junction and not the Stubbington Lane junction.

### **3.12 Principal Issues**

The key issues for consideration are the principle of development, highway safety, design and landscaping, impact upon residential amenity, archaeology, ecology and drainage.

- 3.13 The proposed section of road would, in combination with the concurrent application submitted to Fareham Borough Council (FBC) and the section of road linking Broom Way to the application site permitted in 2013, provide vehicular, cycle and pedestrian access from Broom Way to Stubbington Lane. This would increase the permeability of the Daedalus site and provide the infrastructure necessary to accommodate the planned regeneration at the Enterprise Zone.
- 3.14 Whilst the eastern and western sections of the proposed road would fall within the Strategic Gap identified by Saved Policy R/OS2 of the Gosport Borough Local Plan Review 2006 the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014) includes this area within Policy LP5 which allocates the area for mixed use redevelopment. Therefore, whilst the proposal would be within the Strategic Gap the principle of development in this location has been established by the Council resolution to grant outline planning permission in 2012.
- 3.15 Therefore, it is considered that the proposal would be broadly in conformity with the outline scheme the Council resolved to grant planning permission, subject to planning conditions and a section 106 agreement, in March 2012 and in accordance with Saved Policies R/T1 and R/DP4 of the Local Plan 2006, Policies LP5 and LP21 of the emerging Local Plan 2011-2029 and the Gosport Borough Council Daedalus Supplementary Planning Document 2011.
- 3.16 Whilst the proposal is considered acceptable in principle, the section of road proposed within the Borough cannot provide access from Broom Way to Stubbington Lane without the junction at Stubbington Lane being both granted planning permission by FBC and subsequently implemented (as envisaged by

Policy LP5 of the emerging Local Plan 2011-2029, the Daedalus Supplementary Planning Document 2011 and the pending outline planning permission). The consequence of the junction not being delivered would be twofold: firstly there would be no provision for vehicles to turn at the western end of the proposed road and, secondly, vehicular traffic seeking to access/exit the proposed section of the road from the west may seek to access the site via more minor roads, unsuitable for both high levels of traffic and large vehicles, such as Drake Road, Nottingham Place, Bramble Road, Richmond Road, Richmond Road, Norwich Place and The Slipway.

- 3.17 Whilst the Highway Authority consider that they can control the amount of traffic utilising Drake Road, Nottingham Place, Bramble Road, Richmond Road, Norwich Place and The Slipway through a legal agreement with the Homes and Communities Agency this agreement is linked to the outline planning permission (11/00282/OUT) that has, to date, not been issued or implemented so is not currently enforceable. Furthermore, the section of road proposed is a standalone application, not linked to the pending outline permission, and the transport assessment submitted with the application is predicated on the ability to access and exit the proposed road to the west through a new junction with Stubbington Lane and not through minor residential roads such as those listed above.
- 3.18 Therefore, to make the development acceptable, it is appropriate to impose two planning conditions. The first would allow the construction of the proposed section of road from the roundabout near the Maritime Coastguard Agency Building to the western boundary of the Borough (hatched black on plan no EC/RJ504596/009 Rev B) but would not allow it to be open to vehicular traffic until the junction with Stubbington Lane is constructed. The second would restrict the access or exit of vehicular traffic from the proposed section of road to Drake Road, Nottingham Place, Bramble Road, Richmond Road or Norwich Place until the junction with Stubbington Lane is constructed.

3.19 Highway Safety

The Local Highway Authority has confirmed that, with regard to highway safety, the highway geometry and construction method of the road proposed would be appropriate to support the level of traffic generation identified in the submitted transport assessment (predicated on the ability to access and exit the proposed road to the west through a new junction with Stubbington Lane) and would provide a safe environment. Therefore, subject to planning conditions to require a Construction Management Plan and wheel washing facilities, it is considered that there would be an acceptable highway safety impact in accordance with Saved Policy T1 of the Local Plan 2006 and Policy LP5 and LP21 of the emerging Local Plan 2011-2029 (Publication version July 2014).

3.20 Design and Landscaping

Due to its flat topography the application site is visible from a number of vantage points, including from residential properties at Ross House to the west and Bayntun Drive to the east. The proposed design of the road seeks to respond to the open landscape by minimising the introduction of hard

surfacing and utilising appropriate materials. Therefore, subject to the provision of soft landscaping, it is considered that the proposal would have an acceptable impact upon the wider landscape and the setting of the Daedalus Conservation Area in accordance with Saved Policy R/DP1 of the Gosport Borough Local Plan 2006 and Policy LP10 of the emerging Local Plan 2011-2029 (Publication version July 2014).

### 3.21 Impact upon residential amenity

Representations received have highlighted the potential for impact upon the amenity of residents at Ross House as a result of queuing cars at the proposed junction with Stubbington Lane generating air and noise pollution and a loss of privacy. Concerns have also been raised regarding the additional travel time for residents accessing/exiting Ross House due to the potential for an increase in stationary traffic at the proposed junction.

- 3.22 It is not considered that the new access to Ross House, or the proximity of the proposed section of road to Ross House and any associated queuing vehicles, would have an unacceptable impact upon the amenity of residents or their convenience at accessing/exiting their properties (the principle of the road is established through the Daedalus Supplementary Planning Document 2011 and the pending outline planning permission). Furthermore, concerns raised regarding the loss of grass in front of Ross House have been addressed through the receipt of amended plans that retain the grass area. Concerns regarding the proposed junction with Stubbington Lane predominately relate to land outside the Gosport Borough. It is, therefore, proposed to relay the concerns raised with the proposed development located in the Fareham Borough to FBC so that they can be considered in the concurrent application.

- 3.23 Amended plans have been received to ensure that the new access to Ross House would not necessitate the demolition of the existing bin store.

- 3.24 The works required to construct the proposed road have the potential to impact unacceptably upon residential dwellings at Ross House and Bayntun Drive. Therefore, it is appropriate to restrict the hours of construction works and ensure that facilities for contractors and visitors are located appropriately.

### 3.25 Archaeology

The submitted archaeological assessment does not identify a high likelihood of any archaeological interest due to previous impacts from the construction of the airfield. Accordingly, the proposal is considered in accordance with Saved Policy R/BH8 of the Local Plan 2006 and Policy LP13 of the emerging Local Plan 2011-2029 (Publication version July 2014).

### 3.26 Ecology

The proposed road is predominantly sited on the route of the existing access track where there is negligible potential to support protected species. Therefore, the proposal is considered in accordance with Saved Policy R/OS13 of the Local Plan 2006 and Policy LP44 of the emerging Local Plan 2011-2029 (Publication version July 2014).



### 3.27 Drainage

The proposal includes provision to incorporate drainage channels underground to capture surface water run-off and discharge it into a public sewer in the east and private sewer in the west. This is considered acceptable in accordance with Saved Policy R/ENV4 of the Local Plan 2006 and Policy LP45 of the emerging Local Plan 2011-2026 (Publication version July 2014).

### 3.28 Conclusion

It is recommended that planning permission be granted subject to the planning conditions listed at Appendix A and written confirmation that FBC have granted planning permission for the proposed junction at Stubbington Lane.

## **4. Neighbouring Authority consultation from Fareham Borough Council**

4.1 Fareham Borough Council (FBC) received a planning application on 14 January seeking to construct a new access at Stubbington Lane to connect to the proposed Daedalus east-west spine road. The application (reference P/15/0014/FP) abuts the Gosport Borough boundary and, as such, FBC contacted the Council on 19 January to ascertain the Council's comments as the neighbouring Authority. FBC's planning committee will be considering the application on 25 February.

4.2 The application submitted to FBC would deliver the western access to the Daedalus east-west spine road and enable the application being concurrently considered by the Council (15/00009/FULL) to connect to Stubbington Lane in the west. This would facilitate the regeneration of the Daedalus site and deliver the intentions of Saved Policy R/DP4 of the Gosport Borough Local Plan 2006 Review, Policy LP5 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014) and the Gosport Borough Council Daedalus Supplementary Planning Document 2011.

4.3 One of the third-party representations received to 15/00009/FUL refers to works proposed in the Fareham Borough. The representations have been forwarded under separate cover to FBC and it is appropriate to request FBC to give consideration to them.

### 4.4 Conclusion

It is recommended that the Head of Development Control write to FBC to advise that Gosport Borough Council Raises No Objection but requests that FBC consider the following:

- The need for a secondary western access to Daedalus is identified at Paragraph 6.39 in the Gosport Borough Council Daedalus Supplementary Planning Document 2011;
- The principle of a western access was included in the outline planning application (reference 11/00282/OUT) that the Council resolved, subject to a s106 agreement and conditions, to approve in 2012;

- The transport assessment submitted with the concurrent application, under consideration by Gosport BC, is predicated on the access to Stubbington Lane being constructed; and
- The comments of third-parties who have written to the Council which have been forwarded to FBC under separate cover.

<b>Financial Services comments:</b>	N/A
<b>Legal Services comments:</b>	Contained in the report
<b>Service Improvement Plan implications:</b>	N/A
<b>Corporate Plan:</b>	N/A
<b>Risk Assessment:</b>	Low
<b>Background papers:</b>	Both planning applications and supporting documents
<b>Appendices/Enclosures:</b>	
Appendix 'A'	List of planning conditions for 15/00009/FULL
Appendix 'B'	Site Plan
<b>Report author/ Lead Officer:</b>	David Cranmer

## **Appendix A**

Planning conditions to be attached to 15/00009/FULL:

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

EC/RJ504596/009 Rev B, EC/RJ504596/010 Rev B, EC/RJ504596/011 Rev B, EC/RJ504596/012 Rev A, EC/RJ504596/014 Rev A, EC/RJ504596/015

Reason - For the avoidance of doubt and in the interests of proper planning.

3. The area hatched black on approved plan no EC/RJ504596/009 Rev B must not be open to vehicular traffic until the vehicular access from the east-west road, hereby permitted, to Stubbington Lane, as shown on approved plan no EC/RJ504596/009 Rev B, is provided and open to vehicular traffic.

Reason - To ensure that vehicular traffic using the section of road, hereby permitted, are able to safely turn at the western end of the road in accordance with Saved Policies R/T1, R/T2 and R/T3 of the Gosport Borough Local Plan Review 2006, Policies LP21 and LP23 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014) and the NPPF.

4. There must be no access or exit for vehicular traffic from the east-west road, hereby permitted, to Drake Road, Nottingham Place, Bramble Road, Richmond Road, Norwich Place or The Slipway until the vehicular access from the east-west road, hereby permitted, to Stubbington Lane, as shown on approved plan no EC/RJ504596/009 Rev B, is provided and open to vehicular traffic.

Reason - To ensure that the section of road, hereby permitted, does not encourage an unacceptably high level of vehicular traffic to access/exit the Daedalus Enterprise Zone to the west until an appropriate road junction and access to the section of road, hereby approved, is provided in accordance with Saved Policies R/T1, R/T2 and R/T3 of the Gosport Borough Local Plan Review 2006, Policies LP21 and LP23 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014) and the NPPF.

5. Before the development is first brought into use details of a soft landscaping scheme shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscaping scheme shall be completed within the next planting season following first use 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 safeguard the character of the area in accordance with Saved Policy R/DP1 of the Gosport Borough Local Plan Review 2006, Policy LP10 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014) and the NPPF.

6. No permanent external lighting shall be erected until details have been submitted to and agreed, in writing, by the Local Planning Authority. The lighting shall be carried out as agreed and retained thereafter.

Reason – To safeguard the character of the area and protect the amenity of neighbouring residential properties in accordance with Saved Policy R/DP1 of the Gosport Borough Local Plan Review 2006, Policy LP10 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014) and the NPPF.

7. No construction works shall take place outside of the hours of 08:00 and 18:00 Monday to Friday, 09:00 and 13:00 Saturdays and at no time on Sundays, Bank Holidays or Public Holidays unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To preserve the amenities of the neighbouring residential properties and to comply with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review 2006, Policy LP46 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014) and the NPPF.

8. The development, hereby permitted, must be undertaken in accordance with the recommendations of the submitted Land Contamination and UXO Statement (Ref: 11575 dated January 2015).

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 wider environment are mitigated so that the development can be carried out safely without any unacceptable risks to workers, neighbours or off site receptors in accordance with Saved Policy R/ENV5 of the Gosport Borough Local Plan Review 2006, Policy LP47 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014) and the NPPF.

9. 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 the unexpected 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 agreed remediation strategy.

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 wider environment are mitigated so that the development can be carried out safely without any unacceptable risks to workers, neighbours or off site receptors in accordance with Saved Policy R/ENV5 of the Gosport Borough Local Plan Review 2006, Policy LP47 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014) and the NPPF.

10. Before development begins a Construction Management Plan must be submitted to and approved, in writing, by the Local Planning Authority. The Construction Management Plan must include:

- The provisions made for the parking of contractors, site operatives and visitors;
- Provision for access to the site for construction vehicles;
- The provision for wheel washing facilities;
- Measures to control the emission of dust, dirt and smoke for the site during construction;
- Details of temporary external lighting

The development shall be carried out in accordance with the agreed Construction Management Plan.

Reason - In the interests of highway and pedestrian safety and to preserve the amenities of the neighbouring residential properties in accordance with Saved Policies R/DP1, R/ENV10 and R/T2 of the Gosport Borough Local Plan Review 2006, Policy LP46 of the emerging Gosport Borough Local Plan 2011-2029 (Publication version July 2014) and the NPPF.

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

**24th February 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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<b><u>Item</u></b>	<b><u>Page No</u></b>	<b><u>Appl. No.</u></b>	<b><u>Address</u></b>	<b><u>Recommendation</u></b>
01.	03-10	14/00619/FULL	Leesland C Of E Controlled Junior School Gordon Road Gosport Hampshire PO12 3QF	Grant Permission subject to Conditions
02.	11-30	14/00550/FULL	Land To The North Of Harbour Road Mumby Road Gosport Hampshire PO12 1AQ	Grant Permission subject to Conditions / s106
03.	31-38	14/00085/FULL	Land Adjacent To 114 Eastbourne Avenue Gosport Hampshire PO12 4NY	Grant Permission subject to Conditions / s106
04.	39-42	14/00423/FULL	149 Forton Road Gosport Hampshire PO12 3HB	Refuse
05.	43-51	15/00035/GR3	Land At St Vincent 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 and emails received 02.02.15, 06.02.15 and 11.02.15)**

**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 16no. spaces. The school also has a 37no. space car park accessed from Whitworth Close to the north east.

2. There are playing fields on the southern and eastern sides of the 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 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. It is now proposed to erect a single storey day nursery building in the south western corner of the 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 but 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 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 two windows and a door in the eastern 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 staff car park on the western side of the site for use by the nursery staff. The application does not propose any additional 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 landscaping of the nursery site, including the extent of the acoustic fencing. Information has also been provided which confirms that the total number of staff within the existing school is 51no. which includes part time and evening/morning staff.

### ***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 due for Examination in Public in early 2015 and 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.

**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

### ***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 or any accesses blocked, this would be a matter for the Local Highway Authority and the Police. It is not possible, through this application, to address existing highway concerns and parking problems in the area and 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 this 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 it 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 will not result in any significant level of additional 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 by the proposal. The bin and cycle store is to be a wooden, enclosed building and will not be in constant use, meaning that any noise and smells associated with this activity will be minimal. The bin 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 finished 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. In this instance, the standard for the existing school 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 the school currently has 30no. teaching staff with a further 21no. non-teaching staff. The current parking requirement for the school, therefore, is 44no. The existing on-site parking provision, which is in excess of 50no. spaces over both car parks, is above the requirements for a school of this size. For nursery uses, the SPD requires 1.5 parking space per two members of nursery staff. The application states that this proposal would result in 5no. additional members of staff and, therefore, the allocation of 4no. staff parking spaces in the existing staff car park is in compliance with the SPD and sufficient parking for both the existing staff of the school in addition to those of the nursery would be available within the on site 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 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 is therefore 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 in the locality. 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 details.

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 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. 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 operated before 08.30 or after 16.30 Mondays to Fridays and at no time whatsoever on Saturdays, Sundays, Bank 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: 14/00550/FULL**  
**APPLICANT: Prinset Ltd**  
**DATE REGISTERED: 30.10.2014**

**DEMOLITION OF EXISTING BUILDING AND ERECTION OF A FOUR STOREY BUILDING TO PROVIDE 7 NO. ONE BEDROOM FLATS, 23 NO. TWO 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 Hampshire PO12 1AQ**

***The Site and the proposal***

1. The application site is 0.18 hectares and is located on the northern side of Harbour Road, immediately to the east of its junction with Mumby Road (A32). Harbour Road provides access to a number of adjacent commercial units/sites, including the adjacent Gosport Boat Yard and the associated slipway. Unrestricted, on-street car parking, is available on Harbour Road, between double yellow lines that have been implemented in order to maintain access across existing vehicular entrances. Mumby Road is a two-way carriageway (including a designated cycle lane) that is subject of a 30 mile per hour (mph) speed restriction.
2. The site, which is identified as an area of archaeological interest, is located within the 'Coldharbour' Mixed Use Area and the Coastal Zone Policy Area, as defined on the Proposals Map of the Gosport Borough Local Plan Review. It is also located within the Gosport Waterfront Mixed Use site, as defined by Policy LP4 of the Gosport Borough Local Plan 2011-2029 (Publication Version).
3. Portsmouth Harbour, a Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI), is to the north. These are of international importance to wading birds. Noteworthy flora includes Dwarf Eelgrass, Narrow-Leaved Eelgrass, Marine Eelgrass and Golden Samphire. The site is located within Flood Zones 2 and 3.
4. The site is currently occupied by a three storey building, constructed in the 1950s from red brick, with a corrugated, pitched roof. It was originally constructed for the manufacture of sails. The building, which is now vacant, has a rectangular footprint, with numerous windows, set at regular intervals, in all elevations. Informal areas of car parking are available on both the north western and south eastern sides of the building providing in region of 20 no. spaces. The parking on the south eastern side of the building is enclosed by metal railings.
5. To the south of the application site, and on the opposite side of Harbour Road, 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, which is now occupied by the application building, built on to reclaimed land. During the 18th Century, the southern side of Clarence Square saw the erection of a row of Georgian townhouses to the east of the Clarence Square Council School. 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 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.



6. The land, to the south east of the application site (and adjacent to the Clarence Square Council School), is currently being redeveloped, following the grant of planning permission reference 14/00076/FULL in August 2014. Consent was granted for the demolition of the former office buildings on this land 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 proposal was submitted as a Hybrid application, with consent granted for the residential element of the scheme in Outline form. The commercial element of the scheme was approved with full details and is currently being built-out. It is at a relatively advanced stage in the construction process.

7. Immediately to the north west of the application site is the Clarence Wharf Industrial Estate, which comprises a total of 11 no. industrial units operating under Classes B1, B2 and B8 of the Use Classes Order. The buildings are single storey and have been constructed from a combination of red brick and corrugated metal. The blank, rear elevations of Units 1-6 are sited directly adjacent to the application site.

8. Approximately 200 metres 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.

9. To the north and east of the site is the Gosport Boat Yard, which is used, primarily for the storage and repair of boats. The boat yard, which wraps around the northern extent of the application site, is accessed via a set of gates, approximately 80 metres to the east.

10. 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),

11. The Gosport Bus Interchange and Ferry Terminal are located approximately 450 metres to the south east. The Ferry Terminal provides access to Portsmouth Harbour which, itself, provides access to the Bus Interchange and the railway station. The Bus Interchange provides services to a range of locations within the Borough, as well as services to Fareham, Warsash and Southampton.

12. This proposal is for the demolition of the existing, vacant, three storey building at the site and the erection of a part two, three storey and four storey building to provide a total of 31 no. flats.

13. The accommodation would comprise 7 no. one bedroom, 23 no. two bedroom and 1 no. three bedroom flats. The building would be sited 15 metres from the northern (principal) elevation of the adjacent Clarence Square Council School building and set approximately 4 metres further forward than the building it is replacing. With the exception of a three storey, projecting element (which would be sited 2 metres off the boundary with Clarence Wharf Industrial Estate), the rear (north western) elevation of the building would be set off the boundary with Clarence Wharf Industrial Estate by an additional 2.3 metres, when compared to the existing arrangement. The south eastern elevation of the building would be sited 15 metres from the Gosport Boat Yard.

14. The building would, for the most part be three stories and 10.2 metres high, with a recessed, fourth floor providing a total overall height of 14.5 metres. The fourth floor would be set back over 2 metres from the main façade of the building and would be built with a gul-wing roof that has been designed with a projecting eaves detail.

15. The majority of the building would be constructed from red brick, with projecting, rendered elements on the north western and south western sides of the building. The rendered section on the south western side of the building would front the Harbour Road/Mumby Road junction and would be clearly visible when turning in to Harbour Road. It would be two stories high (with a roof terrace) and would provide the principal entrance into the building. The ground floor would contain a large,

glazed lobby, which would provide a reception/concierge area, serving the proposed flats. The lobby area would be accessed via a set of external steps, together with a level access lift, which would provide disabled access into the building. Areas of soft landscaping would be provided on either side of the steps, 1 no. of which would include facilities for visitor cycle parking in the form of three hoops. The landscaped areas would be enclosed by 1.1 metres high, black painted railings. An additional area of soft landscaping would be provided on the north western side of the site, at the junction between Harbour Road and Mumby Road.

16. The rendered element on the north western side of the building would be three stories high and would be sited 2 metres from the shared boundary with Clarence Wharf Industrial Estate. It would be set back 29 metres from the south western elevation of the building and 45 metres from the highway. There would be no windows in the north western elevation of the projection, facing towards the adjacent Clarence Wharf Industrial Estate.

17. The building would be set back approximately 6 metres from the back edge of Harbour Road, approximately 2 metres further back than the existing building. With the exception of the three storey rendered element, the majority of the north western elevation will be sited 11 metres from the shared boundary with the Clarence Wharf Industrial Estate, 3 metres further than the existing building. The south eastern elevation will be sited approximately 3 metres further forward than the footprint of the existing building.

18. There would be projecting, glazed balconies on all elevations of the building, together with a full height, glazed stairwell, on the north western elevation. The building would have aluminium, powder coated windows and doors (white) with stainless steel balustrades and hand rails to the balconies.

19. In the interest of mitigating flood risk, the whole building would be constructed on supporting columns to avoid habitable accommodation at ground floor level. The resultant space beneath the building would be utilised to provide semi-basement car parking for 41 no. cars. 36 no. car parking spaces would be allocated to the proposed flats (equating to 1.16 spaces per dwelling), with the remaining 5 no. spaces retained for visitor parking. The car parking spaces would each measure 5 metres x 2.5 metres.

20. The semi-basement car park would be accessed from the north western corner of the site, via Harbour Road and down a graded slope to account for the difference in levels. The parking would be arranged around a central core, which would contain plant and refuse stores (for 7 x 1,100 litre domestic and 7 x 1,100 litre recycling bins), as well as entrances to stairwells providing access to the residential accommodation above. The plans indicate that the stairwells and stores would be built with flood protective walls. Steps would be provided at the south western and north eastern ends of the semi basement in order to provide access onto street level. Cycle parking for the proposed flats would be provided within the flat units themselves, within the hallway of each unit. A refuse collection area would be provided adjacent to Harbour Road.

21. In addition to providing all living accommodation at 4.8 metres AOD, as part of the flood defence strategy for the site, the south eastern and north eastern sides of the building would be enclosed by a new, 1.8 metre high, brickwork, flood defence wall, complete with gabion stone panels. The application is supported by a Flood Risk Assessment which outlines the proposed flood mitigation measures and considers matters such as fluvial flood risk, tidal flood risk, groundwater flooding, overland flow and sewer flooding, together with the implications for surface water drainage.

22. The application is supported by a Phase 1 Ecological Survey that assesses the potential for the existing building/site to provide habitat for protected species, including bats and considers the potential impact of the development on birds present within the adjacent SPA. The applicant has indicated that swift boxes would be incorporated in the design of the building to enhance the biodiversity value of the site.

23. The application is also supported by a Transport Statement, which assesses the likely car parking requirements of the proposal and the impact of the development on the existing highway network.

24. An Acoustic Report has been submitted in order to establish the existing background noise levels associated with the adjacent commercial units and the potential impact on prospective occupiers with regard to noise disturbance. The report includes an assessment of the noise associated with nearby marine engineering works.

25. The proposed development would include audio visual access control systems at points of entry. Lighting would be provided within the semi basement car park, together with a CCTV system.

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

Applications at adjacent site to the south east:

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

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

### ***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 due for Examination in Public in early 2015 and 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/T4

Off-site Transport Infrastructure

R/T11

Access and Parking

R/H4

Housing Densities

R/H5

Affordable Housing

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/CH1  
Development within the Coastal Zone  
R/CH2  
Pedestrian Access Along the Coast  
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/ENV14  
Energy Conservation

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

**Consultations**

DEFRA (MMA)	No response.
Environment Agency (Hants & IOW)	No objection. A condition should be used to ensure that floor levels for all living accommodation are set at least 4.8 metres AOD.
Natural England	No objection, subject to the provision of appropriate mitigation measures to protect the important features of the Portsmouth Harbour Special Protection Area, Ramsar Site and Site of Special Scientific Interest (SSSI).
Royal Society For The Protection Of Birds	No response.
Southern Water	No objection, subject to a condition requiring details of the proposed means of foul and surface water sewerage disposal.
HCC Ecology	No objection. The site appears to be of limited ecological value: there is minimal vegetation present and the building is highly unlikely to support any legally protected species. It is not considered that the proposal will have a harmful impact on bird flight paths. The proposal will introduce 31 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. The provision of swift boxes is welcomed.
HCC Education Office	This development sits within the Newtown Primary School catchment area. There are no surplus primary school places in the area so in order to mitigate the development, additional primary school places will have to be provided. For the 24 "eligible" dwellings (2+ bedrooms) being proposed, a contribution in line with the County Council's Developer Contribution Policy will be required.
HCC Landscape, Planning & Heritage	No objection. A condition should be attached to ensure that any archaeological remains encountered during development are recognised and recorded.

Eastern Solent Coastal Partnership	No objection. A condition should be used to control how the flood defences will be delivered, maintained and operated over the lifetime of the development.
Crime Prevention & Design	No objection. To provide for the safety of the occupiers of the flats, however, it is recommended that the communal access doors are certified to LPS1175 SR2 standard. Individual front doors to apartments should be certified to PAS24 standard.
Hampshire Fire And Rescue Service	Update to be provided.
Building Control	Update to be provided.
Economic Prosperity	No objection.
Environmental Health	Update to be provided.
Housing Strategic	Update to be provided.
Streetscene Waste & Cleansing	No objection. Adequate storage shown for the storage of bins.
Local Highway Authority	No objection. The proposed car parking levels are considered acceptable in this location and the dimensions of the car parking spaces accord with the Parking SPD. The cycle parking provision is acceptable. The existing accesses should be formally closed. As the proposal will not increase the number of multi modal trips to/from the site, when compared to the previous use, no Transport Contribution is required.

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

1 no. letter of observation

Issues raised:-

- any coastal proposals should include provision for a waterfront walkway

1 no. letter of objection

Issues raised:-

- concerned about the noise from the adjacent industrial uses and the impact it will have on prospective occupiers
- considers the increased requirement for car parking and the increased use of the road and accesses to be unpractical and unmanageable

### ***Principal Issues***

1. The NPPF states that Local Planning Authority's should contribute to building strong, responsive and competitive economies; vibrant and healthy communities that meet the needs of present and future generations; high quality built environments, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; protect and enhance the natural, built and historic environment and; improve

biodiversity, using natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change.

2. In accordance with the above objectives, the main issues in this case, therefore, 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.

3. The site is located within the Urban Area Boundary, where the principle of this type of development is acceptable, provided that it meets the requirements of all the relevant local and national planning policies. In this regard, 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. 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 31 no. residential units will contribute towards this provision.

4. Although the development would result in the loss of 1855 sq. metres of employment floorspace, the existing building on the site is in a poor condition and would not meet the operational requirements of modern industry and, as such, has limited, long term, economic sustainability. In this regard, it is noteworthy that the previous operator has chosen to relocate to a modern, purpose built facility, elsewhere in the Borough and the building has not been successfully let for employment purposes in the intervening period. In anticipation of such scenarios, Policy LP16 of the Gosport Borough Local Plan 2011-2029 (Publication Version) recognises that areas of commercial floorspace which are underused, or unsuitable for modern use, should be considered for redevelopment.

5. Taking all the above matters into account, the proposal to provide 31 no. residential units is 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 higher density development is appropriate, and where prospective occupiers would have access to a range of local services and facilities. Given its siting relative to the existing access and the nearby junction, the use of the proposed access will not result in harmful disturbance to adjacent occupiers. Taking into consideration the current and historic uses 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. The proposed development would not compromise the redevelopment of adjacent sites, including the Clarence Square Council School building and 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).

6. The Heritage Statement, submitted in support of the application, indicates that the building to be demolished represents the largest sail loft in Britain. Whilst the building is not Listed and is not included within the Borough Council's Locally Listed Buildings, it is considered appropriate to ensure that a photographic record of the building is made, prior to its demolition, in accordance with

guidance published by English Heritage and this can be controlled by condition. Likewise, as the application site is located within an area of archaeological potential, a condition is proposed (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.

7. The proposed replacement building would have a simple design, with extensive areas of glazing provided on the elevation fronting the Harbour Road/Mumby Road junction, which will create an attractive, active frontage that will contribute to the vibrancy and vitality of the area, clearly defining the entrance to the building. The simple form of the building, which will be complemented by the provision of projecting, glazed balconies, set at regular intervals, will provide a rhythm and uniformity to the elevations that is reflective of the original building, whilst at the same time, providing an appropriate level of visual interest and articulation to the publicly visible facades. The fourth floor of the building has been set back from the main façade and this will reduce its perceived height and overall mass. The provision of a gul-wing roof will add interest to the design and it will be set back a sufficient distance to ensure that it does not create too dominant a feature. A condition is proposed that will require the submission of details, including samples, of the proposed external facing materials, so as to ensure a high quality finish.

8. The provision of new areas of soft landscaping adjacent to the glazed entrance of the building will enhance the appearance of the site where it addresses the Harbour Road/Mumby Road frontage and will improve the public realm and pedestrian experience, helping to re-establish this currently underused section of Harbour Road as an important, historic link to the waterfront. The building has been set off the application boundaries by a sufficient distance to ensure that it does not dominate the plot and has been sited and designed in such a way so as to respect the setting of the adjacent Locally Listed Building. It will not extend forward of the north eastern corner of this building and will step-down in height at its south western end so as not to appear overbearing when compared to the scale and form of this adjacent structure.

9. The proposed 1.8 metre high flood defence wall on the south eastern side of the site will form an integral part of the flood defences for the site. The wall will include gabion stone panels, so as to avoid the introduction of a long, uninterrupted section of brickwork on the south eastern side of the building. The final details of the wall, together with the materials to be used in its construction, will be controlled by condition so as to ensure a high quality finish. The proposed area of car parking has been carefully designed so as to be hidden from public view, thereby helping to ensure the development is not dominated by a large area of hard surfacing, or parked vehicles. The provision of lighting throughout the semi basement car park, to achieve a pleasant and safe environment, will be controlled by condition.

10. For the reasons outlined above, the proposed development is considered acceptable in design terms. The building will not dominate its surroundings and will introduce a development that would act as an exemplar of the positive regeneration work earmarked for this particular part of the Borough.

11. Measures to protect residents and adjacent commercial occupiers during demolition/construction will be controlled by planning conditions. Conditions will also be included to regulate the method of demolition, together with the siting and design of any site compound, to ensure that disruption, in terms of noise, vibration and dust, is minimised. 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, so as to preserve the residential amenity of prospective occupiers. Subject to this condition, the proposed development is 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, the orientation of the properties and the fact the building will occupy a similar footprint to the existing, 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, particularly when it is noted that the proposed building will only be 2.1 metres higher than the building it is replacing. 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 approximately 20 no. multi modal trips in the morning and evening peak hours. The Assessment indicates that even if all these trips were made by motor vehicle, this would, on average, equate to one additional vehicular movement on to the highway network every three minutes during the peak periods. The vehicular movements associated with the proposed development must, however, be considered against the trips associated with the previous use of the site for commercial purposes. When it was open, the existing building operated under Use Classes B1 and B2 of the Use Classes Order. Based on Hampshire County Council's Transport Contribution Policy, it is estimated that the existing use would generate 220 no. multi modal trips per day. On this basis, the proposed development would result in a net reduction in the number of multi modal trips associated with the site (a reduction of approximately 9%). Under the circumstances, it is not considered that the proposed development will have a harmful impact on the safe operation of the highway, or contribute to harmful traffic congestion. The proposed access will be sited 15 metres from the adjacent Harbour Road/Mumby Road junction and adequate visibility is available to ensure that there is no conflict between vehicles exiting the semi-basement car park and all other users of the public highway. Likewise, the siting of the access is such that it will not interfere with the safe use of the access to the double doors in the Clarence Square Council School building.

14. The Council's Parking SPD sets out the parking requirements for development proposals. It makes provision for applicants to justify their car parking provision where a development proposal does not comply with those standards. For this development, a total of 55 no. allocated car parking spaces are required, unless it can be justifiably demonstrated that an under provision will not result in harmful overspill parking in the local road network. The provision of 36 no. allocated car parking spaces represents an under provision of 19 no. spaces when compared to the requirements of the Parking SPD. At 1.16 spaces per dwelling, however, the proposed car parking arrangement exceeds both the average car ownership levels for the Town ward (0.76 cars per household - the lowest in the Borough), as well as the average car ownership levels for the Borough as a whole (1.14 cars per dwelling). The application site is located close to the High Street (where a number of local services and facilities are available) and is also accessible by a number of modes of transport. It is within walking distance of the Gosport Bus Station and Ferry Terminal, reducing the reliance on the use of the private motor vehicle. Visitor and long stay cycle parking facilities will be provided at the site, in accordance with the requirements of the Parking SPD, and this will also provide sustainable travel alternatives to the private motor vehicle. The provision of 5 no. visitor car parking spaces represents a shortfall of 1 no. visitor space when compared to the requirements outlined in the Parking SPD, however, 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. The provision and subsequent retention of the car parking and cycle parking spaces will be controlled by condition. The applicant has confirmed a willingness to enter into a planning obligation to pay a contribution to cover the costs incurred by the Local Highway Authority to advertise and implement a Traffic Regulation Order required to regulate car parking adjacent to the proposed vehicular access and this will ensure safe entry and egress to and from the site can be maintained. Due to its proximity to the adjacent junction and the presence of existing accesses, this particular section of the highway is not currently used for on street parking. In light of the above, the proposed parking and access arrangements are acceptable. The Local Highway Authority has confirmed that, as the development

will not increase the number of multi-modal trips to and from the site, when compared to the previous use, there is no requirement for the applicant to enter into a planning obligation to pay contributions towards improvements to transport and highway infrastructure, services and facilities. 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).

15. The proposal will introduce 31 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 applicant has agreed to pay the above sum (without this obligation, the development would be unacceptable in this respect), in accordance with Policy R/OS11 of the Gosport Borough Local Plan Review and Policy LP42 Gosport Borough Local Plan 2011-2029 (Publication Version). The County Ecologist has advised that the site is of little ecological value, with minimal vegetation and, based on the findings of the submitted Phase 1 Ecological Survey, that the building 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. 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. Subject to this condition, the proposed development will preserve the environment for the over-wintering bird population, in accordance with the NPPF and Policies R/DP1, R/OS11, R/OS12 and R/OS13 of the Gosport Borough Local Plan Review.

16. The applicant has confirmed that 2 no. swift boxes will be installed on the building and that new planting at the site will comprise a 70:30 ratio of native to non-native species. Details of the swift boxes and landscaping, together with their implementation and retention can be controlled by condition. Subject to these conditions, the proposed development will help to enhance the ecological value of the site, in accordance with the aims and objectives of the NPPF.

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 4.8 metres AOD, all residential units will remain free of flooding for the lifetime of the development. The walls enclosing the plant rooms and refuse stores within the semi-basement parking area will be built with enhanced flood protection walls, the details of which will be controlled by condition. In the interests of public safety, the applicant has 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.

18. 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 defence wall will be delivered, maintained and operated 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. 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.

19. The developer has demonstrated that 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 any contamination identified and the receptor being affected. The necessary investigation and remediation measures, including implementation, will be secured by condition. Subject to this condition, the development complies with the NPPF and 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).

20. Provision can be made across the application site to minimise energy use. The new building will have improved energy efficiency when compared to the existing building at the site. The development, therefore, accords with the aims and objectives of the NPPF and Policies R/DP1, R/ENV14 and R/ENV15 of the Gosport Borough Local Plan Review.

21. The applicant has confirmed a willingness 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. The County Education Officer has requested contribution towards education provision as the proposed residential accommodation will contribute to a current shortfall in Primary school places in the local catchment area. The applicant will, therefore, be required to enter in to a planning obligation with the Borough Council to pay a commuted sum towards the provision of additional educational facilities, in accordance with the requirements of Policy R/CF6 of the Gosport Borough Local Plan Review.

23. In accordance with Policy R/H5 of the Gosport Borough Local Plan Review (and as amplified by Appendix F), the applicant is 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 (12 no.) to be made available on the affordable housing market.

24. As set out above, a number of 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 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.
2. the payment of a commuted sum towards measures to mitigate the impact on increased recreational activity on Special Protection Areas.
3. the payment of a commuted sum towards educational facilities.
4. the provision of affordable housing at the site or the payment of a commuted sum in lieu of that provision, subject to viability.
5. the payment of a commuted sum towards the funding of a Traffic Regulation Order.

### **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. No development, including demolition, shall take place until a detailed recording of the existing exterior and interior of the building, at English Heritage Level 3, has been submitted to and approved, in writing, by the Local Planning Authority.

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

3. No development above slab level shall take place until details, including samples, of all external facing materials, including to the roof and the glazing, balustrades 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 details of the flood defence wall, including sections and elevation plans and details of how the flood defences will be delivered, managed and operated over the lifetime of the development have been submitted to and approved, in writing, by the Local Planning Authority. The flood wall 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 details.

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.

5. No development shall take place until details of the windows and balconies doors, including the measures to protect prospective occupiers from unacceptable levels of noise, 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, including demolition, 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 method of demolition;
- (b) the location of the site compound and any buildings within it;
- (c) the location of any moveable structures, plant, or machinery required temporarily in connection with the development
- (d) the means of enclosure of the site compound;
- (e) the provisions to be made for the parking of contractors, site operatives, employees and visitors vehicles;
- (f) access to the site for demolition and construction vehicles;
- (g) the provision for wheel washing facilities;
- (h) a scheme for recycling/disposing of waste and spoil resulting from demolition and construction works;
- (i) the method and timing of any piling required;
- (j) measures to control the emission of dust and dirt from the site during construction;
- (k) 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 demolition and 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 a scheme to protect existing public sewers, including a timetable for the measures to be carried out, has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details and timetable.

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

11. 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.

12. Notwithstanding the requirements of condition 11, 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.

13. No development, including demolition, 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.

14. No development, other than demolition, 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 swift 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.

15. No development, other than demolition, 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.

16. No development, other than demolition, 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.

17. No development, other than demolition, shall take place until details of all external lighting for the site, including within the semi-basement car park, 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.

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. Internal floor levels for any residential floorspace shall not be less than 4.8 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.

19. The development hereby approved shall not be occupied until a Flood Management Plan, including an Emergency Flood Evacuation Plan, to be implemented in the event of a flood, has been submitted to and approved, in writing, by the Local Planning Authority. The Flood Management Plan shall be implemented in accordance with the approved details.

Reason - In the interests of safety, and to comply with the National Planning Policy Framework

20. Notwithstanding the requirements of condition 19 above, no development, other than demolition, shall take place until details of the flood proofing measures to the stairwells, refuse and plant stores within the semi-basement car park have been submitted to and approved, in writing, by the Local Planning Authority. The flood proofing measures shall be provided in accordance with the approved details before occupation of the first residential unit and shall be retained thereafter, unless otherwise agreed, in writing, by the Local Planning Authority.

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.

21. No development above slab level shall take place until full details of the boundary treatments, the flood defence brick/gabion wall, retaining walls, timber fencing and metal railing, as referenced on approved plan 13.1980.100 Rev P1, 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
- (b) sample materials and/or manufacturer specifications of the materials to be used in the construction of the boundary treatment

The boundary treatments shall be provided in accordance with the approved details before the development is first brought into use and retained thereafter.

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.

22. The residential development hereby approved shall not be occupied until the access and parking areas have been provided in accordance with approved plan 13.1980.101 Rev P1. 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.

23. No development relating to the car parking area hereby approved shall take place until section drawings at a scale of 1:20 showing the gradient of the access into/out of the semi-basement parking area have been submitted to and approved, in writing, by the Local Planning Authority. The development shall not be brought into use until the access has been provided in accordance with the approved details and the access shall be retained for vehicular entry/egress at all times.



Reason - In the interests of highway safety and to ensure adequate access is provided and retained, and to comply with the National Planning Policy Framework and Policies R/T2 and R/T11 of the Gosport Borough Local Plan Review.

24. The development hereby approved shall not be occupied until the existing accesses to the site have been closed in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority.

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

25. No development, other than demolition, 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 measures shall be provided in accordance with the approved details before the development hereby approved is first occupied.

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.

26. The development hereby approved shall not be occupied until details of the cycle parking facilities for each respective unit 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 facilities 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.

27. The development hereby approved shall not be occupied until facilities for the storage and removal of refuse have been provided in accordance with the details shown on approved plan 13.1980.101 Rev P1. 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.

28. No development shall take place until details of a refuse collection area have been submitted to and approved, in writing, by the Local Planning Authority. The refuse collection area shall be provided and made available in accordance with the approved details before the development hereby approved is first occupied and shall be retained thereafter.

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.

29. No development above slab level shall take place until details of the entrance steps and platform lift, including elevation drawings, as shown on approved plan 13.1980.100 Rev P1, have been submitted to and approved, in writing, by the Local Planning Authority. The entrance steps and platform lift shall be provided in accordance with the approved details before the building is first brought into use and shall be retained thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - Such details have yet to be submitted and in the interests of pedestrian and disabled access and 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.

30. 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.

31. 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.

32. 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), unless the existing noise level at the nearest point of the Portsmouth Harbour Special Protection Area (SPA) already exceeds 69dbA, in which case, no works shall be undertaken during the specified period if the resultant noise level would exceed the existing noise 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.

33. 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:

13.1980.100 Rev P1  
13.1980.101 Rev P1  
13.1980.102 Rev P1  
13.1980.103 Rev P1  
13.1980.104 Rev P1  
13.1980.105 Rev P1  
13.1980.108 Rev P1

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.



**ITEM NUMBER: 03.**  
**APPLICATION NUMBER: 14/00085/FULL**  
**APPLICANT: Mr Paul Bailey**  
**DATE REGISTERED: 07.03.2014**

**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**

***The Site and the proposal***

1. The application site is located in a prominent position on the southern side of Eastbourne Avenue, on the corner with the Torquay Avenue cul-de-sac. It is located within a distinct pattern of inter-war, medium density housing. The dwellings along Eastbourne Avenue, and the wider locality, have two storey bay windows and are laid out in a grid pattern with the properties located on corners generally retaining open areas along their side elevations.
2. The application site is generally rectangular in shape and is approximately 28.5m deep and approximately 11.5m wide at the front and 12.5m wide at the rear. The site currently forms part of the curtilage of a two storey, end of terraced dwelling, number 114 Eastbourne Road. This property is 5.5m wide and is set back from Eastbourne Road by approximately 6m and away from the western boundary with Torquay Avenue by approximately 5.4m. It is constructed of red bricks with a rendered first floor and has a pitched, tiled roof. There is a two storey bay window on the front elevation and an inset front door. The property also has an original single storey extension and conservatory on the western side of the rear elevation. There is a detached double garage located in the south western corner of the application site, with a single garage door opening in the western elevation facing Torquay Avenue. At the front of the site is a paved parking area approximately 6m deep and approximately 11.5m wide that takes access via a dropped kerb from Torquay Avenue. The front of the site is bound by a low brick wall. The rear garden is bound by an approximately 1.8m high fence. There are a minimum of three parking spaces available for number 114 at present.
3. To the rear (south) of the site is an approximately 4.5m wide service road with the blank side elevation of number 1 Torquay Avenue beyond. To the west of the site, beyond Torquay Avenue, is number 112 Eastbourne Avenue which is a two storey dwelling located approximately 14.5m from the application site. This property is of similar design to the other dwellings in the locality and has a kitchen window and door in the ground floor opposing elevation. To the north of the site are two storey dwellings fronting Eastbourne Avenue that are located in excess of 20m away from the application site. Number 116 to the east is also a similarly designed dwelling that adjoins number 114 and has an original single storey rear addition.
4. In 2013, the application site was the subject of planning application reference 13/00248/FULL which proposed to erect a two storey, three bedroomed dwelling adjoining the western elevation of number 114 Eastbourne Avenue following the demolition of the existing conservatory. The new dwelling would have been set back from the front elevation of number 114 by 0.15m and would have been 4.8m wide at the front, extending out to be 5.3m wide at the rear as the side splay to the west. The dwelling would have been 10.05m deep and extend 2.6m beyond the rear elevation of number 114 and 0.7m beyond the rear of the single storey rear extension on that property. It would have had a pitched roof of matching eaves and overall height with the rearward projecting section having a hipped roof 0.8m lower than the main ridge. It would have been constructed using brick and render to match the adjacent property and would also have matching roof tiles. It would have had a pitched roof canopy over the main pedestrian door in the northern elevation.
5. The site would have been subdivided with the new boundary being in line with the western elevation of number 114 and would provide both the proposed and existing dwellings with separate areas of amenity space. Number 114 would have retained a rear garden approximately 13m in length. Amenity space for the proposed dwelling would be provided on the southern side of the dwelling (approximately 5m x 8m). The existing garage would have been included within the

curtilage of the new dwelling and the front parking area would have been divided with the new dwelling retaining a parking space served by the existing vehicular access from Torquay Road. An area in the south eastern corner of the garden of number 114 would then be have utilised to provide a single parking space for number 114. The new boundary would have been formed by a matching low brick wall to the front and a 1.8m high fence to the rear.

6. Planning permission for this development was refused, under delegated authority, on 27 August 2013 on the grounds that the development, by reason of its contrived and congested layout, unacceptable mass and inappropriate design, would dominate its plot and be a discordant and over prominent feature in the streetscene that would result in an undesirable form of development out of keeping with the established pattern of development in the locality. Furthermore, it was considered that the development proposed inadequate provision for the parking and manoeuvring of vehicles which would have contributed to traffic congestion and result in harmful overspill parking in the local road network, to the detriment of highway and pedestrian safety. The proposal also did not make adequate provision for outdoor playing space or Transport Infrastructure, Services and Facilities.

7. It is now proposed to erect a smaller two storey, three bedroomed, dwelling adjoining the western elevation of number 114 Eastbourne Avenue. The new dwelling would be 4.8m wide and would not be set back from the front elevation of number 114 or extend beyond the rear. The dwelling would be 9.6m deep and would have a single story projecting section matching that of the existing property. It would have a pitched roof of matching eaves height and overall height. It would be constructed using brick and render to match the existing property and would also have matching roof tiles. There would be a mono-pitched roof canopy over the main pedestrian door in the northern elevation.

8. The garden would be subdivided to provide both the proposed and existing dwellings with separate areas of amenity space. The existing garage would be included within the curtilage of the new dwelling and the new dividing boundary would be formed by a matching low brick wall to the front and a 1.8m high fence to the rear.

9. Originally it was proposed for the front parking area to be divided with the new dwelling retaining a parking space served by the existing vehicular access from Torquay Road and the existing property having a parking space within the rear garden as was proposed in the original, refused application. Amended plans have now been received which omit the proposed parking space in the rear garden of the existing property and show parking for two vehicles in front of the existing property, accessed from a new crossing on Eastbourne Avenue for use of the existing dwelling. An area in front of the proposed dwelling and the existing garage would be utilised by the new dwelling. Both properties would have a minimum of two parking spaces.

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

13/00248/FULL - erection of 1no. three bedroom semi-detached dwelling - refused 27.08.13

### ***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 due for Examination in Public in early 2015 and 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/H4

Housing Densities

R/T11

Access and Parking  
R/DP3  
Provision of Infrastructure, Services and Facilities  
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):

LP24  
Housing  
LP10  
Design  
LP23  
Layout of Sites and Parking  
LP2  
Infrastructure  
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**

Local Highway Authority	No objection. Eastbourne Avenue has the status of an unclassified adopted highway, on which basis the applicant could apply directly to the highway authority for the formation of a vehicular access to the existing dwelling without the need for planning permission. A number of other properties within the immediate section of Eastbourne Avenue have off-street parking within their front gardens. On this basis, it would be difficult to identify any demonstrable harm should the current application be permitted. The proposal generates a requirement for a financial contribution in accordance with the adopted 'Transport Contributions Policy'.
Streetscene Waste & Cleansing	Bin requirements will be a 240 litre domestic and a 240 litre recycling wheeled bin. Adequate storage space for bins which will require placing out, kerb-side to facilitate collection.
Streetscene Parks & Horticulture	No trees worthy of retention or TPO status on site.
Building Control	No response.
Crime Prevention & Design	It appears that the rear boundary treatment

is not in line with the adjacent boundary treatments, creating a blind spot, which increases the vulnerability of the rear boundary to crime. To reduce the opportunities for crime, it is recommended that the rear boundary treatment is realigned so as to be in line with the adjacent boundary treatments. The gates should be of robust construction, at least 6 feet high and capable of being made secure.

Natural England

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:-

- loss of view of Torquay Avenue from properties opposite
- excessive housing density
- loss of light and outlook
- the proposal is out of keeping with the character of the area
- new dwelling will exacerbate existing parking issues in the locality
- development will harm local wildlife

3 letters of objection (to amended plans)

Additional issues raised:-

- there is no need to build a new house

### ***Principal Issues***

1. There is an acknowledged need for additional housing in the Borough and the site is located within the Urban Area Boundary where the principle of residential development is acceptable provided that the details of the application accord with the National Planning Policy Framework (NPPF) and the relevant policies of the Gosport Borough Local Plan Review. Within the NPPF, a key objective is that Local Planning Authorities continue to make effective use of land by re-using that which has previously been developed. The definition of 'Previously Developed Land' (PDL) within the NPPF reflects that of the PPS3, which it replaces, and excludes 'land in built-up areas such as private residential gardens'. Paragraph 53 of the NPPF also states that 'Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example, where development would cause harm to the local area.' Paragraph 58 of the NPPF goes on to advise that 'decisions should aim to ensure that developments add to the overall quality of the area, establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live.' Furthermore, 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. It is, however, proper to seek to promote or reinforce local distinctiveness".

2. There is no right to a view under planning legislation. The main issues in this case, therefore, are the impact on the character and visual amenity of the locality, the impact on the amenities of neighbouring and prospective occupiers, the adequacy of access and parking arrangements and the provision for cycle parking, refuse storage and collection, open space and highway infrastructure improvements, recreational disturbance and nature conservation.

3. The development would, at 55 dwellings per hectare (dph), be higher than the density range of 30-50dph set out in Policy R/H4 of the Gosport Borough Local Plan Review. This density is, however, in keeping with the density of the surrounding area. The alignment of the dwelling and the matching eaves and overall height are in keeping with the existing built form within the area. The design of the proposed dwelling is appropriate in the context of the surrounding buildings and it is considered, overall, to be reflective of the adjoining properties. The external materials will be secured by condition. The subdivision of the existing parking area with a low wall at the front of the proposed dwelling is appropriate within this residential context and overall, the proposal is of an acceptable design and would not harm the character and visual amenity of the locality, in compliance with the NPPF and Policies LP10 and LP24 of the Gosport Borough Local Plan, 2011 - 2029 and R/H4 and R/DP1 of the Gosport Borough Local Plan Review.

4. The proposed dwelling would be located on the western side of number 114 and given the fact that the proposed dwelling would not extend beyond the rear of number 114, there would not be a harmful impact on the occupiers of that dwelling in terms of loss of light or outlook. Although the first floor rear windows would both serve bedrooms and have clear glazing, this is reflective of the arrangement in the locality and there would be no significant overlooking over and above a normal terrace arrangement. The side elevation of number 1 Torquay Avenue has no openings and the proposal, therefore, will not result in a loss of privacy, light or outlook to the occupiers of that property. There would be no harmful impact on the amenities of the occupiers of any of the other neighbouring dwellings given the separation distances between the properties. Adequate facilities and access to the highway will be available for the storage and collection of refuse bins. The proposed development would result in parking areas being located to the front and rear of both dwellings, however, having regard to the existing parking arrangements within this established residential area and the minor increase in activity, the proposal is unlikely to result in an unacceptable level of disturbance to adjacent occupiers, or be detrimental to the character of the area. The amended plans show the rear boundary is now in line with the adjacent boundary treatments and, therefore, there would no blind spot which will reduce the opportunities for crime. A condition is proposed removing 'permitted development' rights for the new dwelling to enable the Local Planning Authority to control any further extensions to the property and the erection of outbuildings to ensure sufficient levels of amenity space are available to the prospective occupiers of this property in perpetuity. As such, the proposal is acceptable in terms of its impact upon the amenities of the occupiers of neighbouring dwellings and prospective occupiers and in this respect, 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.

5. 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, infrastructure contributions are required in accordance with Policies R/T4 and R/DP3 of the Gosport Borough Local Plan Review and Policy LP2 of the Gosport Borough Local Plan, 2011 - 2029 and Hampshire County Council Transport Contributions Policy: A New Approach to Calculating Transport Contributions in Hampshire September 2007 and open space improvements are required in accordance with Policies R/DP3 and R/OS8 and Appendix O of the Gosport Borough Local Plan Review and Policies LP2 and LP34 of the Gosport Borough Local Plan, 2011 - 2029. 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. A contribution towards mitigating the impact of the increased recreational activity on the nearby Special Protection Areas (SPAs) is also required in accordance with the Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014. The contributions are required to mitigate the specific impact of the proposed development.

6. The Parking: Supplementary Planning Document (SPD) recommends two car parking spaces for a three bedroom dwelling. The proposals accord with the SPD. The creation of the new vehicular access from the Eastbourne Avenue does not require planning permission. The proposed parking area at the front of the existing dwelling is 5.5m wide and 5.3m deep and complies with the



dimensions required by the SPD. Furthermore, according to census information, car ownership within the Elson ward averages 1.19 cars per household. There are double yellow lines adjacent to the application site on the Eastbourne Avenue frontage and as the proposal would not result in a loss of on street parking provision and adequate parking is provided both dwellings, the development would not increase the pressure for on-street parking in the locality. Adequate areas for the storage of cycles will be made available on the site and this and the retention of the on site parking provision will be controlled by condition. Subject to these conditions, the proposal complies 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 applicant has confirmed a willingness to enter into a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and improvements to off-site transport and highway infrastructure, in accordance with the NPPF, Policies R/DP3, R/OS8 and R/T4 of the Gosport Borough Local Plan Review and Policies LP21 and LP34 of the Gosport Borough Local Plan 2011-2029. Without these obligations, the proposal would be unacceptable in this respect.

8. The proposal will introduce an additional dwelling 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.

### **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 the impact of increased recreational activity on Special Protection Areas
3. The payment of a commuted sum towards the provision of transport infrastructure.

### **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 and particulars:

Plan A, Drawing 1 of 3, Drawing 2 of 3 and Drawing 3B of 3

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 above slab level shall take place until details of all external facing and roofing materials have been submitted to and approved, in writing, by the Local Planning Authority. The development shall 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 above slab level shall take place until details of all new boundary treatment have been submitted to and approved, in writing, by the Local Planning Authority. The new dwelling shall not be occupied until the approved boundary treatments have been erected in accordance with the approved details.

Reason - In the interests of visual amenity and to protect the amenities of surrounding properties, 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.

5. No development above slab level shall take place until details of the hard landscaping works have been submitted to and approved, in writing, by the Local Planning Authority. The new dwelling shall not be occupied until the hard landscaping works have been carried out in accordance with the approved details.

Reason - In the interests of amenity and the appearance of the locality and to ensure adequate car parking is provided and retained and to comply with the NPPF and Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review and LP10 and LP23 of the Gosport Borough Local Plan, 2011 - 2029.

6. The development shall not be occupied until the areas shown on the approved plan for access and parking of vehicles for both dwellings, including the garage, 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 R/DP1 and R/T11 of the Gosport Borough Local Plan Review and LP10 and LP23 of the Gosport Borough Local Plan, 2011 - 2029.

7. The garage shall be used only for the accommodation of a private vehicle and for secure cycle storage and for no other purpose whatsoever.

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

8. The new dwelling shall not be occupied until facilities for the storage of refuse for the existing and proposed new dwellings have been provided in accordance with a scheme to be submitted to and approved, in writing, by the Local Planning Authority. The approved refuse storage facilities shall be retained for that purpose at all times.

Reason - In order to ensure that adequate refuse storage facilities are available in compliance with the NPPF and Policy R/DP1 of the Gosport Borough Local Plan Review and LP10 of the Gosport Borough Local Plan, 2011 - 2029.

9. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no alterations or enlargements permitted by Part 1, Schedule 2, Class A shall be carried to the dwellinghouse.

Reason - In order to protect the amenities of the prospective occupiers of the property 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.

10. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no building or enclosure permitted by Part 1, Schedule 2, Class E shall be provided within the curtilage of the dwellinghouse.

Reason - In order to protect the amenities of the prospective occupiers of the property 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: 04.**  
**APPLICATION NUMBER: 14/00423/FULL**  
**APPLICANT: Mr Bin Liu**  
**DATE REGISTERED: 03.09.2014**

**CONTINUED USE OF GROUND FLOOR AS MASSAGE TREATMENT ROOM (SUI GENERIS)**  
**149 Forton Road Gosport Hampshire PO12 3HB**

***The Site and the proposal***

1. The application site is located on the western side of Forton Road, within the Forton Road/The Crossways Neighbourhood Shopping Centre and within Flood Zone 3. The majority of the properties within the Local Shopping Centre are two stories high, with commercial uses operating at ground floor and residential accommodation on the first floor. There are bus stops within the Centre (and within walking distance of it), that provide services to Gosport and Fareham Town Centres. Whites Place public car park is located approximately 60 metres to the north-west of the site, accessed from Forton Road.
2. The property to the south of the application site, number 147a, recently began operating as a tea room under Class A3, having previously operated as a retail shop, under Class A1. The change of use is permitted for a temporary period of two years under recent changes to the Town and Country Planning (Use Classes) Order, 1987 (as amended). Further to the south (and the southernmost unit in the Neighbourhood Shopping Centre), number 147 Forton Road is a Tattoo Parlour, operating as a Sui Generis use. The adjoining property to the north, number 151, is a retail shop (Class A1) selling gowns and clothing. The remaining units in the Centre comprise A1 (retail), A3 (restaurants and cafes), A5 (takeaways) and D2 (assembly and leisure). There are no restrictions on the opening hours of any of the units. There is a convenience store further to the north of the application site, which is open between 6am - 11pm on Monday to Saturday and 7am - 10pm on Sundays. The Chinese takeaway to the north is open until 11pm on Monday to Fridays and 11.30pm on Friday and Saturdays.
3. The property, the subject of this application, is a two storey building with a tiled roof. There is a shop front display in the eastern elevation of the ground floor, fronting Forton Road and a service yard at the rear of the premises, accessed via a pedestrian path. Beyond the path, and orientated perpendicularly to the application property, are the two storey terraced dwellings of numbers 7-14 (inclusive) Trafalgar Square.
4. The ground floor of the application property has, until recently, operated as a shop under Class A1. It has, however, recently undergone internal alterations to provide 3 no. massage treatment rooms, a Sui Generis use. This change of use requires planning permission and this proposal is for the continued use of the ground floor to provide 3 no. massage treatment rooms. The ground floor has a total floor area of 94 square metres.
5. A small reception waiting area has been created at the front of the unit by erecting a section of partition wall, beyond which are the 3 no. individual treatment rooms. The reception area measures approximately 5.5 metres x 3.5 metres. The treatment rooms measure 3 metres x 2.5 metres. A shower area has also been provided at the rear of the property, together with a kitchen. The service yard at the rear of the site has been retained and can continue to be accessed via the path at the rear of the site.
6. The applicant has indicated that the massage treatment rooms are open to the public between 9.30am - 9.30pm, seven days a week, including Bank Holidays. The applicant has indicated that, other than a receptionist, there will be no full time or part staff, with the service provided by self-employed persons, according to their availability.

7. No external alterations to the building have been undertaken and none are proposed as part of this application.

8. As the site is located within Flood Zone 3, the application has been supported by a Flood Risk Assessment. The Assessment indicates that, in the event of a flood, it would be possible to gain access to higher ground via the rear service yard.

### ***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 due for Examination in Public in early 2015 and 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/S4
- Local and Neighbourhood Centres
- R/S5
- Non 'Class A' Uses in Shopping Centres at Ground Floor
- R/S9
- Shopping and Commercial Facades
- R/T11
- Access and Parking
- R/ENV10
- Noise Pollution

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

- LP1
- Sustainable Development
- LP10
- Design
- LP23
- Layout of Sites and Parking
- LP27
- Principal, District and Neighbourhood Centres
- LP28
- Uses in Centres

### ***Consultations***

Local Highway Authority	No objection.
Environmental Health	No objection.

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

Nil

## ***Principal Issues***

1. As no external alterations to the building have been undertaken, the change of use has not harmed the appearance of the building or the visual amenity of the locality, in accordance with the National Planning Policy Framework, Policy R/DP1 of the Gosport Borough Local Plan Review and Policy LP10 of the Gosport Borough Local Plan 2011-2029 (Publication Version). The use has not increased the vulnerability classification of the property and the development has not, therefore, increased the risks of flooding to people or property. The main issues in this case, therefore, are the effect of the Sui Generis use on the retail function of the Neighbourhood Centre, the impact on the character and visual amenity of the area, the amenities, access and servicing arrangements of neighbouring occupiers and the traffic and parking conditions in the locality.
2. Policy R/S4 of the Gosport Borough Local Plan Review states that, whilst shopping centres contain a variety of uses, Class A1 uses should remain the primary use, in order to safeguard the long term vitality and viability of the Centre. Accordingly, the Policy seeks to ensure that a minimum of 60% of the units within any Centre comprise Class A1 uses. Development proposals for Class A2, A3, A4 and A5 uses are only permitted in Neighbourhood Shopping Centres where the threshold of these uses would not exceed 40%, so as not to contribute to a significant reduction in the vitality or viability of the centre and/or its ability to serve the needs of the residents of the Borough. Where non-Class A uses are proposed within Neighbourhood Shopping Centres, as in this instance, Policy R/S5 of the Gosport Borough Local Plan Review is also applicable. Policy R/S5 sets three criteria against which the acceptability of the change of use should be assessed; whether the use provides a service appropriate to a shopping centre; whether individually, or cumulatively, the change would lead to a significant reduction in the vitality and viability of the centre and; whether a shop window display is maintained.
3. The change of use that has taken place is not for a Class A1 use. Nor is it for a Class A2, A3, A4 or A5 use (of which up to 40% would be permissible within the centre). The use is, therefore, contrary to Policy R/S4 of the Gosport Borough Local Plan Review. The massage parlour use is not considered to represent a service appropriate to the Neighbourhood Centre. No products are sold from the site and the use does not generate significant footfall. The nature of the use (ie, treatments lasting at least 30 minutes, booked by appointment), and the fact that there are only 3 no. treatment rooms and one member of staff at the site, will dictate that the comings and goings associated with the use will be minimal. The use will, therefore, detract from the vitality and viability of the Centre. No evidence has been submitted to demonstrate that reasonable attempts have been made to market the premises for Class A1 uses, in the first instance, or other alternative Class A uses, and the fact that the unit had been vacant for a short period prior to the massage parlour opening, is not, on balance, considered to represent an overriding, exceptional circumstance that would justify the non-Class A use in this location. The use is, therefore, contrary to Policies R/S4 and R/S5 of the Gosport Borough Local Plan Review.
4. In addition, even if the principle of the Sui Generis use was, on balance, considered appropriate, it would still result in 51.1% of the uses within the Centre comprising non Class A uses, thereby exceeding the 40% threshold set out in Policy R/S4 of the Gosport Borough Local Plan Review. On this basis, it would be contrary to the Policies contained in the current Local Plan.
5. Policy LP28(d) of the Gosport Borough Local Plan 2011-2029 (Publication Version) continues the intention of Policies R/S4 and R/S5, in so far that it seeks to protect retail uses as the predominant function of Neighbourhood Centres. Policy LP28(d), states that no more than 50% of the units within a Neighbourhood Shopping Centre should comprise non Class A1 and A2 uses. It states that Class A3, A4, A5 and D1 (non-residential institutions) can be permitted within Centres, but only when these uses do not individually, or cumulatively with other uses in the Centre, exceed 50% of the total frontage. The massage treatment rooms do not constitute a Class A or Class D1 use and the proposal does not, therefore, comply with Policy LP28 of the Gosport Borough Local Plan 2011-2029 (Publication Version). Even if the principle of the Sui Generis use was considered appropriate within the Centre, at 51.1%, the change of use would still, in combination with existing

uses, result in the overall percentage of non-Class A1 and A2 uses within the centre, exceeding the permitted threshold of 50%, as set out in Policy LP28(d). The proposal is, therefore, contrary to the Policies of the emerging Local Plan.

6. The opening hours are similar to adjacent uses and it is not considered that the use of the ground floor to provide 3 no. massage treatment rooms would result in harmful levels of disturbance to any neighbouring occupiers. The unit is serviced from the front and rear of the building and the use does not compromise the access or servicing arrangements of any other adjacent occupiers. The site is located adjacent to bus stops and a public car park and the nature of the use (ie, visits by appointment only with only) is such that it does not increase the requirement for car parking at the site, when compared to Class A uses. For the same reason, the use does not adversely affect traffic or parking conditions in the locality. The retention of the shop front display, in accordance with the requirements of Policies R/S4 and R/S5 of the Gosport Borough Local Plan Review and Policies LP27 and LP28 of the Gosport Borough Local Plan 2011 - 2029 (Publication Version), could be secured by condition, if the change of use was considered acceptable in all other respects. Notwithstanding this, and for the reasons outlined in paragraphs 2, 3, 4 and 5, the use is, on balance, unacceptable in this location.

**RECOMMENDATION: Refuse**

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).

**ITEM NUMBER: 05.**  
**APPLICATION NUMBER: 15/00035/GR3**  
**APPLICANT: Gosport Borough Council**  
**DATE REGISTERED: 21.01.2015**

**REGULATION 3 - DEMOLITION OF 12 NO. BUNGALOWS AND ERECTION OF 16 NO. HOUSES WITH ASSOCIATED ACCESS, LANDSCAPING, REFUSE AND CYCLE STORAGE FACILITIES AND CAR PARKING AND HIGHWAY WORKS (as amended by plan received 28.01.15)**

**Land At St Vincent Road Gosport Hampshire**

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

1. The application site is located to the northeast of Agnew House and is 0.47 hectares in area and is surrounded by highway on three sides. The existing site is currently occupied by 12no. bungalows laid out in three blocks of four. The flat roofed bungalows are constructed of red brick and are currently vacant and in a poor state of repair due to damage from vandalism. There is a communal area in between the eastern and central blocks which contains parking areas with sufficient room to park four cars, a block of three garages and landscaping in the form of grassed areas and raised planters. There is a section of highway on the western side of the site, to the rear of the western block of bungalows that partially intersects the site. This section of highway contains four parking spaces and provides rear access to numbers 14-24 San Diego Road. These dwellings have approximately 17m deep rear gardens. There are dwellings to the north, east and west of the site, beyond St Vincent Road. Agnew House is a three storey, flat roofed building that contains 55no. managed family units which provide short term accommodation for those facing homelessness. The area is characterised by brick built, two storey dwellings contemporary with the bungalows and are predominately set back from the highway with open front garden areas. Many of the dwellings have their original flat roofs, however, there are some that have had later hipped roofs erected over. There are on street parking bays and lay-bys in the vicinity.

2. It is proposed to demolish the 12no. one bedroom bungalows and garages on the site and erect 16no. houses (14no. 2 bedroom and 2no. 3 bedroom) with associated access, landscaping, refuse and cycle storage facilities and car parking and highway works. The new dwellings would be sited in four blocks (A-D) laid out parallel to the north eastern section of St Vincent Road. They would be located in a linear arrangement with the central two blocks (Blocks B & C) being set back by 9.5m.

3. Block A (Plots 11-16) would be located on the north eastern side of the site and is a terrace of 6no. two bedroomed dwellings which would be set back from the north east footway by 7m and off the south eastern footway by between 1m and 2m. The block would have an eaves height of 5.4m and an overall height of 8.3 to the top of the hipped roof. The building would be 27.6m wide and 9.9m deep with the end dwellings each having a 0.5m deep projecting section with full height glazing that extends 0.7m above the eaves. There would be windows in the front and rear elevations with the end dwellings (Plots 11 & 16) also having two windows in the ground and first floor elevations. The rear gardens would be 4.5m wide and between 8m and 11m deep.

4. Block D (Plots 1-6) is identical in form and layout to Block A and would be sited on the north eastern side of the site. It would similarly be set back from the north eastern footway by 7m and from the north western footway by 1m. The rear gardens would be 9.5m deep.

5. The central two blocks, Block B & C, would be set back from the footway by 16.5m and the rear elevations of Blocks A & D by 0.3m. Block B would be located to the north east and would contain 1no. 2 bedroom house (Plot 10) and 1no. three bedroom house (Plot 9). This building would be 11.5m wide and 9.9m deep with Plot 10 also having a 0.5m deep glazed projecting section. The block would have a hipped roof with an eaves and overall height matching those of Blocks A & D. There would be windows in the front and rear elevations with the north eastern side elevation of Plot 10 having two ground floor windows and a single first floor window, serving the landing. Block C (Plots 7 & 8) is identical in form Block B, but the layout is handed. It would be sited to the north



west, set off the opposing side elevation of Block B by 1.4m. The rear gardens to these blocks would be 10.2m deep and between 6m and 6.75m wide.

6. The dwellings would be constructed of buff and brown bricks with rendered sections and grey UPVc windows and doors. The roofs would be constructed of grey tiles. The rear gardens would be bound by 1.8m high fencing and walls and would each contain a 2.5m high shed. Paths are shown to the rear of the dwellings to provide rear access to the rear gardens.

7. The development would result in the loss of the 7no. parking spaces within the site and a further eight spaces within the adjacent laybys. The development would then provide six parking spaces in front of each of Blocks A & D and car parking would be provided in the area in front of Blocks B & C which would contain five parking spaces on each side. There would also be four further parking spaces in new laybys on the north western site boundary and seven spaces are shown alongside the north western elevation of Block D. There is also four additional spaces to the rear of Block D, within the

section of highway that partially intersects the site. The application proposes a total of 37no. car parking spaces, which is an increase of 22no. spaces. Each of the dwellings would be allocated 1no. parking space and 19no. spaces are provided for visitors and existing residents in the locality. 10no. short stay cycle hoops are proposed in the parking area in front of Blocks B & C and long stay cycle storage for 2no. cycles per dwelling would be available within the garden sheds.

8. The section of highway on the western side that partially intersects the site will be altered to include a turning head and will also provide access for the servicing of Agnew House.

9. An amended plan has been received which clarifies the bin collection arrangements for Agnew House.

### ***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 due for Examination in Public in early 2015 and 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/ENV5

Contaminated Land

R/ENV10

Noise Pollution

R/ENV11

Minimising Light Pollution

R/T2

New Development

R/T3

Internal Layout of Sites

R/T4

Off-site Transport Infrastructure

R/T11

Access and Parking  
R/H4  
Housing Densities  
R/OS8  
Recreational Space for New Residential Developments  
R/OS13  
Protection of Habitats Supporting Protected Species  
R/ENV4  
Treatment of Foul Sewage and Disposal of Surface Water

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

LP10  
Design  
LP2  
Infrastructure  
LP47  
Contamination and Unstable Land  
LP46  
Pollution Control  
LP22  
Accessibility to New Development  
LP23  
Layout of Sites and Parking  
LP21  
Improving Transport Infrastructure  
LP24  
Housing  
LP34  
Provision of New Open Space and Improvement to Existing Open Space  
LP44  
Protecting Species and Other Features of Nature Conservation Importance  
LP39  
Water Resources

### **Consultations**

Natural England	No objection, subject to conditions and an informative in respect of working methods and mitigation of the impact of recreational disturbance.
HCC Education Office	No Education Contribution is sought.
Local Highway Authority	Update to be provided.
HCC Ecology	No objection, subject to the implementation of the ecological enhancement measures contained within the Extended Phase 1 Habitat Survey.
Building Control	Building Regulation approval required.
Housing Operational & Energy	These homes will make a valuable contribution to meeting housing needs in Gosport. This is an exciting opportunity to deliver these homes on underused land.

Housing Strategic	Update to be provided.
Streetscene Parks & Horticulture	No objection. There are no trees on site worthy of protection. All existing trees are of ornamental stock.
Streetscene Waste & Cleansing	No objection.
Crime Prevention & Design	Update to be provided.
Hampshire Fire And Rescue Service	No objection subject to compliance with the Building Regulations.

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

1 letter of objection

Issues raised:-

- the site supports a ' nationally scarce' species of plant which should be retained

### ***Principal Issues***

1. The development will require areas of public highway within the site and northern edge of the footway to be stopped up and the north western lay by and turning head area to be dedicated to the Local Highway Authority. This is being dealt with concurrently. The main issues for consideration, therefore, are the acceptability of the principle of the development, the appropriateness of the design, the impact on the occupiers of the neighbouring properties, highway and pedestrian safety and the impact on features of importance for nature conservation and provision of affordable housing and Open Space.

2. The proposed dwellings have a contemporary appearance and range of materials and varied fenestration. Their overall layout, mass and form is in keeping with the two storey dwellings in the immediate locality and taking into consideration the poor appearance of the existing buildings on the site, in design terms, the proposal will significantly enhance the appearance of the site and its surroundings. The blocks have a uniform and coherent design, including contrasting windows and render panels, together with articulation of the elevations in the form of contracting brick projections that exceed the height of the eaves means the buildings. These features will add visual interest and provide design continuity across the site. The proposed bin and cycle stores have a simple appearance and a mix of hard and soft landscaping is proposed to provide some variety at ground level. The proposed boundary treatments will define the public and private spaces of the site. The parking layout is well considered and is laid out in such a manner so as not to create large, unbroken areas of hard surfacing in front of the dwellings. The finishes to the buildings and hard landscaping, together with types of planting are to be controlled by condition to ensure that they are appropriate to the location and the materials used on surrounding development. There are no trees worthy of protection or retention on the site. The proposal, therefore, is 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. Appendix B of the Gosport Borough Local Plan Review recommends guideline separation distances between the opposing rear elevations of two and three storey properties of 28m. These guidelines seek to inform decisions in respect of the relationships between existing and proposed development to protect privacy and prevent unacceptable overshadowing and loss of outlook. In this instance, the relationship between Agnew House and dwellings on the site is well established and the new dwellings within Block D would be located away from the properties that front San Diego Road well in excess of this 28m guideline figure. The separation distances between Block B & C and Agnew House, at 26m, is only slightly below the recommended 28m, and although plots 12 to 15 within Block A would be sited 17m away from one section of Agnew House, these dwellings are sited 4m further away than the existing bungalows on the site and to the north and would not have, therefore, an additional overbearing impact or result in harmful loss of outlook, privacy or light

to the occupiers of Agnew House or the prospective occupiers of the proposed dwellings. The existing fire egress arrangements for Agnew House are unaffected by the development.

4. The dwellings have been laid out in a linear manner with Block B & C set back behind the rear elevations of Blocks A and D. The orientation of the dwellings is such that only the rear gardens of Plots 11 and 12 within Block A to the east and Plots 5 and 6 within Block D to west would be affected in terms of loss of light by the setback position of Blocks B & C. Given the layout of the site, however, these gardens would only be affected at opposing times of the day and this is a common arrangement for residential properties within urban areas and would not, therefore, result in harmful loss of light or any significant loss of outlook. This layout is, therefore, acceptable in this instance.

5. The orientation of the dwellings is such that the windows in the rear elevations of Blocks A & D would not give rise to any harmful overlooking of the neighbouring properties. There are windows proposed in the first floor side elevations of Plots 7 & 10 which have the potential to overlook the adjacent gardens and rear elevations of Blocks A & D. These windows are to landing areas and not habitable rooms but to ensure no harmful overlooking results and adequate light is retained for the prospective occupiers of the new dwellings, a condition is recommended to require the windows to be obscure glazed and any part of the windows that are less than 1.7 metres above the floor level of the landing area in which they are installed to be fixed shut.

6. The rear gardens of the dwellings vary in depth between 8m and 11m and whilst the gardens of some of the dwellings do not meet the 10.5m Appendix B of the Gosport Borough Local Plan Review, all of the dwellings proposed by the application will have useable private garden space of a size consistent with many of the gardens provided in the surrounding properties. Some noise and disturbance will result from cars, cycles and pedestrians accessing and moving around the site generally, however, when compared to the existing residential use of the site, it is not considered that this will be harmful. Overall, therefore, the development will not have a harmful impact on the amenities of the neighbouring or prospective occupiers of the dwellings in terms of loss of light, outlook or privacy and is, therefore, in compliance with the NPPF and Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 of the Gosport Borough Local Plan Review.

7. The principle of an access from St Vincent Road is established and whilst the number of residential units on the site will increase and new driveways will be provided along the northern frontage, the overall pattern of activity will not differ significantly from the existing use on the site. The parking area at the front of the site and the parking bays in the vicinity provides a mix of allocated and unallocated car parking at a level and layout that complies with the Gosport Borough Parking SPD and represents an increase over the existing level of parking in and around the site of 22no. spaces. The height of the boundary treatment in front of Blocks A & D will be controlled by condition to ensure that adequate visibility is retained in the future. The access and intervisibility is, therefore, satisfactory and the car parking provision proposed is considered to be acceptable. Long and short stay cycle parking is to be provided to an acceptable level and is recommended to be secured by condition along with acceptable provision for refuse storage. The rear access to the dwellings that front San Diego Road would be unaffected. The proposal, therefore, complies with the NPPF and Policies LP10, LP21 and LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1, R/ENV10, R/T3 and R/T11 of the Gosport Borough Local Plan Review.

8. The site is considered to have a low ecological value, however, it is within close proximity to Portsmouth Harbour Site of Special Scientific Interest (SSSI) which is also part of the Portsmouth Harbour Special Protection Area (SPA) and Portsmouth Harbour Ramsar Site. The submitted Phase 1 Habitat Survey recommends that ecological enhancement measures, such as bird boxes, are provided within the development. To ensure no harm is caused to the important sites it is recommended to attach conditions to ensure the ecological enhancement measures are implemented and the works are carried in such a manner as to ensure that there is no overall harm to biodiversity on the site or the interest features of the important sites. The proposal will also introduce additional dwellings which 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. Adequate drainage is proposed to be secured by condition. Subject to the imposition of the above conditions and the contribution to mitigate the impact of recreational disturbance the proposal is considered to be acceptable in respect of features of importance for nature conservation and drainage and complies with the NPPF and Policies LP34, LP44 and LP39 of the Gosport Borough Local Plan, 2011 - 2029 and R/OS11, R/OS13, R/ENV5 and R/ENV4 of the Gosport Borough Local Plan Review.

9. Policy R/H5 of the Gosport Borough Local Plan Review requires the provision of 40% of the dwellings to be affordable. The application proposes a 100% provision on the site, all of which will be affordable rented tenure flats. This provision, therefore, significantly exceeds the requirement of Policy R/H5 and will make a positive contribution to meeting the high demand for affordable housing in the Borough and this can be secured by condition. In lieu of provision of outdoor playing space on site, the applicant is also required to put in place arrangements to secure public open space facilities within the Borough. This can similarly be secured by condition. The proposal, therefore, is in compliance with the NPPF and Policies LP34 and LP24 of the Gosport Borough Local Plan, 2011 - 2029 and R/H5 and R/OS8 of the Gosport Borough Local Plan Review.

10. The Local Highway Authority have confirmed that a Transport, Infrastructure, Services and Facilities contribution will not be required in this instance on account of the scheme providing additional highway improvements beyond the needs of the redevelopment, for the benefit of existing residents in the locality. The proposal, therefore, meets the aims and objectives of the NPPF and Policies LP21 and LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/T4 and R/T11 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:

1051-PD-100 Rev. M, 1051-PD-110 Rev B, 1051-PD-111 Rev B, 1051-PD-120 Rev D, 1051-PD-121 Rev C, 1051-PD-122 Rev B, 1051-PD-140 Rev B, 1051-PD-150, 1051-PD-160 and 1051-PD-170.

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. The external materials and finishes used in the construction of development, including the details of the windows and doors, shall be carried out in accordance with the details shown on approved plan 1051-PD-120 Rev D. unless otherwise agreed, in writing, by the Local Planning Authority.

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

4. The erection of the boundary treatment shall be carried out in accordance with the details shown on approved plan 1051-PD-170. unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - In the interests of amenity and to ensure that the external 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.

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

Reason - To ensure that adequate disposal of foul and surface water sewerage is provided on site and to comply with the NPPF and Policies LP10 and LP39 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 and R/ENV4 of the Gosport Borough Local Plan Review.

6. No development shall be carried out, including demolition, 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 method of demolition;
- (b) the location of the site compound and any buildings within it;
- (c) the location of any moveable structures, plant, or machinery required temporarily in connection with the development;
- (d) the means of enclosure of the site compound;
- (e) the provisions to be made for the parking of contractors, site operatives, employees and visitors vehicles;
- (f) access to the site for demolition and construction vehicles;
- (g) the provision for wheel washing facilities;
- (h) a scheme for recycling/disposing of waste and spoil resulting from demolition and construction works;
- (i) the method and timing of any piling required;
- (j) measures to control the emission of dust and dirt from the site during construction;
- (k) 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 demolition and 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.

7. 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, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall not be occupied until the hard landscaping works have been carried out in accordance with the approved details.

Reason - to ensure the appearance of the development is satisfactory, to preserve highway and pedestrian safety 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.

8. No development above slab level 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.

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

Reason - To ensure 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.

10. No development above slab level shall be carried out until details of the measures to enhance the biodiversity interests of the site, including bird boxes and retention of important species on the site, and a timetable for that provision, 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 timetable for provision.

Reason - Such details have yet to be submitted, and to comply with the NPPF Policies LP10 and LP44 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 and R/OS13 of the Gosport Borough Local Plan Review.

11. No dwelling shall be occupied until the areas hatched red on the approved plan, 1051-PD-100 Rev. M, for the parking 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 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.

12. The development shall not be occupied until the long stay cycle parking and refuse storage facilities have been provided in accordance with the details shown on approved plan, 1051-PD-100 Rev. M, unless otherwise agreed, in writing, by the Local Planning Authority. The long stay cycle parking and refuse storage facilities shall be retained for the parking of cycles and storage of refuse at all times unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure a satisfactory level of cycle parking and refuse storage is provided on the site and to comply with the 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.

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

Reason - To ensure a satisfactory level of cycle parking is provided on the site 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.

14. Nothing over 600mm high above the footway shall be located within the areas hatched red shown on approved plan 1051-PD-100 Rev. M, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - In the interests of highway safety, 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.

15. The first floor windows in the north eastern elevation of the Block B and the north western elevation of Block C, outlined in green on the approved plan, 1051-PD-121 Rev. C, shall be obscure glazed and any part of those windows that are less than 1.7 metres above the floor level of the landing area in which they are installed shall be non-opening. The windows shall be retained as such thereafter, unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - In order to protect the amenity of the occupiers of the 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.

16. No development shall commence until details of the means for securing outdoor playing space in lieu of on site provision have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure a contribution is made towards the provision of outdoor playing space within the Borough in compliance with the NPPF and Policies LP34 of the Gosport Borough Local Plan, 2011 - 2029 and Policy R/OS8 of the Gosport Borough Local Plan Review.

17. No development shall commence until details of the means for securing the provision of 40% affordable housing within the development have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure the provision of satisfactory affordable housing within the scheme and to comply with the NPPF and Policies LP24 of the Gosport Borough Local Plan, 2011 - 2029 and R/H5 of the Gosport Borough Local Plan Review.

18. In the event that implementation of the works hereby approved is to be carried out between 1 October and 31 March, no percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax, measured at the SPA) shall be carried out unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To protect over-wintering birds and to comply with the NPPF and Policies LP44 of the Gosport Borough Local Plan, 2011 - 2029 and R/OS13 of the Gosport Borough Local Plan Review.