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**21 August 2017**

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

**MEETING:** Regulatory Board  
**DATE:** 30 August 2017  
**TIME:** 6.00 pm  
**PLACE:** Council Chamber, Town Hall, Gosport  
**Democratic Services contact:** Lisa Young

MICHAEL LAWOTHER  
BOROUGH SOLICITOR

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### **MEMBERS OF THE BOARD**

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

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

|                      |                        |
|----------------------|------------------------|
| Councillor Allen     | Councillor Farr        |
| Councillor Beavis    | Councillor Foster-Reed |
| Councillor Bergin    | Councillor Hicks       |
| Councillor Carter    | Councillor Raffaelli   |
| Councillor Ms Diffey | Councillor Ronayne     |
| Councillor Earle     | Councillor Wright      |

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

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

**In the event of the fire alarm sounding, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.**

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

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

### **IMPORTANT NOTICE:**

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

**AGENDA**

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST  
*All Members are required to disclose, at this point in the meeting or as soon as possible thereafter, any disclosable pecuniary interest or personal interest in any item(s) being considered at this meeting.*
3. MINUTES OF THE MEETING OF THE REGULATORY BOARD HELD ON 12 JULY 2017
4. DEPUTATIONS – STANDING ORDER 3.4  
*(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, 25 August 2017. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*
5. PUBLIC QUESTIONS – STANDING ORDER 3.5  
*(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, 25 August 2017).*
6. REPORT OF THE HEAD OF PLANNING SERVICES  
*Schedule of planning applications with recommendations.  
(grey sheets pages 1-81/1)*
7. ANY OTHER ITEMS  
*Which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.*

PART II  
Contact Officer:  
Debbie Gore  
Ext: 5455

**A MEETING OF THE REGULATORY BOARD  
WAS HELD ON 12 JULY 2017 AT 6PM**

The Mayor (Councillor Mrs Batty)(ex-officio); Councillor Hook (ex-officio), Councillors Allen (P), Beavis (P), Bergin (P), Carter (P), Ms Diffey, Earle (P), Farr (P), Foster-Reed, Hicks (P), Mrs Hook (P), Jessop (P), Raffaelli (P), Ronayne (P), Wright (P)

It was reported that in accordance with Standing Order 2.3.6, Councillors Chegwyn and Miss Kelly had been nominated to replace Councillor Ms Diffey and Foster-Reed respectively for this meeting.

**23. APOLOGIES**

Apologies for inability to attend the meeting were received from The Mayor and Councillors Ms Diffey, and Foster-Reed.

**24. ELECTION OF VICE-CHAIRMAN**

It was proposed and seconded that Councillor Mrs Hook be elected as Vice-Chairman for the municipal year 2017-2018.

**25. DECLARATIONS OF INTEREST**

- In respect of item 5 of the grey pages of the report of the Head of Planning Services, Councillor Raffaelli advised that he lived opposite the application site but there was no impact of the proposal on his property and he would therefore remain in the room and take part in the discussion and voting thereon.
- In respect of item 7 of the grey pages of the report of the Head of Planning Services, Councillor Mrs Hook advised that she knew the applicant and therefore would not take part in the discussion or vote.

**26. MINUTES**

**RESOLVED:** That the Minutes of the Regulatory Board meeting held on 31 May 2017 be approved and signed by the Chairman as a true and correct record.

**27. DEPUTATIONS**

Deputations had been received on the following items:

- Item 1 of the grey pages 16/00602/FULL – Land to the Rear of 107 Elson Road, Gosport
- Item 3 of the grey pages 16/00390/FULL – Unit 3-4 Camden Street, Gosport –
- Item 4 of the grey pages 16/00169/FULL – Marycourt Co-Educational School – 27 Crescent Road, Gosport
- Item 6 of the grey pages 17/00208/FULL – 19 Amersham Close, Gosport
- Item 8 of the grey pages 17/00156/FULL – Land South of Netherton Road, Gosport
- Item 9 of the grey pages 17/00224/FULL – 11 North Close, Gosport

**28. PUBLIC QUESTIONS**

There were no public questions

## **PART II**

### **29. LAND TO THE SOUTH AND WEST OF 15 ST THOMAS'S ROAD, GOSPORT**

Consideration was given to a report of the Borough Solicitor and Deputy Chief Executive advising the Board of a request from the Radian Housing Group to vary the unilateral undertaking given on 21 December 2006 relating to the redevelopment of land lying to the south and west of 15 St. Thomas's Road, Gosport, now known as Somerset Court, Heritage Way.

**RESOLVED:** That the variation of the mortgagee exclusion clause in 4.2.5 of the Undertaking be agreed to ensure that it meets the needs of the Radian Housing Group.

### **30. LAND AT ST GEORGE'S BARRACKS (SOUTH)**

Consideration was given to a report of the Borough Solicitor and Deputy Chief Executive advising the Board of a request from the Radian Housing Group to vary the section 106 agreement dated 14 March 2003 relating to the redevelopment of St. George's Barracks (South).

**RESOLVED:** That the variation of the mortgagee exclusion clause in 5.2 of the agreement be agreed to ensure that it meets the needs of the Radian Housing Group.

### **31. REPORTS OF THE HEAD OF PLANNING SERVICES**

The Head of Planning Services submitted a report on applications received for planning consent setting out the recommendation.

The Board were advised that application 16/00599/FULL had been withdrawn from the agenda.

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

### **32. 16/00602/FULL – ERECTION OF BUILDING TO PROVIDE 4 NO. TWO BEDROOM FLATS AND 2 NO. ONE BEDROOM FLATS WITH ASSOCIATED PARKING, BIN AND CYCLE STORAGE AND LANDSCAPING (as amended by plan received 23.01.17) – RETENTION OF AND FURTHER WORKS TO A DETACHED GARAGE 107 Elson Road, Gosport**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00602/FULL.

The Board was advised that a site visit had taken place earlier in the day and that Members had viewed the site from the application site, and from the rear of 80 Elson Lane.

Mr Keith Oliver, the agent for the applicant, was invited to address the Board.

Mr Oliver advised the Board that he welcomed the Officer's recommendation of approval for the development, he advised that the proposal sat comfortably with the existing development and that the dormer windows and Juliet balconies were proposed to compliment this.

He advised the Board that the proposals were of similar density and build as those already on site.

He advised the Board that he accepted the neighbours' concern with regard to the loss of light, but that this was in part due to the large trees. Mr Oliver advised the Board that the applicant was prepared to enter into negotiations to prune the trees and clad or render the end of the building with a light coloured cladding/render to help alleviate any concerns.

Mr Oliver advised the Board the Local Highway Authority had no objection to the proposal and that the speed of any approaching traffic was a Police matter.

Mr Oliver advised the Board that the proposed eight parking spaces would provide enough additional parking and that traffic movements would be reduced as a result of the amended access to the site.

The Board was advised that the provision of parking spaces met local requirements and was not detrimental to the application.

In answer to a Member's question, the Board was advised that proposed Condition 3 would allow for the cladding or light coloured render to be applied to the end of the building.

A Member expressed concern that the markings on the highway outside the site would seem to indicate that the proposed splay at the entrance would not be achievable. Mr Oliver responded that the demolition of the toilet block and the removal of the wall would allow for two cars passing at the entrance.

A Member expressed concern that the dropped kerb and increased splay would only be marked with 'H' markings and therefore not enforceable and that as a result the marked bays could be blocked preventing two cars from passing.

Mr Oliver advised the Board that the Highway Authority were satisfied with the proposal.

In answer to a Member's question, the Board were advised that although the proposed development did not meet the guideline figures for space in the Design SPD, on balance, and for the application presented, the design was acceptable. The guidelines for space were used, amongst other things, as guidance for the planning officers.

Members accepted that the proposed sizes were comparable to those of the existing development.

In answer to a Member's question, the Board was advised that obscure glazing was acceptable for some of the bedroom windows of the proposal, as light could still get in and they could still function and be used for ventilation.

A Member thanked the applicant and neighbours for the opportunity to visit the site and the neighbouring properties. They expressed concern at the speed that traffic passed along Elson Road and that parked cars would create visibility difficulties for those exiting the site. They advised the Board that there had been a number of accidents on the road in the past three years and there was concern that this would increase if the proposed development went ahead. Concern was also expressed that it was a major access route to both Elson Schools.

It was suggested that to mitigate the potential traffic concerns double yellow lines could be added on the surrounding roads, but it was acknowledged that this would have an impact on the shop trade.

Members also expressed concern at the impact of the proposal on the neighbouring properties, particularly those in Elson Lane and loss of amenity and light to those properties. It was acknowledged that there had been an ongoing issue with regard to the trees, which were particularly tall, and Members welcomed the offer of the applicant to reduce them, at their expense, although it was accepted that this was not enforceable. In addition, concern was expressed at the height of the proposed building and the impact this would have on neighbouring properties, particularly in the Spring and Summer.

A Member advised the Board that following the site visit they had been reassured that the proposal was acceptable and, in any event, the site had previously been subject to heavy use from traffic when it was in use as a Public House.

In answer to a Member's question, the Board was advised that the impact of loss of light on a garden was a material planning consideration. It was also clarified that the building could be rendered in a light colour as part of the existing planning application.

**RESOLVED:** That planning application 16/00602/FULL be approved subject to the conditions in the report of the Head of Planning Services.

**33. 16/00390/FULL – ERECTION OF FENCE AND GATES  
Unit 3-4 Camden Street, GOSPORT**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00390/FULL. Mr Rick Miles was invited to address the Board. Mr Miles advised the Board that he and the local residents were objecting to the design of the green mesh fence proposed to be erected outside of their properties. He felt that the fence was being erected to prevent children from playing on the land in front of the factory and that if it was for security reasons that it should be better in keeping with security fencing in the neighbouring area.

Mr Miles advised the Board that he felt that the occupiers of the factory had been aggressive towards the children and were not being considerate neighbours as they often played music loudly, slammed car doors and revved motorbike engines.

Mr Miles advised the Board that the land marked on the addendum was not owned by the applicant and that it had historically been used as a safe line of sight for those exiting the terrace in vehicles. He advised the Board that the presence of a safe line of vision had been a feature of a previous application for houses and a fence and that the recommendation for that proposal had been to refuse the application, Mr Miles advised that he was disappointed that this did not feature in the Highway Authority comments for this application.

Mr Miles advised the Board that if they felt need for a fence remains that due consideration be made for it to be in keeping with those security style fences within the community such as those shown in photographs handed to Board Members and with the original highway safety concern being fully incorporated and implemented into the design.

He also requested that consideration be given to residents' concerns that the proposal would make it difficult for emergency services to reach both the factory and the properties. In answer to a Member's question, Mr Miles advised that his objection was against the design of the fence, and the potential disruption to the route taken by emergency services vehicles to reach some of the properties in Camden Street and the factory. He added that he considered that the design was not appropriate and that consideration should be given to allowing a safe exit from the site.

In answer to a Member's question, it was clarified by officers that planning permission was only required for the end two metres of the proposed application and the gates and that fencing along the rest of the boundary could be erected without planning permission.

The Board was advised that the initial application was for a spiked fence and that it had been amended and that the green mesh fence was considered acceptable to balance security needs and the appearance of the fence.

Members understood that the residents had concerns about the proposal, but it was accepted that for the most part a fence could be erected without planning permission. It was also felt that a style of fencing similar to that in neighbouring Elizabeth Court would be preferable but Members understood that they could only determine the application before them, which was for mesh fencing.

Members felt that this was a further chapter in the dispute between the applicant and the neighbours which had arisen from disagreements over previous applications for the site.

**RESOLVED:** That planning application 16/00390//FULL be approved subject to the conditions in the report of the Head of Planning Services.

**34. 16/00169/FULL – DEMOLITION OF EXISTING SCHOOL BUILDING AND  
ERECTION OF 4 NO. DWELLINGS (CONSERVATION AREA) (as amended)**

**by plans and amplified by bat survey report received 27.06.16, 10.04.17, 26.04.17 and 30.05.17))**

**Marycourt Co-Educational School 27 Crescent Road Gosport  
Hampshire PO12 2DJ**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00169/FULL.

The Board was provided with an update from the Planning Officer as follows:-

1. Paragraph 6 of the 'Site and Proposal' section of the report states that the proposal is for "four 2.5 storey five bedroom dwellings". The proposal, however, is for two four-bedroom and two five-bedroom houses.

The Board was advised that, under the Parking SPD, the parking requirements for four and five bedroom dwellings are the same and so this had no bearing on the assessment or recommendation put forward in the Officer's report.

Mr Tutton was invited to address the Board. He advised that he was speaking in support of the application and that the existing building on site was 2.5 storeys tall and located to the North East of the site. He advised that it had previously been used as a private school but that this had closed seven years previously and that the County Council had advised that it was not required by them for education purposes.

The Board was advised that the building had been marketed since 2015 and that there had been initial interest to convert the building into use as a veterinary surgery, nursery or residential care home but that these interests had been withdrawn as it was felt the building was beyond reasonable repair.

Mr Tutton advised the Board that the applicants had sought advice from chartered surveyors that had also confirmed the building was beyond economic repair.

The Board were advised that the building was uninhabitable and that the layout and the format of the building was wrong for development.

Mr Tutton advised the Board that the Local Plan for Gosport stated that there should be good quality housing within the Borough and that the opportunity to provide this development would help to address the shortage of larger 4 bedroom properties required in the Borough.

Mr Tutton advised that he did not feel that the proposal was detrimental to the area, but would in fact enhance it, and requested that the Board approve the application.

In answer to a Member's question the Board was advised that the building was not a listed building but was situated in a Conservation Area and that the Council's conservation officer and structural engineer had assessed the building. It was felt by the Officers that the building was not beyond economic repair and that there was still value in the building remaining.

In addition to this, the Board was advised that the owner's inaction in allowing the building to fall into disrepair in the seven years it had been unused was not justification for deeming it irreparable or not retainable.

**RESOLVED:** That planning application 16/00169/FULL be refused for the following reason.

1. The application fails to justify with sufficient and appropriate evidence the loss of the important historic building which would significantly harm the setting of adjacent buildings and fail to preserve or enhance the character and appearance of the Anglesey Conservation Area, contrary to Policy LP12 of the Gosport Borough Local Plan, 2011-2029.



**35. 17/00208/FULL – RETENTION OF A CHANGE OF USE OF LAND FROM AMENITY INTO RESIDENTIAL DRIVEWAY AND 1.8 METRE HIGH FENCE (AMENDED SCHEME TO 16/00146/FULL)  
19 Amersham Close Gosport Hampshire PO12 2RU**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00208/FULL.

The Planning Officer updated the Board that the applicant had submitted a rebuttal statement in relation to the letters of representation received. This was made public on 26.07.2017 at the request of the applicant and the contents of the statement did not materially alter the proposal or the officer's recommendation.

Janice Bromback was invited to address the Board.

She thanked the Board for allowing her to speak and advised that she lived at 6 Amersham Close and that prior to the erection of the fence the view from her window was across open space towards Gomer Lane and included a tree that had since been removed.

Mrs Bromback advised that the storage area that was visible above the fence had now been removed but that it was felt that this was a token gesture.

Members felt that the land should remain open and green as this was the original plan and design for the estate.

**RESOLVED:** That planning application 17/00208/FULL be refused for the following reasons:

1. The fence, by reason of its height and alignment represents an unduly prominent and incongruous feature that is not reflective of the established pattern of development in the area. It would be harmful to the character and visual appearance of the area and is contrary to Policy LP10 of the Gosport Borough Local Plan, 2011-2029 and the Gosport Borough Council Design Guidance: Supplementary Planning Document.

2. The fence and use of the hardstanding for the parking of large vehicles would detrimentally impact on the outlook of the occupiers of 6 Amersham Road and is contrary to Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

3. The fence, by reason of its height and proximity to the edge of the public footpath to the north, creates an enclosed environment reducing intervisibility along the footpath which would be harmful to the safe movement of pedestrians. The proposal is therefore, contrary to Policy LP23 and Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

**36. 17/00156/FULL - ERECTION OF A DOUBLE GARAGE (as amended by plan received 23.05.17 and amplified by email received 23.05.17)  
Land South Of Netherton Road Gosport Hampshire**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00156/FULL.

Mr Grubb was invited to address the Board. He advised that he resided in Avery Lane and that he used the land in question to access the rear of his property by vehicle and park off road in his garden and that there had been vehicular access to the rear of his property in this way for 40 years.

He advised the Board that he had removed the fence to the rear of his property to allow him to park in his garden and that this was important as the surrounding roads were overcrowded with cars and there were schools in the vicinity of Avery Lane. He advised the Board that he parked his work van in his garden and the removal of access would create further parking problems in the area.

The Board was advised that the owner of the land in question also owned the adjacent garages which had been left in a state of disrepair.

In answer to a Member's question, Mr Grubb explained that he did not have anything in his deeds that gave him a legal right to vehicular access. The Board was also reminded that rights of access were private legal matters and not material considerations for planning applications.

Mr Critchley was invited to address the Board. He advised that he was the agent for the applicant.

He thanked the Board for the opportunity to speak and advised the Board that he felt that it was clear from the report that there was no harm to amenity from the application, but rather the opposite as the land would be transformed from a scruffy wasteland.

Mr Critchley advised that the land in its current state had no beneficial use; the garage would provide spaces for two cars so there would be no change in the parking level.

Members were advised that a one metre gap would remain along the side of the proposed garage to allow for pedestrian access to the rear gardens of the properties 17-19 Avery Lane.

Mr Critchley advised that the 17 other garages located further along the access path that belonged to his client did not form part of the planning application and that he had no information about his client's intentions with respect to their future..

Mr Critchley advised that the height of the garage would be sufficient to accommodate a small panel van.

Mr Critchley also confirmed that there was not any legal right to vehicular access across the land.

Members expressed concern at the proposal and, whilst it was accepted that the garages were not part of the application, Members would nevertheless like more information on their use.

Members were unclear about the location of the site and how the proposed garage would fit into the area, and it was proposed and seconded that determination of the application be deferred for a site visit.

RESOLVED: That application 17/00156/FULL be deferred for a site visit.

**37.                    17/00224/FULL – ERECTION OF SINGLE STOREY REAR EXTENSION,  
FIRST FLOOR REAR EXTENSION AND FRONT CANOPY PORCH AND  
BAY WINDOW  
11 North Close Gosport Hampshire PO12 2PH**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00224/FULL.

Mr Valente-Mitchell was invited to address the Board.

He advised the Board that since moving to the property he had always been approachable and courteous to neighbour's and that he was largely satisfied with the proposal with the exception of the proposed size of the second storey rear extension as he had initially been informed that the proposal would be for 0.5 to 1 metre in depth, however the application submitted was for double that depth. He advised the Board that he felt this was excessive and was disappointed that the neighbours had not approached him directly to discuss the proposals.

Mr Valente-Mitchell advised the Board that the properties were south facing and that the proposed second storey extension would have a significant impact on the loss of natural light and heating to the rear of his property. He felt that the proposal would cause the heating and lighting in the rear of

his property to be required to be switched on at least two hours earlier than present in the winter and would therefore detrimentally impact on his family's finances and energy consumption.

Mr Valente-Mitchell felt that this went against the Local Authority's commitment to making homes in the Borough more efficient and reducing carbon footprints. He also expressed concern that the maintenance costs for his property would increase and that splash back would increase along with the risk of damp.

Mr Valente-Mitchell advised the Board that a proposal for a 2.5m extension would have a significantly detrimental impact on their standard of living. It will impact on family life (Article 8 of the Human rights act) but also the first protocol which is the protection of property with the right to enjoy our home. He also advised that he felt the proposal would have a detrimental impact on the value of his home and that he was disappointed that the application had been recommended for approval as no one had visited his property to see the impact that the proposal would have.

Mr Valente-Mitchell advised that as a family, the conservatory was often used for them to spend time in in the evenings, but that the proposal would render it useless. In addition, he advised that he also enjoyed eating his evening meal in evening sun on the patio area, something that his family would not be able to do if the proposal went ahead. He also felt that there would be an impact on the view from the back bedroom window as the proposal would be in close proximity and affect the currently good view and light afforded to it.

Mr Valente-Mitchell advised that he believed there was a forty-five degree rule from the centre of any window and questioned whether this had been applied in relation to his conservatory as it was the main source of light for the property.

Mr Valente-Mitchell advised that he did not wish to prevent his neighbours from developing their property, but had no choice to object as he felt the proposal was detrimental to him and would impact him financially. He advised that no other properties in the Close had extended in the way proposed, but had given due consideration to the light required by neighbouring properties.

Mr Valente-Mitchell advised the Board that he felt that plans could be amended to suit both parties to continue to enjoy their homes by reducing the depth of the extension, limiting the extension to match others in the close and applying the 45 degree rule to his conservatory. He requested that the amendments be made to allow sufficient light to his home and that full consideration be given to the amenity on his property.

In answer to a Member's question, Mr Valente-Mitchell advised the Board that the proposed extension would be detrimental to his conservatory and would increase his heating and lighting costs as a result of blocked light.

Mr Paul Pack was invited to address the Board. He advised that the proposals were intended to improve and modernise their home.

Mr Pack advised that the proposal would increase the size of their very small kitchen and to add an ensuite to their bedroom. The Board was advised that this was to allow them to host their family and enjoy spending time with their grandchildren in the summer holidays.

Mr Pack advised the Board that he had appointed an experienced architect to design the proposals that had undertaken similar projects in the area and was knowledgeable about the principles and regulations. Mr Pack advised the Board that he had offered his neighbours the opportunity to meet and discuss the proposal but this had not been taken up and he subsequently submitted his proposed plans to the Council.

Mr Pack advised that the properties were south facing and that the loss of light would therefore be minimal.

In answer to a Member's question, the Board was advised that the 45 degree rule was a rule of thumb in order to assess the likely effect of a development on light to adjoining properties.

Members were advised that as the property was south facing and the depth of the projection would be limited therefore the impact on neighbouring properties was not significant enough to justify refusal.

**RESOLVED:** That planning application 17/00224/FULL be approved subject to the conditions in the report of the Head of Planning Services.

**38. 17/00087/FULL ARTICLE 4(2) DIRECTION - ALTERATIONS TO FRONT ELEVATION AND COVERION OF DWELLINGHOUSE INTO TWO DWELLINGS WITH EXISTING COACH HOUSE RETAINED AS ANNEXE (CONSERVATION AREA) (as amended by plans received 18.04.17)**

**15 St Marks Road Gosport Hampshire PO12 2DA**

Councillor Raffaelli advised that he lived opposite the property in question but that it had no impact on his property. He remained in the room and took part in discussion and voting thereon.

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/0087/FULL.

In answer to a Member's question, the Board was advised that an Article 4(2) direction removed specified permitted development rights in certain areas, often in conservation areas.

**RESOLVED:** That planning application 17/00087/FULL be approved subject to the conditions in the report of the Head of Planning Services.

**39. 17/00146/FULLL – RETENTION OF AND FURTHER WORKS FOR THE ERECTION OF A SINGLE STOREY REAR EXTENSION 7 Vernon Close, Gosport, PO12 3NU**

Councillor Mrs Hook declared that she knew the applicant and took no part in the discussion or voting thereon.

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to application 17/300146/FULL.

**RESOLVED:** That application 17/300146/FULL be approved subject to the conditions in the report of the Head of Planning Services.

**40. 16/00446/FULL– LANDSCAPE IMPROVEMENT WORKS TO INCLUDE REPROFILING AND RESURFACING OF PROMENADE, NEW SEATING AND LIGHTING AND ALTERATIONS TO FLOOD DEFENCE WALL AND PROVISION OF GATES (LISTED BUILDING AND LISTED GARDEN IN A CONSERVATION AREA) (as amended by landscape details received 22.5.17 and flooding/sea wall details received 24.5.17 Royal Hospital Haslar Haslar Road Gosport Hampshire PO12 2AA**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00446/FULL

In answer to a Member's question about development of another part of the Haslar site, the Board was advised that this application related to the waterfront area of Haslar and that end users had not yet been identified for individual former hospital buildings.

Members welcomed the protection of the railway line.

**RESOLVED:** That application 16/00446/FULL be approved subject to the conditions in the report of the Head of Planning Services.

**41. ANY OTHER BUSINESS**

Members were advised appeals against decisions to refuse planning permission at 2 Warwick Close and 69 Seymour Road, Lee-on-the-Solent had been allowed.

The meeting concluded at 19.47

CHAIRMAN

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

**30th August 2017**

### **ITEMS WITH RECOMMENDATIONS**

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

| <b>INDEX</b>       |                       |                                   |   |   |
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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.                | 03-06                 | 17/00156/FULL                     | Land South Of Netherton Road<br>Gosport Hampshire   | Grant Permission<br>subject to Conditions           |
| 02.                | 07-42                 | 16/00598/FULL<br>(See Appendix A) | Land At Junction Of Fareham<br>Road & Heritage Way Gosport<br>Hampshire PO13 OAF                                      | Refuse  |
| 03.                | 43-<br>52/1           | 17/00143/FULL                     | Site Of Former Crewsaver<br>Building On Land To The North<br>Of Harbour Road Mumby Road<br>Gosport Hampshire PO12 1AQ | Refuse  |
| 04.                | 53-58                 | 16/00576/FULL                     | Land At Northcott Close<br>Gosport Hampshire  | Refuse  |
| 05.                | 59-<br>68/1           | 17/00100/FULL                     | Daedalus Park - Site B (South)<br>Lee On The Solent PO13 9FU  | Grant Permission<br>subject to<br>Conditions        |
| 06.                | 69-<br>78/1           | 17/00101/FULL                     | Daedalus Park - Site B (North)<br>Lee On The Solent PO13 9FU  | Grant Permission<br>subject to<br>Conditions / s106 |
| 07.                | 79-82                 | 17/00233/FULL                     | 92 Fisgard Road Gosport<br>Hampshire PO12 4HJ   | Refuse  |

**ITEM NUMBER: 01.**  
**APPLICATION NUMBER: 17/00156/FULL**  
**APPLICANT: Natalie Norris**  
**DATE REGISTERED: 10.04.2017**

**ERECTION OF A DOUBLE GARAGE (as amended by plan received 23.05.17 and amplified by email received 23.05.17 and letter received 02.08.17)**  
**Land South Of Netherton Road Gosport Hampshire**

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

1. The rights of access over and parking on the application site, the impact on the structure of a nearby boundary wall and effect on property values are private legal matters and not material planning considerations; and therefore these factors cannot be taken into account when this application is determined. The substation is accessed directly from Netherton Road and no part of the proposal would impact on the accessibility of that site. The proposal does not intend to be connected to the nearby drains and any rainwater would be dealt with on site in accordance with Building Regulations. The applicant has confirmed that the proposed building would be rented out for the parking of a maximum of two vehicles; it is not intended to be used for a commercial use / storage or for a business. Such uses would involve a material change of use of the proposed development and planning permission would be required. The main issues, therefore, are the appropriateness of the proposal, its impact on the appearance of the locality and the amenities of the occupiers of adjacent properties, and the impact on highway safety.
2. Although the proposal is for a double rather than single garage, the proposed dimensions and external materials would be in keeping with the style and dimensions of the other garages within the area, and would be residential in character. As such it is considered that the proposal would comply with this aspect of the Policy LP10 of the Gosport Borough Local Plan, 2011-2029.
3. As the land is in private ownership the impact of the loss of this space for parking is not something that can be considered in relation to the amenity of the local residents. The proposed garage would have a 7m long blank side elevation which runs in a parallel with the rear boundaries of 17 and 19 Avery Lane. The proposed garage's rear (western) elevation would be approximately in line with the west side boundary of no. 17 and its front elevation broadly in line with the eastern side boundary of no. 19. It would, however, be set 1m north of the rear boundaries on nos. 17 and 19 and the 3.25m - 3.1m height would not be dissimilar to the existing out buildings within their rear garden areas. The submitted plans show that the ground level of the proposal would also match that of the access way which forms part of the application site. The proposal would not impact on the privacy of the properties and due to the orientation, garden lengths, existing out buildings and overall proposed height it is not considered to impact on the access to light over and above the existing situation. The proposal would be positioned to the east of part of the garden of 28 Netherton Road and when compared with the existing boundary wall will slightly increase the shadow over a small section of the outdoor space; however, this section is towards the rear edge of the garden and would only be impacted in the early morning. It is therefore considered that the proposal will not harm the amenity of the occupants of the neighbouring properties in relation to loss of privacy, outlook or light and so would comply with this aspect of Policy LP10 of the Gosport Borough Local Plan, 2011-2029.
4. The proposal would be situated and accessed from private land within the ownership of the applicant and would not require manoeuvring on, or alteration to the access onto the application site from the public highway, the south end of Netherton Road. It is therefore considered that the proposal would not impact on the functionality or safety of the surrounding highway network and so comply with this aspect of Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

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

Nil



## ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

LP10  
Design

Supplementary Planning Documents:

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

Gosport Borough Council Parking: Supplementary Planning Document: February 2014

National Planning Policy Framework (NPPF), March 2012

## ***Consultations***

Nil

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

9 letters of objection (to original plans)

Issues raised:-

- dimensions would cause shadowing and loss of light to the rear of 19 and 21 Avery Lane and to the garden area of 28 Netherton Road
- overly tall and out of character when related to surrounding buildings
- restriction of access to the rear of 17, 19 and 21 Avery Lane and the removal of the informal parking will mean that residents will have to park on Avery Lane and Netherton Road both of which are already congested with parked cars
- would appear to be for a commercial use and this is not appropriate at the end of a residential cul-de-sac
- effect on the substation access and the impact on safety should access be required
- effect on the structure and stability of 28 Netherton Road's boundary wall
- water runoff from the roof could have detrimental impact on the drains along Netherton road which are already at capacity
- effect on property values
- the site level would be mean the proposal would be 5 feet (approximately 1.5m) higher than the surroundings

2 letters of objection (to amended plans)

Issues raised:-

- amended plans continue to block access to the rear of 19 Avery Lane

## ***Principal Issues***

1. The rights of access over and parking on the application site, the impact on the structure of a nearby boundary wall and effect on property values are private legal matters and not material planning considerations; and therefore these factors cannot be taken into account when this application is determined. The substation is accessed directly from Netherton Road and no part of the proposal would impact on the accessibility of that site. The proposal does not intend to be connected to the nearby drains and any rainwater would be dealt with on site in accordance with Building Regulations. The applicant has confirmed that the proposed building would be rented out for the parking of a maximum of two vehicles; it is not intended to be used for a commercial use / storage or for a business. Such uses would involve a material change of use of the proposed development and planning permission would be required. The main issues, therefore, are the appropriateness of the proposal, its impact on the appearance of the locality and the amenities of the occupiers of adjacent properties, and the impact on highway safety.

2. Although the proposal is for a double rather than single garage, the proposed dimensions and external materials would be in keeping with the style and dimensions of the other garages within the area, and would be residential in character. As such it is considered that the proposal would comply with this aspect of the Policy LP10 of the Gosport Borough Local Plan 2011-2029.

3. As the land is in private ownership the impact of the loss of this space for parking is not something that can be considered in relation to the amenity of the local residents. The proposed garage would have a 7m long blank side elevation which runs in a parallel with the rear boundaries of 17 and 19 Avery Lane. The proposed garage's rear (western) elevation would be approximately in line with the west side boundary of no. 17 and its front elevation broadly in line with the eastern side boundary of no. 19. It would, however, be set 1m north of the rear boundaries on nos. 17 and 19 and the 3.25m - 3.1m height would not be dissimilar to the existing out buildings within their rear garden areas. The submitted plans show that the ground level of the proposal would also match that of the access way which forms part of the application site. The proposal would not impact on the privacy of the properties and due to the orientation, garden lengths, existing out buildings and overall proposed height it is not considered to impact on the access to light over and above the existing situation. The proposal would be positioned to the east of part of the garden of 28 Netherton Road and when compared with the existing boundary wall will slightly increase the shadow over a small section of the outdoor space; however, this section is towards the rear edge of the garden and would only be impacted in the early morning. It is therefore considered that the proposal will not harm the amenity of the occupants of the neighbouring properties in relation to loss of privacy, outlook or light and so would comply with this aspect of Policy LP10 of the Gosport Borough Local Plan 2011-2029.

4. The proposal would be situated and accessed from private land within the ownership of the applicant and would not require manoeuvring on, or alteration to the access onto the application site from the public highway, the south end of Netherton Road. It is therefore considered that the proposal would not impact on the functionality or safety of the surrounding highway network and so comply with this aspect of Policy LP10 of the Gosport Borough Local Plan 2011-2029.

### **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 plan:

17024-501D

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.



**ITEM NUMBER: 02.****APPLICATION NUMBER: 16/00598/FULL****APPLICANT: Millngate Gosport Developments Limited & Millngate Gosport****DATE REGISTERED: 22.12.2016**

**EIA - MIXED USE DEVELOPMENT COMPRISING ERECTION OF CLASS A1 RETAIL UNITS; CLASS A3/A5 DRIVE-THRU RESTAURANT UNIT AND A COFFEE SHOP WITH DRIVE-THRU FACILITY TOTALLING 7,215 SQ.M GIA; PROVISION OF 392 CAR PARKING SPACES AND 238 CYCLE SPACES., PROVISION OF OPEN SPACE AND FOOTPATHS; PROVISION OF SPORTS PITCHES WITH CHANGING FACILITIES; PROVISION OF HIGHWAY WORKS AND ACCESS & EGRESS; SERVICE YARD; PARKING; LANDSCAPING; INFRASTRUCTURE; AND ASSOCIATED WORKS AND IMPROVEMENTS (as amended by plans received 25.05.17, 06.07.17 and 08.08.17 and amplified by supplementary retail assessment received 07.07.17, addendum transport assessment received 16.01.17, travel plan framework addendum received 09.03.17, supplementary parking requirements assessment received 24.04.17 and supplementary sports pitch/open space assessment received 15.06.17)**  
**Land At Junction Of Fareham Road & Heritage Way Gosport Hampshire PO13 OAF**

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

1. The application site comprises 5.07ha of land comprising the former Civil Service Sports Ground and the Frater House/Bedenham House (MoD) buildings (now demolished). The land was sold by the MoD to the applicant in 2014. The site is located within the urban area (Policy LP3) and is covered by two specific land use designations: Economic Development Use Sites (LP9B) and Protection of Existing Open Space (LP35). The site is known as Brockhurst Gate.
2. The site is located 3km to the north of the town centre on the prominent junction of Fareham Road (A32) and Heritage Way. The scheduled monument of Fort Brockhurst adjoins the site on its south western edge, with the Fort and its redan located within 40m of the site boundary. On the western side of the A32, opposite the site, is a hotel; a leisure centre with a range of outdoor sports pitches; an ice rink; and pub/restaurant. This grouping of leisure type facilities are served by a surface car park. To the north of these leisure facilities is a housing development in the Holbrook area of the borough constructed in the 1980's. The nearest houses are 150m from the north west corner of the site. To the east of the site is an industrial estate comprising a mix of office and light industry uses.
3. The area is connected by a variety of transport options with bus stops in Fareham Road along the site frontage with links through Holbrook, Rowner and the town centre. The Eclipse bus route linking the town centre with Fareham is just a few hundred metres to the west beyond the nearby leisure centre. Cycle and pedestrian routes also permeate the wider area and serve the site.
4. The application comprises 7,215sqm of retail and drive-thru restaurant. The retail element of the scheme is composed of a single building measuring 120m wide x 55m deep (maximum) x 11.4m high to the ridge. This building is located centrally within the site in a north-west to south-east alignment with a front aspect directed towards Fareham Road. At its closest point it is 84m from Fareham Road and 47m from Heritage Way. However, due to the alignment of the building the average separation from Fareham Road is 113m and the maximum, in the southern corner of the site 142m.
5. The building contains 5 individual retail units of which 4 have named occupiers. A Lidl foodstore would occupy the northern most Unit 1 with a footprint of 1,883sqm; a Marks and Spencer Foodhall would occupy Unit 2 with a footprint of 1,486sqm including a mezzanine; Home Bargains would occupy Unit 3 with a footprint of 1,399sqm; the Food Warehouse by Iceland would occupy Unit 4 with a footprint of 1,068sqm; The end unit, adjacent to the scheduled monument has a footprint of 628sqm. The retail mix across these 5 units can be summarised as 4,285sqm of food retail and 2,179sqm of non-food retail. A total of 265 car parking spaces including 20 disabled spaces and 24

parent and baby spaces would be provided to serve the food and non-food retail element of the development. A lay-by for taxis would be provided along the internal access road close to the stores.

6. The drive-thru restaurant units, to be operated by McDonalds and Costa respectively are located on the northern edge of the site, immediately adjacent to Heritage Way and close to the junction with Fareham Road. These are separate buildings with their own vehicular access arrangements from the internal access road. A total of 67 car parking spaces (43 McDonalds, 24 Costa) including 4 disabled spaces (2 for each unit) are proposed. McDonalds is the larger unit measuring 30m x 13m x 7.3m high and comprises two floors of accommodation with capacity for up to 172 eat-in customers. The building would flat roofed in form, modular in design and incorporate the corporate colours and images on elevations comprised mainly of cladding and timber boarding. There would be a 13m separation between the building and Heritage Way. Costa is a smaller, single storey building measuring 17.8m x 15m x maximum 5.5m height under a shallow mono-pitch roof. A similar range of materials are proposed to those used on McDonalds and the building would be located adjacent to the new site access in Heritage Way.

7. In addition to the car parking spaces, a total of 116 cycle spaces would be provided for the food and non-food retail development. 68 customer spaces would be provided in front of the main retail terrace, 8 for each of the drive-thru fast food units and 32 staff spaces in the secure service yard area to the rear of the site. The rear service yard is a self-contained area proposed to be secured within 2.1m high palisade fencing with a newly planted hedge on its northern side of the main terrace. The service yard contains sufficient space to accommodate 16m long service vehicles to serve each unit and a shared 24m radii turning area. The yard would also provide refuse storage and collection facilities for each unit and would contain a new small sub-station. This is a gated area with no public access.

8. All vehicular traffic to the site will enter and exit via a new traffic controlled access point in Heritage Way approximately 170m to the east of the existing junction between Heritage Way and Fareham Road. The new access arrangements are subject to separate approval by the Highway Authority (Hampshire County Council) by way of a Section 278 agreement. The internal access road would have a night-time barrier to prevent access to the main area of the car park (265 spaces) out of operating hours. As the service area and the drive-thru fast food units are proposed to operate on a 24hr basis, access to these areas will be maintained at all times.

9. Between the car park and Fareham Road the scheme provides 1.073ha of open space within which would be a series of connecting footpaths and has the ability to be used for a wide range of informal recreational activities. The open space includes additional landscaping in addition to the provision of a range of information boards reflecting the history and heritage of the site. The 1.4ha of open space to the rear of the site, accessed from a separate entrance in the business park to the east of the site, would be laid out as two sports pitches, a new single storey changing room building and 30 parking spaces to serve these facilities. The sports pitches would cater for adult and junior football with the adult pitch measuring 100.6m x 54m and the mini-pitch measuring 54.9m x 27.45m. There is a landscaped footpath link between the sports pitches and the open space to the front of the site which is designed as a dog walking route with bins. Seven existing trees would be retained along the perimeter of the site alongside the fast food units and additional tree planting within the site include native species including Lime and Beech is proposed.

10. The construction phase of the proposals would be likely to deliver around 200 jobs whilst the finished, occupied and fully operational scheme nearer 300 jobs.

11. The application was preceded by a screening opinion request (EIA/002/16). The Council issued a decision on 2 November 2016 stating that the proposals did represent E.I.A development by virtue of the scale of the development proposed and the sensitive location of the site, in this instance the setting of Fort Brockhurst Scheduled Monument. The application was therefore submitted with the following supporting documentation:

Environmental Impact Assessment Environmental Statement Vol 1  
Environmental Impact Assessment Environmental Statement Vol 2  
Environmental Impact Assessment E.S. Non-technical Summary  
Statement of Community Involvement  
Planning Statement  
Heritage Statement  
Planning Statement - Ecology  
Tree Survey/Arboricultural Implications  
Land Contamination Assessment  
Design and Access Statement  
Flood Risk Assessment  
Transport Assessment Vol 1  
Transport Assessment Vol 2  
Addendum Transport Assessment  
Travel Plan  
Travel Plan Framework Addendum  
Supplementary Parking Requirements Statement  
Sports Pitch Statement  
Supplementary Sports Pitch/Open Space Statement  
Retail Assessment  
Supplementary Retail Assessment

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

EIA/002/16 - EIA Screening Request - mixed use development comprising food and non-food retail and restaurant units (7610m2) and provision of open space and sports pitches with changing facilities and associated parking and access - EIA Development 28.09.16

### ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

LP1  
Sustainable Development  
LP2  
Infrastructure  
LP3  
Spatial Strategy  
LP10  
Design  
LP11  
Designated Heritage Assets including Listed Buildings, Scheduled Ancient Monuments and Registered Historic Parks & Gardens  
LP16  
Employment Land  
LP17  
Skills  
LP21  
Improving Transport Infrastructure  
LP22  
Accessibility to New Development

LP23  
Layout of Sites and Parking  
LP29  
Proposals for Retail and other Town Centre Uses outside of Centres  
LP32  
Community, Cultural and Built Leisure Facilities  
LP34  
Provision of New Open Space and Improvement to Existing Open Space  
LP35  
Protection of Existing Open Space  
LP44  
Protecting Species and Other Features of Nature Conservation Importance  
LP46  
Pollution Control

Supplementary Planning Documents:

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

Gosport Borough Council Parking: Supplementary Planning Document: February 2014

National Planning Policy Framework (NPPF), March 2012

**Consultations**

|                          |  |
|--------------------------|--|
| Sport England South East | Object to the quantitative loss of a single large area of playing field which is able to be used flexibly as a sports pitch for a range of formal sports, as a result of the buildings and car park effectively creating two small areas for sports provision. Understand the qualitative improvements to the sports pitch and open space areas being proposed but this does not override the above objection.   |
| HCC Ecology              | No objection subject to conditions. The site is unlikely to support protected species such as Great Crested Newt (which has been recorded on land to the north of the site) nor is it particularly suitable for overwintering birds unlike areas of land to the east of the site which recorded a significant number of wading birds in 2008/9.  |
| Natural England          | No objection subject to appropriate mitigation. Natural England is satisfied that the specific issues we have raised in previous correspondence have been resolved. It is therefore considered that the identified impacts on Portsmouth Harbour SPA can be appropriately mitigated with measures secured via planning conditions or obligations to prevent percussive piling or works with heavy machinery (resulting in noise level 69dbAmax when measured at the nearest point of the SPA). |

Defence Infrastructure Organisation

The site is located within the outer explosive safeguarding zone, the vulnerable building distance, surrounding the Defence Munitions Gosport. All buildings within this zone should be of robust construction and designed so that should an explosion occur at the MoD storage facility, the buildings won't collapse or sustain such damage as to cause potential critical injuries. The relatively lightweight construction and glazed wall frontage therefore raises some concerns. The applicant's report has been reviewed and the DIO disagree that the structures can be considered 'non vulnerable'. To address these concerns the proposed scheme will need to be designed to specified blast loadings.

English Heritage Estates

I refer to the planning application you are currently considering and the discussion English Heritage have had with the applicant in relation to landscaping work to the adjacent Fort Brockhurst which is managed by ourselves.

Fort Brockhurst is as you are aware a Scheduled Ancient Monument and as such we wish to ensure that the heritage value in its setting is maintained. Whilst we believe the proposed development will cause an element of harm to the Fort's wider setting, the applicants have agreed to undertake certain landscape works for the Fort and to provide a fund for future maintenance.

English Heritage have concluded that the public benefits which will be delivered balance the harm to the setting by allowing the Fort by giving the Fort a clearer visual presence when viewed from the area of public open space and for improved access.

Economic Prosperity

Whilst it is recognised that retail use falls within the policy definition of economic development, and therefore compliant with site allocation, it would have been preferable for greater employment generating uses to have been considered. Whilst there is no objection to the proposals it is considered that other options could have been delivered and this is a missed opportunity.

Environment Agency (Hants & IOW)

No response received.



## Historic England

The proposed development would occupy open space immediately north-west of Fort Brockhurst; the fort is the principle heritage asset which could be affected and is a Scheduled Monument. Fort Brockhurst, completed in 1862, has a high level of significance based on its evidential, historical (illustrative), aesthetic and communal value. An important part of its illustrative value stems from its setting; surviving areas of open space can illustrate the fields of fire from the fort, particularly for small arms fire from the redan at the front of the fort. As so much of the fort is now surrounded by development, the remaining open space of the development site is of particular importance.

The development includes proposals to open up some views to and from the fort, and therefore to enhance its illustrative value, but this involves changes to land which is not within the applicant's control, and no agreements are in place. The overall effect of the development would be to cause a high level of harm, though not harm to the significance of the fort as contributed to by its setting. We object to this proposal on heritage grounds.

Documents from the planning application are referenced below as follows. Cultural Heritage chapter (7) of the Environmental Statement (CHES); Archaeological Desk-based Assessment (Appendix 7.1) (ADBES); Built Heritage Statement (Appendix 7.2) (BHES); Townscape and Views (Chapter 6) (TVES).

The proposed development would be located in an area of open space immediately north-west of Fort Brockhurst, which is a Scheduled Monument; the fort is the principle heritage asset which could be affected.

Construction of Fort Brockhurst was completed in 1862; it was the first to be finished as part of a defensive line - the Gosport Advanced Line - which would include Forts Grange, Rowner and Elson and was intended to prevent attack on the dockyards and harbour from the landward side. After the line was built there was rapid change both in the political situation and in artillery technology (resulting in greatly-increased range); Fort Brockhurst was never

fully armed, and never saw action. Fort Brockhurst was built on the polygonal design, with a circular keep, and was intended to function with the other forts in the line on the so-called Prussian system which was then new to England. In this system the guns on the main rampart, which faces north-westwards towards the expected direction of attack, would have provided long-range fire to keep the enemy's artillery from firing on the harbour and dockyards. Guns on the flanking ramparts could fire across the face of the adjacent forts and into the spaces between them. For additional defence, the north-west side has three caponiers (bomb-proof buildings which project into the moat), and a covered way outside the moat protected by a glacis (wide earthwork sloping away from the fort, which would absorb or deflect shot). The glacis is interrupted by a large central redan (pointed, projecting earthwork) from which troops could fire with small arms both forwards and along the glacis, and then retreat into the fort across a temporary bridge. The rifled muskets then in use had a default or 'battle sight' range of 200 yards but British soldiers were trained to shoot at ranges of 600 yards and beyond. Detailed information on Fort Brockhurst is contained in Moore, D., *Fort Brockhurst and the Gomer-Elson Forts*, Solent Papers No. 6, Gosport, 1992 (revised edition).

Evidentially the fort is a source of information for the detailed story of national defence, from its construction up to recent times (including the disarming of the fort, and its later military uses), while its historic value derives from how it illustrates both the massive defensive effort of the Palmerston period and the rapid obsolescence of its results. It also illustrates in detail the way in which the Gosport Advanced Line was intended to function and in this context the setting of the fort is also relevant: surviving open ground outside the south-west flank and north-western defences is capable of illustrating the open fields of fire. The fort is maintained by English Heritage as a national public asset available to the Borough, and part of its value as such an asset lies in how it can demonstrate the functionality of this kind of fort, which includes the fields of fire.

At present, a belt of woodland occupies the glacis of the north-western defences and partially obscures views out over the open ground from the top of the main rampart, particularly in summer, although the open ground can still be seen from the rampart area near the central caponier, and from the redan and parts of the glacis. The setting of the fort as experienced from the proposed development site is also affected by the tree belt although the redan is visible with the main rampart behind it. The overall profile of the fort is, in any case, deliberately low as it was designed as a partially-sunken and concealed structure. Overall, the setting of the fort on the north-west side contributes to its significance through its illustrative value, and although this is currently reduced by the tree belt, English Heritage's guidance on setting, states that, '*The permanence or longevity of screening in relation to the effect on the setting also requires consideration.*' (The Setting of Heritage Assets (2011, p.22). This is discussed further below in the section on impact.

Both aesthetic and communal value are also part of the monument's significance - the aesthetic design value of the fort is appreciable from outside the fort, but only in a very limited way from the application site. Communal value arises from appreciation of the fort as a local monument (of national importance) and educational resource which is periodically open to the public, and the area of the north-west glacis is used informally as a walking area. Specialist groups such as the Palmerston Forts Society also value the fort as a historical resource.

The proposal is for open public green space at the west end of the site and then, described from west to east, car parking, a terrace of large retail units, and finally sports pitches. There would be separate drive-through food and coffee outlets, with signage, on the north side of the site.

The proposed scheme is unlikely to impact on the evidential value of the fort. The possible impact on the setting of the fort and therefore on its significance is more complex.

A summary follows of the situation for the key views.

#### View to north-west from main rampart

Existing - The tree belt obscures much of the development site, but views exist down over the moat, caponier and redan with some open ground visible through tree gaps beyond the redan. The tops of some large buildings are visible in the distance.

Proposed - The clearance of scrub and felling of some trees beyond the redan will lead to a degree of opening-up. The new view beyond the redan will be of open grassland with the A32 road visible beyond. Some infrastructure of the new development such as the signage in the north-west corner of the site is likely to be visible, particularly in winter. Some filtered visibility of the retail buildings is also possible. This assessment of visibility is from our own observations and photographs, and from photographs within the BHES. No computer generated images of how the views from the rampart might look are included in the application. Viewpoint photographs from the rampart in the TVES (VPs 15-17) are incorrect - they are not taken in the direction of their indicative arrows (Fig. 6.15) and they do not look towards the development site. A section of the covered way at the western corner of the moat has been incorrectly labelled as the Redan. The discussion and conclusions of the TVES should be revisited to ensure that they are derived from accurate information.

#### View to north-west from redan and parts of glaxis near redan

Existing - The tree belt obscures much of the eastern part of development site. Views exist of open ground in the western part of the site (through tree gaps) which are clearer than from the main rampart. This is borne out by the viewpoint photos within the TVES (6.172, VP8 - 13) and by the text (6.110), Although generally clear, there is some visual obstruction because of a line of mature trees near the Scheduled Monument's boundary. Beyond that, the landscape is rather unkempt and degraded, with the remnant footings and hard standings of former building plots. These features act as visual detractors giving the view that is neither natural heath nor maintained open space. In winter views as shown on VP9 and VP12, an industrial building which lies north of Heritage Way at a distance of 350 m from

the fort is visible between trees, as is the vegetation which currently exists on the northern boundary of the site. (see also BHES, Figure 59).

Proposed - According to the CHES (7.202) There may be some very limited visibility of built development filtered through trees from within the Scheduled area from the northern extremity of the redan and within the woodland below the redan. The BHES (7.16) suggests that existing industrial buildings around the fort are evidence that the fort can absorb such impact. We do not agree with this and regard the existing industrial buildings as having clearly harmed the significance of the fort.

Overall, we advise that the impact of the scheme is being understated here - given what is currently visible (see above) it seems clear that elements of the car park, or car park screening (when matured) and the retail building (which would be only 100m away and is 10m high) would be visible. The visibility of the retail terrace is modelled in Figure 82 of the BHES. The TVES is more accurate when it states (6.177) The car park and retail terrace will be visible at close distance to the right of the view but they would be offset to the line of the redan and would be partially obscured by the intervening trees. However this misunderstands the function of the redan, which does not have a 'line' as such, but was designed to fire both forward and to the sides (along and in front of the glacis). Indeed, it is the field of fire from the sides that is most important for the redan, as frontal fire can be achieved from all along the covered way. Therefore the TVES (again 6.177) is not correct in saying of the car park and retail block that It would neither dominate nor obstruct the view over the original 'Field of Fire'. It would at least partly obstruct the view. In addition to the visual intrusion and awareness of movement of traffic, there will also be an increase in artificial light levels (TVES, 6.155), including the lit south-western frontage of the retail terrace.

View south-east towards Fort Brockhurst from the development site

Existing - Much of the fort profile is obscured by the tree belt. The redan and part of the glacis, with a short stretch of main rampart

rising behind, are visible through tree gaps. This situation is acknowledged in the TVES but the CHES (7.136) and BHES (4.17) claim there are no views of the fort from the site, giving an incorrect baseline assessment.

Proposed - the existing views would be from publically accessible open ground (grassed, with paths), which would be an improvement on the current situation. Further opening up of views is dependent on a number of factors and is discussed below.

To summarise all of the detailed considerations above, these proposed changes to the views, and therefore to how the fort is experienced (its setting) need to be weighed against the impact of the new elements in the views, namely the car park, retail buildings and signage. It is material to the discussion that these would be built on the north-west side of the fort in front of the main rampart and redan where the monument's significance is particularly contributed to by the illustration of the field of fire across open ground, as this was the expected direction of enemy attack.

Finally, development of the north-west side of the fort should be regarded as more harmful because it would be part of a cumulative impact on the fort's setting, as development already comes close to the fort on its north-east and south-west sides, see Section 4.5 of the English Heritage guidance on setting (referenced above). Our advice is that the development would cause a high level of harm, though not substantial harm, to the significance of Fort Brockhurst as contributed to by its setting.

A number of heritage benefits are offered in the application as mitigation. These can be summarised as, firstly, improved landscaping of open ground in front of the redan (west end of the development), with public access up to the boundary of English Heritage land and (subject to English Heritage agreement), access into that land (tree belt, with glacis, redan and moat). Secondly, opening up of the view in front of the redan by removal of some trees, to illustrate the field of fire from the front point of the redan (but not the sides) and so that the redan with the fort rampart behind can be more clearly seen from the development site. Thirdly, the opening up of the world war II anti-tank cubes to public

view and access, with some being retained in their original position but others being moved to an illustrative position east of Fareham road. Finally the retention of open ground at the east end of the site as sports pitches is also list as beneficial.

The improved landscaping of open ground, with public access is undoubtedly of benefit to the significance of the fort and could be combined with interpretation. Treatment of the English Heritage land is more problematic. While the cultural heritage chapter of the Environmental Statement, the covering letter and the publicity for the development state that opening up of views to and from the fort will happen, the BHES document and the TVES document make it clear that this is something which could happen. The applicant is not currently in a position to offer this benefit as mitigation, because the land concerned is owned by English Heritage, and no agreement on future management of the tree belt is in place, whether in principle or otherwise. The BHES states that discussions are ongoing, but Historic England has been informed by English Heritage that this is not the case. Furthermore, were the development to go ahead, and management of the tree belt in order to open up views be considered in the future, it is clear that during construction work the tree belt would remain as it is, or even be permitted to thicken, to provide screening. The obvious time to assess whether the opening up of views in front of the redan would be beneficial would be after construction is complete, or even possibly some years later to allow the new screening of the car park to mature. However, it is also possible that at this point assessment of the correct action to prevent further harm to the fort would not be to open up views, but to manage the tree belt as a continuous screen with only the redan and land immediately around it being kept clear. This would be a matter for English Heritage, advised as necessary by Historic England, to consider. Were the screening to be thickened there would be no heritage benefit from opening up of views, or from the improved landscaping at the west end of the development site, other than improved access up to the edge of English Heritage land (perhaps leading to an access gate).

With regard to the anti-tank cubes, our preference, as previously advised, is that all the surviving cubes should be retained in the current (original) locations. Returning the cubes to public view and access, with interpretation, would be a heritage benefit. It would be further improved by minor changes to the proposed hedge screening north of the cubes, so that as many as possible of the cubes are visible in a single line. The retention of open ground with new football pitches at the east end is essentially neutral in terms of impact on the fort but we do have concerns about the proposed 6 m high chain link fence around the pitches, as this will also run along the boundary of the tree belt, and will make it more difficult to read the pitches as open ground, should views from the fort become available in the future.

Finally in relation to harm and heritage benefit, we wish to stress as we have done previously in pre-application advice and discussions with the applicant and with Gosport Borough Council, that the harm to the scheduled monument could be considerably reduced by moving the car park and retail buildings to the east end of the site (close to where buildings already exist) and placing the sports pitches between the car park and the open ground at the west end. Traditional grass pitches without excessive infrastructure would then allow a potentially far greater degree of opening up to illustrate the defensive role of the redan than the current scheme offers. A change of this nature would require the use allocations in the local plan to be switched, but no argument has been presented as to why this could not be done other than the applicant's argument that the retail buildings must be close enough to the A32 road to be visible to road users. No detail has been presented on this.

Overall it is our advice that despite the attempts to achieve beneficial change the development would, on balance, still cause a high level of harm, though not substantial harm, to the significance of Fort Brockhurst as contributed to by its setting.

Impact on archaeological remains outside of the Scheduled Monument is principally a matter for the Local Authority. The treatment of the World War II anti-tank cubes is discussed above. Other than this we concur



with the advice provided by Hampshire County Council's Archaeology Service.

#### Recommendation

Historic England objects to the application on heritage grounds. Policy Paragraphs 128-9, 131-5, and 141 of the National Planning Policy Framework are relevant. Part of paragraph 132 reads: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification"*. We advise that this proposal does not include clear and convincing justification for the harm to Fort Brockhurst. Paragraph 134 states that, *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use"*. Heritage benefits are discussed above but the overall weighing of all public benefits is a matter for the Local Authority.

As regards local planning policy, the Gosport Borough Local Plan 2011-2029 allocates the north-west area of the site for economic development uses (Policy LP9B) but states that proposals will need '...to ensure that the setting of the adjacent Fort Brockhurst is not harmed'. We advise that in this respect the proposed development does not conform to the local plan.

#### Southern Water

The application makes reference to drainage using Sustainable Drainage Systems (SuDS). Under current legislation and guidance SuDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

The Gosport Society

Consider these proposals to be an improvement on previous plans presented to public meetings. We welcome the changes made which open up the views both of and from Fort Brockhurst. We have no objections to the main plans, although the need for more football pitches is questioned. We object to the placing of the anti-tank traps alongside the road as this is historically inaccurate.

Crime Prevention & Design

The proposed layout works fairly well. Areas of concern relate to the boundary treatment to the rear service yard being only 1.8m high - to ensure adequate security this should be a minimum of 2.1m high. The changing room building is isolated and vulnerable to anti-social behaviour due to lack of natural surveillance. The building should have design features to deter crime and be visible from public areas.

Fareham LPA

No objection.

Hampshire Fire And Rescue Service

The proposed buildings and the layout of the site will need to comply with Approved Document B5 of the Building Regulations. For the purposes of planning, any recommendations made by the fire service are advisory but include; access for high reach appliances; adequate water supply points, installation of sprinkler systems.

Local Highway Authority

The site lies adjacent to A32 Fareham Road which runs in a north-south direction from Fareham to Gosport town centre. Within the vicinity of the site, the A32 Fareham Road is a single lane carriageway subject to a 40mph speed restriction with both pedestrian and cycle provisions of varying quality. The A32 Fareham Road connects to Heritage Way and Forest Way at a signal controlled junction adjacent to the site. Heritage Way then runs in an east-west direction (across the northern boundary of the site) and is subject to a 30mph speed restriction with a shared footway/cycleway mainly on its southern side together with a signalised

pedestrian crossing to facilitate pedestrians travelling from the north who wish to travel east down Heritage Way, in the direction of the proposed site access.

#### Walking and Cycling

The site is well located within its local surroundings and is currently served by existing walking and cycling links of varying quality. Heritage Way itself benefits from a shared footway/cycleway and a signalised pedestrian crossing 100m to the east of the main A32 Fareham Road/Heritage Way/Forest Way junction. The A32 Fareham Road benefits from footways on each side, pedestrian crossing points together with on and off road cycle provisions. Localised improvement works to these provisions are proposed and these works are identified later within this response.

#### Public Transport

The closest bus stops are located on the A32 Fareham Road approximately 250m to the south-west from the site. These stops benefit from laybys, raised kerbing, shelter, flag and timetable information. There is a signalised pedestrian crossing in between the two stops to enable safe pedestrian movement. These closest stops are served by bus services 11 and E2 which provide links to Alverstoke, Gosport, Fareham and Anns Hill at varying frequencies.

#### Vehicular Access

The main vehicular access to the site is proposed to be taken from Heritage Way in the form of a signalised junction which is shown on submitted drawing 15351-17e. The proposed access is supported by a Stage 1 Road Safety Audit (RSA) and swept path analysis demonstrating that the arrangement is capable of accommodating articulated vehicles. A secondary access to serve the proposed sports pitches and associated parking is proposed from Heritage Way Business Park.

The Highway Authority initially queried the requirement for a full signalised junction to serve the proposed development site and since this time further information has been provided by the applicant with the Addendum Transport Assessment (TA).

On this basis, the principle of a signalised access arrangement in this location is considered appropriate by the Highway Authority however the exact arrangement shall be agreed and approved at detailed design stage, should the development obtain planning permission.

#### Pedestrian and Cycle Access

In order to link the site to the existing pedestrian and cycle networks and provide the networks within the development the following pedestrian and cycle works are proposed:

- Footways along both sides of the main vehicular access;
- Pedestrian crossing facility on the site access arm of the proposed signalised site access junction;
- A shared 3m footway/cycleway across the open space (from A32 Fareham Road) to the car park; and,
- Modifications to the existing cycle provisions on A32 Fareham Road.

These works will ensure that safe access to and within the site can be secured for highway users on foot and cycle.

The Highway Authority agree with GBC Engineers who have raised concerns regarding the position of the pedestrian/cycle link at the proposed McDonalds and the location of the proposed cycle ramp on A32 Fareham Road.

#### Trip Generation

The TA presents the proposed vehicular trip rates for the development during both the weekday and Saturday peak hours. The trip rates are shown for the individual land uses within the proposed development and as a total development forecast. The trip rates adopted within the TA. have been established through an interrogation of TRICS which is a recognised interactive database of transport survey data.

The trip rates have been reviewed by the Highway Authority and are appropriate for use within the Traffic Impact section of the TA.

The Highway Authority is content that the trip generation figures shown in Table 2 represent an acceptable estimation of the level of vehicular attraction and production that could be generated by the proposed development.

#### Retail Trip Classification

It is accepted that not all trips associated with the retail uses proposed at the site would be completely new trips on the wider highway network, as a proportion of the generated trips would be pass-by, linked, diverted or primary transferred trips as defined within the TA. During the pre-application discussion between the applicant and the Highway Authority, it was agreed that 20% of vehicle trips generated by the development should be assessed as completely new trips to the highway network whereas the remaining 80% would be comprised of a split of pass-by, linked, diverted or primary transferred.

The proportion of primary transferred trips is quantified within the TA drawing on conclusions from the Retail Impact Assessment (RIA) which was also submitted in support of the planning application. The RIA outlines the likely trade draw to the proposed retail units from six zones surrounding the site together with the likely draw from outside these zones on the wider network. This information has been analysed to derive the proportion of shoppers expected to visit the proposed retail units who currently use other retail shops and supermarkets, or those shoppers who will be "transferred" to the site. The total primary transferred trip presented within the TA is 60% which has been reviewed together with the RIA and deemed appropriate by the Highway Authority. The distributions of these Primary Transferred trips have been based on the findings of the RIA and are outlined below:

- Brockhurst Road - 12.5%
- Rowner Road - 25%
- A32 Fareham Road (North) - 40%
- A32 Fareham Road (South) - 40%
- Heritage Way (East) - 20%

The proportion of pass-by and diverted Trips have been derived using evidence from a TRICS Research Paper (95/2) which investigated the traffic implications of these types of trips on retail developments. Pass-by and diverted trips are considered as those trips already occurring on the highway network but those which will incorporate trips to the proposed site within existing travel patterns. The TA outlines that given the site proximity to the A32 Fareham Road which forms the main north-south link between Fareham and Gosport, a proportion of existing trips on this route are expected to re-route via the site and could therefore be classed as pass-by or diverted trips. The TA concludes that a total of 20% of the trips generated by the development would be pass-by or diverted trips which is in line with the TRICS Research Paper, pre-application discussions and other examples of similar retail developments within the County.

#### Distribution

The distributions for each of the trip classifications are presented within the TA. The distribution of traffic other than the primary transferred trips have been based on the existing surveyed turning profiles at the A32 Fareham Road/Heritage Way/Forest Way signalised junction which was agreed as a suitable methodology during the pre-application discussions held with the applicant.

#### Traffic Impact Assessment

The TA reviews the transport impact within a study area, agreed with the Highway Authority, which extends to the following existing junctions/locations for both 2016 and 2021 scenarios;

- Proposed site access;
- A32 Fareham Road/Heritage Way/Forest Way signalised junction;
- A32 Fareham Road/Tichbourne Way/Aerodrome Road signalised junction;
- A32 Fareham Road/Rowner Road roundabout; and,
- A32 Fareham Road/Military Road/Elson Road/Brockhurst roundabout.

### Junction Assessments

The following scenarios have been modelled for the above junctions within the submitted TA;

- 2016 Base;
- 2021 Base; and,
- 2021 Base + Development.

### Site Access

See the "Vehicular Access" comments above.

### A32 Fareham Road/Heritage Way/Forest Way signalised junction.

The traffic impact of the site has been modelled on the A32 Fareham Road/Heritage Way/Forest Way signalised junction using Linsig. The weekday AM and PM and Saturday 1100-1200 and 1400-1500 peak periods have been assessed and the results from the model are presented within the submitted TA.

The modelling demonstrates that the additional development traffic will result in additional queuing on all approaches to the junction. The main impact will be for A32 Fareham Road right turning traffic (into Heritage Way) where it is predicted that queuing in this dedicated right turn lane will occasionally exceed the lanes capacity and queue in the dedicated A32 Fareham Road A32 "straight ahead" lane. The likely instance of this occurring is minimal and therefore the impact of the development traffic on this junction is not considered severe in this example.

### A32 Fareham Road/ Tichbourne Way/ Aerodrome Road signalised junction

The traffic impact of the site has been modelled on the A32 Fareham Road/Tichbourne Way/Aerodrome Road signalised junction using Linsig. The weekday PM and Saturday 1100-1200 and 1400-1500 peak periods have been assessed and the results from the model are presented within the submitted TA.

The 2016 base model results show that the junction is already approaching theoretical capacity during the weekday PM and Saturday peak periods with a maximum Degree of Saturation (DOS) of 97.8% on Saturday between 1100-1200. Traffic volumes are forecast to increase as a result of the proposed development resulting in decreased theoretical spare capacity for all arms of the junction but most notably for A32 Fareham Road (N) left ahead movement. Given that the junction is already approaching theoretical capacity in the base scenarios, the number of additional development vehicles forecast to distribute through this junction and the subsequent impact on capacity is not considered severe.

#### A32 Fareham Road/Rowner Road and A32 Fareham Road/Military Road/Elson Road/Brockhurst roundabouts

The traffic impact of the site has been modelled on the A32 Fareham Road/Rowner Road and A32 Fareham Road/Military Road/Elson Road/Brockhurst roundabouts using Linsig and ARCADY. The weekday PM and Saturday 1100-1200 and 1400-1500 peak period have been assessed and the results from the model are presented within the submitted TA.

The model results show that increased traffic volumes will occur at these roundabouts during the peak periods, however, the roundabouts already appear to be operating at or above theoretical capacity during the peak periods.

The applicant has put forward a highway scheme at this location to improve the movement of traffic and increase capacity as a form of mitigation against the impacts of the development. The highway authority would seek a financial contribution in place of physical works in order to deliver improvements here for all highway users and to help mitigate the traffic impacts of the development, the likely sum would be £15,000.

#### Vehicle Parking Accumulation

Comments on the proposed parking provision have been provided separately by GBC Engineers and should be read in conjunction with the below comments



regarding the proposed level of vehicle parking.

Within the submitted TA, the applicant outlines that the current development proposal includes 265 parking spaces for the food and non-food retail units together with 67 parking spaces provided for the fast food restaurant and drive through coffee shop which does not meet the standards for parking found with GBC's Parking SPD. The applicant justifies this under-provision through a car parking accumulation assessment which utilises TRICS data from comparable sites which concludes that the site could expect to see a maximum parking demand of 202 and 241 spaces during a weekday and weekend respectively. The accumulation assessment methodology has been reviewed by the highway authority and is considered robust. On this basis, the highway authority would advise that the proposed parking provision is likely to be capable of accommodating the typical weekend and weekend demand likely generated by the development.

#### Personal Injury Accident Data (PIAs)

The PIA data for the base study area for the 7 year period between August 2009 and September 2016 has been investigated.

During this period, there were a total of 69 recorded accidents throughout the base study area with 61 being classed as "slight" and 8 being classed as "serious". The primary contributing factors to the accidents were either driver error or poor judgement and while there are individual locations within the study area where 5 or more accidents have been recorded, the number of accidents has not been attributed to any deficiency in the highway network.

#### Travel Plan (TP)

The Framework Travel Plan has been assessed using Hampshire County Council's evaluation criteria for the assessment of travel plans - "A guide to development related travel plans". There are a number of areas that need addressing before the FTP as submitted can be approved for the proposed development.

### Recommendation

The Highway Authority raises no objection to this application subject to the following obligations and appropriate conditions.

### Obligations

The applicant is required to enter into a Section 106 Legal Agreement to secure the following;

- The Travel Plan and associated set-up and monitoring fees and bond; and,
- A financial contribution of £15,000 towards to the above identified mitigation works at A32 Fareham Road/Rowner Road and A32 Fareham Road/Military Road/Elson Road/Brockhurst roundabouts.

The applicant is also required to enter into a Section 278 Legal Agreement to agree and secure the provision of the following highway works;

- The signalised site access from Heritage Way;
- The secondary access (to playing fields) from Heritage Way Business Park; and,
- The improvement works to the pedestrian and cycle networks on A32 Fareham Road.

HCC Local Lead Flood Authority

The general drainage proposals look acceptable with regard to surface water and standard requirements of SuDS design. Conditions will be needed to look at the more detailed design of the system which will need to include Infiltration tests to BRE365 and the detailed calculations for the drainage design proposed.

HCC Landscape Planning & Heritage

The site is crossed by the now buried remains of a World War II anti-tank ditch, while there is also the potential for pre-medieval archaeological features to survive here in an area left untouched by 19th and 20th century development due to the sites location within the 'killing ground' close to Fort Brockhurst.

Whilst there is no indication that archaeology presents an overriding concern I would advise that the assessment, recording and reporting of any archaeological deposits affected by the development be secure through the attachment of suitable conditions.

## Environmental Health

Recommend that any activity during construction resulting in noise being audible at the boundary of the site should be restricted to 0800 - 18.00 with no 'noisy' operations being undertaken on Sundays or Public Holidays.

From the results of the surveys undertaken and given the previous (limited) land uses it is not expected that contamination will be a significant issue on this site.

A condition should be imposed to require the ceasing of works and a ground investigation to be undertaken and subsequent mitigation measures agreed before recommencement of works should unexpected contamination be encountered during the construction phase.

## Streetscene Waste & Cleansing

No comments to make as the site will be serviced by a private commercial waste contractor.

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

9 letters of objection

Issues raised:-

- it would result in lots of additional traffic through Elson. Elson road is already overwhelmed by cars and HGV's and this will make it worse
- would all traffic for the site be via heritage way rather than through Elson? How will this be managed?
- additional traffic using Anthony Grove which is an already recognised rat-run
- support the application but think a healthier choice of restaurants would have been better
- the A32 is already at gridlock, it takes 45minutes to drive 3 miles
- loss of habitat for animals including badgers and foxes mean they are forced into residential areas
- the tank blocks need to be located in an appropriate position - preferably on the opposite side of Fareham Road which would be historically correct
- there is no cycle lane south of the roundabout at Brockhurst Road cyclists will be forced to cycle illegally on the footway to reach the shops
- shrub clearance will open up the unsightly sub-station next to the site to public view
- the proposed history boards appear to be arbitrarily located
- the fast food units will add to the existing health and litter problems that Gosport suffers from
- the single access point will be a bottle neck. The existing access should be used
- the applicant has underestimated the potential turnover of the development, in particular the impact of the food retail on the designated centres
- concern that the sales densities used in the retail assessment have underestimated the potential impact of the development
- the local plan is up to date and most material document. The plan did not allocate a site for retail development of this scale as the background studies indicated there was no requirement for additional convenience goods. It would be surprising if this had changed

13 letters of support

Issues raised:-

- there are no shops in this area so these are needed as soon as possible
- all the shops will be well used by locals
- the scheme will be good for the whole of Gosport

- it would bring more jobs to the area
- the extra dog walking facilities are welcomed
- long overdue, we need this here rather than going to drive to the town centre
- facilities very useful for families, children and the elderly as it's easy to get to
- the design looks good and fits into the surrounding landscape
- the traffic won't be a problem
- good mix and choice of shops
- the sports pitches will be very welcome and our club would definitely use the facilities
- high quality sports pitches and changing facilities are needed here

### ***Principal Issues***

1. The main issues for consideration are:

- a. The principle of development
- b. The retail impact of the development on the town centre and other centres
- c. The impact on the setting of the Scheduled Ancient Monument
- d. The impact on open space/playing field/sports pitch provision
- e. The impact on the surrounding road network from the additional traffic generated by the proposals
- f. The level of parking proposed to serve the development
- g. The impact on protected species and designated sites
- h. The design and layout of the buildings
- i. That the buildings on the site accord with the requirements of the Defence Munitions safeguarding area

#### The principle of development

2. The site is allocated for Economic Development Uses (Policy LP9B) and Protection of Open Space (Policy LP35). The proposals map indicates a roughly 50/50 split of the land with economic development allocated along the Fareham Road frontage and open space to the north east. Whilst the proposal does not follow the split between allocated land uses on the Local Plan Policies map, the area covered by the scheme and the proportional split of 50/50 is achieved. Policy LP9B specifies that development proposals should be for economic development uses as defined by the NPPF. These uses include:

- development within the B Use Classes;
- public and community uses; and
- main town centre uses including retail development, leisure and entertainment facilities.

The proposal for food and non-food retail and restaurant units would fall within this definition. Policy LP9B(a) requires that any proposed main town centre use accords with the sequential and impact tests as set out in Policy LP29 but this test is considered in the next section of the report. The proposal provides two distinct areas of open space. To the rear of the site (north east corner) alongside Heritage Way the scheme provides two sports pitches. The proposed scheme is therefore considered to satisfy the local plan policy allocation and the principle of development is therefore acceptable.

#### The retail impact of the development on the town centre and other centres

3. Notwithstanding that the development is considered acceptable, in principle, Policy LP9B(a) requires that any proposed main town centre use accords with the sequential and impact tests as set out in Policy LP29. The Brockhurst Gate site is not within a defined centre as identified in the

Local Plan and is therefore classed as an out-of-town site. The town centre policies of the National Planning Policy Framework (NPPF) are particularly important for considering this proposal. This can be quite a complex assessment and therefore independent advice has been sought from a planning

consultancy who specialise in retail planning. Their final report with conclusions is attached to this report as Appendix A.

4. There is concern that the proposed development creates a new retail destination which will generate linked trips, a significant proportion of these could be diverted from Gosport Town Centre which could have a detrimental impact on the vitality and viability of the Centre. The proposal would in effect create a new unplanned centre outside of the existing retail hierarchy with a potential impact on existing centres.

5. The applicant is proposing the following retail units:

Table 1: Retail (A1) floorspace

|                         | Gross (sqm)  | Net sales (sqm) | Convenience (sqm) | Comparison (sqm) |
|-------------------------|--------------|-----------------|-------------------|------------------|
| Unit 1 (Lidl)           | 1,883        | 1,291           | 1,033             | 258              |
| Unit 2 (M&S)            | 1,486        | 836             | 827               | 9                |
| Unit 3 (Home Bargains)  | 1,399        | 1,278           | 420               | 858              |
| Unit 4 (Iceland)        | 1,068        | 800             | 720               | 80               |
| Unit 5 (unidentified)   | 627          | 502             | -                 | 502              |
| <b>Estimated Totals</b> | <b>6,463</b> | <b>4,707</b>    | <b>3,000</b>      | <b>1,707</b>     |

6. The NPPF (para 23) states that planning policies should promote competitive town centre environments. Local planning authorities should, amongst other things:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres;
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial uses needed in town centres;
- allocate sufficient edge of centre sites for main town centre uses. If sufficient edge of centre sites cannot be identified it should set policies for meeting the identified needs in other accessible locations that are well connected to the town centre.

7. In accordance with the NPPF, the Gosport Borough Local Plan, 2011-2029 (Local Plan) has recognised the importance of the hierarchy of centres, as set out in Policy LP27, with the overall objective to maintain and improve the vitality and viability of the Principal Centre (Gosport Town Centre), the District centres (Lee-on-the-Solent and Stoke Road) and Neighbourhood Centres.

8. Policy LP29 of the Local Plan states for new retail and other town centre proposals outside of a centre it will be necessary to undertake a sequential test and impact assessment in accordance with the latest Government guidance. It states that planning permission will be refused where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on the vitality and viability of the town centre.

9. Policy LP3 states that the Local Plan will make provision for approximately 10,500sqm net additional floorspace over the Plan period. Of this, 5,205sqm (net sales area in A1 use) has already been provided or is an outstanding commitment. The Local Plan aims for the majority of the remainder of this provision to be focused in the Gosport Waterfront and Town Centre Regeneration Area and, where appropriate, in other centres in the Borough in relation to their scale. It is acknowledged that new retail development may be appropriate in out-of-centre locations providing the relevant tests can be met (para 11.66), although it is clear that the Local Plan strategy is to concentrate the retail floorspace in town centre locations.

10. The net sales floor space of the retail element of the Brockhurst Gate proposal would represent 89% of this outstanding figure (5,295sqm) in an out of town location. This would leave only 588sqm remaining of the Local Plan figure to be located in Gosport Town Centre or other retail centre locations for the remainder of the Plan period.

11. The provision set out in the Local Plan was based on the Gosport Retail Capacity Study (GVA 2014) (GRCS) which concluded there were 'no particular overriding choice, competition and/or regeneration benefits to warrant granting consent on an out-of-town site, particularly where there is potential to impact on Gosport Town Centre and other centres.'

12. In terms of comparison goods the GRCS states, '*...new floorspace should be directed to Gosport Town Centre as a priority, however this should not prevent an element of additional comparison goods floorspace coming forward in other centres where it reflects their role in the retail hierarchy, is in a town centre location, meets local needs, and qualitatively improves the vitality and viability of these centres*'. In terms of comparison goods the Study clearly recognises that the focus for new retail floorspace should take place in Gosport Town Centre or other centres where appropriate. It recognises that additional comparison goods could claw back expenditure from outside of the Borough but this would depend on the proposed retail offer and whether or not this would significantly compete with existing centres in the Borough.

13. The NPPF requires that local planning authorities should apply the sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Plan. In this instance LP9B accepts the potential for retail development as part of the wider definition of the economic development allocation but clearly stipulates the need to still undertake a sequential test in accordance with the NPPF and Policy LP29.

14. The applicant's sequential test has considered:

- the appropriateness of vacant sites and units in Principal and District Centres;
- the potential for retail use at the Gosport Waterfront site;
- other opportunities in and around Gosport Town Centre; and
- District centre and out-of-centre locations.

15. It is accepted that there are currently no suitable town centre or edge-of-centre sites available to accommodate the 6,463sqm (Class A1) floorspace as a single retail terrace and therefore the sequential test is satisfied. The key consideration is therefore the impact on town centre vitality and viability. Further comments on these issues are set out below.

16. By way of comparison Table 2 below shows the Class A1 floorspace in the Principal and District Centres with the proposed development together with the size of the three largest stores.

Table 2:

|                      | Gosport Town Centre           | Stoke Road                        | Lee-on-the-Solent | Brockhurst Gate |
|----------------------|-------------------------------|-----------------------------------|-------------------|-----------------|
| Total A1             | 20,660sqm                     | 7,693sqm                          | 7,331sqm          | 6,463sqm        |
| Largest store        | 2,630sqm (Morrisons)          | 1,180sqm (Waitrose)               | 700sqm (Co-Op)    | 1,883sqm        |
| 2nd largest store    | 1,150sqm (Iceland)            | 680sqm (Furniture Shop)           | 333sqm (Tesco)    | 1,486sqm        |
| 3rd largest store(s) | 760sqm (New Look & Poundland) | 420sqm (Rowans Furniture-charity) | 280sqm (Optician) | 1,399sqm        |

17. Table 2 identifies that the retail (Class A1) element of the Brockhurst Gate proposal is a comparable size to the Borough's two district centres (84% and 88% of the totals). It also represents 31.2% of the retail floorspace of Gosport Town Centre. In relation to the size of stores it is noted that the proposal's largest store is larger than those in the District Centres; and its 2nd and 3rd largest stores are larger than all the equivalents in the Principal and District Centres. This proposal would therefore appear to represent a significant scale in terms of retail floorspace in the Borough.

18. In terms of scale of impact on convenience provision it is notable that the impact is greatest on key convenience stores within the Borough including within identified centres rather than stores outside of the Borough as shown below:

- Lidl, Forton Road - Forton Road/Crossways Neighbourhood Centre (9.71%)
- Asda Dock Road - edge of centre site (8.6%)
- Aldi, Mumby Road - edge of centre site (8.33%)
- Tesco - Alver Village Neighbourhood Centre (6.76%)
- Iceland, High Street - Gosport Town Centre (6.72%)
- Waitrose - Stoke Road District Centre (6.55%)
- Morrisons - Gosport Town Centre (6.47%)

19. Many of these stores according to the Council's latest Retail Assessment (GVA 2014) are already undertrading and play a key role in the vitality and viability of these centres. This would appear to weaken the argument that this scheme has the advantage of clawing back expenditure from outside of the Borough, as is argued by the applicant, as the trade diversion is more significant from sites in centres or edge of centre locations within Gosport Borough. The largest trade diversion is from Zone 1 which includes Gosport Town Centre (£7.88 million) compared with £5.86million in Zone 6 which includes Fareham Town Centre. Indeed more expenditure is diverted from other parts of Gosport (£9.16 million) than is clawed back from outside the Borough (£9.04million).

20. The Borough Council does not consider the clawback of expenditure from outside the Borough to be its primary retail objective if this is at the expense of the Borough's existing centres. The primary aim is to protect the vitality and viability of existing centres. It would appear that this scheme could weaken several centres but in particular the Town Centre.

21. The applicant's retail assessment states that the Morrison's 'store itself does not underpin the overall health of the Town centre, reflecting its location and function' (para 6.67). However, the Council's evidence from 2014 suggests that Morrison's is a key attractor to the Town Centre and accounts for 9.7% of the total convenience expenditure across the survey area. This is lower than the 14.2% market share achieved in the same zone in 2007 but is still considered to be significant. The store offers free car parking which provides customers the opportunity to undertake linked trips between the store and the Town Centre. The 2014 household survey indicated that around 30% of respondents who use the store for their main food shop normally link this trip with other shops and services, such as financial services (11%) and other non-food shops (6%) (Para 4.18-4.19 of the GRCS). The store therefore appears to play a much more significant role in the Town Centre than the applicant's retail assessment suggests. It is considered that the site occupies a prominent site at the entrance of the Town Centre with accessible car parking and is adjacent to numerous bus services.

22. Additional choice and competition within an existing centre or edge-of-centre location can benefit the Town Centre from the increased investment, linked trips and increased footfall that would occur, whereas such competition in an out-of-centre location can have the opposite effect.

23. The location of this site on the A32 and in close proximity to a series of junctions which link to a significant number of residential neighbourhoods make this a particularly accessible location in the centre of the Borough. It is only 3km from the Town Centre and therefore for large parts of the Borough a car borne trip to this site will be equally accessible to, or more accessible than, the Town Centre itself. Consequently the proposed development is well-placed to intercept and attract a number of trips from the Town Centre and Stoke Road area.

24. The Brockhurst Gate not only offers the potential of a destination for linked trips but its prominence on the main route into the Borough is likely to prompt spontaneous trips when passing. This could have the effect of limiting the number of trips made by residents to the Town Centre at other times. The provision of free parking at this site compared to 'pay and display' car parks in the Town Centre would also be a potential incentive to reduce linked trips to the Town Centre.

25. It is difficult to fully quantify the additional attractiveness of the Brockhurst Gate site to potential shoppers when considered as a whole rather than considering each type of store individually unless a specific question regarding the proposal and its location is asked in a survey. This is a criticism of the applicant's retail assessment picked up in the independent assessment. It is the prominence and accessibility, on the main route into Gosport and the creation of a sizeable retail destination that is of prime concern which could have an impact on the Town Centre by diverting and intercepting trade from the Town Centre. It is this issue which may have been underestimated in the retail assessment where the sum is greater than the individual elements.

26. The prominence of this location is also likely to have a similar effect on Stoke Road District Centre and Neighbourhood Centres south of Fort Brockhurst including Alver village and Forton Road/Crossways. This site therefore appears to have the potential to divert trade from existing centres by providing a highly visible and accessible intervening opportunity for residents living to the south returning to their homes.

27. Previous retail studies, used as evidence for the adopted Local Plan, have shown that Gosport Town Centre is vulnerable to competition from larger centres as well as the consequences of other retail trends (such as internet shopping), and that new retail development should be focused in and around the Town Centre. Whilst it is accepted that a scheme in this location would clawback expenditure leaking to centres outside of the Borough, it is considered that these benefits do not outweigh any potential detrimental impacts on the vitality and viability of Gosport Town Centre or other centres in the Borough. There is also concern that the attractiveness of this site for linked trips may be underestimated for reasons set out above. The merits of this particular proposal appear weak in a number of respects which must be considered in the light that the Council's own retail capacity study which does not identify the requirement for any further convenience floorspace. This is relevant because this is an out-of-centre site which would be competing against key convenience stores in existing centres, many of which have been under trading (in previous studies). Additionally there appears a less strong case to argue overriding regeneration benefits on this site when compared with the Tesco scheme at Alver Village; or the Aldi edge of centre site at the Gosport Waterfront.

28. The summary of potential impacts set out independent report (Appendix A) and the weight to be given to these potential impacts within the context of national planning policy. The report indicates that on the basis of the information available it is likely that the proposals would have a significant impact on the town centre but not so significant impact on the Local and Neighbourhood centres. On this basis, it is concluded that notwithstanding the benefits brought to Gosport by clawback of trade from outside the Borough the proposals are contrary to Policy LP29 of the Local Plan.

#### The impact on the setting of the Scheduled Ancient Monument.

29. Policy LP11(3) of the Local Plan states that, 'planning permission will not be granted for development proposals which would harm the significance of a Scheduled Monument'. Whilst Policy LP11(4) states that, '*planning permission will be granted for proposals that make a positive contribution to, or better reveal the significance of the setting of a designated heritage asset*'. Historic England has objected to the proposal. Their comments are set out in full in the Consultations section of the report and their comments are a material planning consideration. Paragraph 2 of their summary states that, '*the development proposal includes proposals to open up some views to and from the Fort, and therefore to enhance its illustrative value, but this involves changes to the land which is not within the applicants control, and no agreements are in place. The overall effect of the development would be to cause a high level of harm, though not harm to the significance of the Fort as contributed to by its setting*'. Those comments were made on 7 February 2017. Since that date English Heritage (site owners and operators) have had a series of meetings with the applicant. Their comments are also set out in full in the Consultations section of the report. English Heritage's comments highlight that a legally binding agreement has been reached between the land owner of the Fort (English Heritage) and the applicant for works to be undertaken within the grounds of the Fort that would improve public access, the provision of paths and woodland management and the opening up of views of the Fort from the public open space to the front of the



site and from Fareham Road. It is important to understand this is not a planning agreement and it cannot be enforced by the Local Planning Authority. It is however a legally binding agreement triggered by the granting of planning permission and would in effect achieve the enhancement of the illustrative value of the Fort referred to in Historic England's comments. The Council's Conservation and Design Officer also concludes that the proposals will cause some harm to the Fort but goes on to indicate that the policy allocation for economic development and a range of public benefits offered by the scheme outweigh the harm caused and therefore no objection is raised to the application.

30. Taking into account all these factors, whilst a re-development of the site on this scale will undoubtedly cause some harm to the setting of the Fort, the harm is not considered to be significant. The siting of the building within the centre of the site has allowed for the provision of a large area of open space which will contain information boards relating to the history of the site, allows the Fort to be more visible from public views than it is at the present time and to a lesser degree replicates the 'fields of fire' of which the site historically formed part of. On balance, therefore, the benefits supported by Policy LP11(4) outweigh the harm resisted by Policy LP11(3) and the proposals are considered to have achieved an appropriate balance between safeguarding the heritage value of the site whilst providing a development in accordance with its land use allocation.

#### The impact on open space/playing field/sports pitch provision

31. Sport England has raised an objection to the proposals. Whilst welcoming a number of qualitative improvements to the provision of open space and sports pitches on the site they are concerned that the quantitative loss of a single large sports pitch area, which could be utilised for a wide range of formal sporting activities, does not justify the splitting of the open space/area into two smaller areas with more limited options.

32. Policy LP35 designates the eastern part of the site as Existing Open Space. This site was previously used as a playing field. This policy requires that planning permission should not be granted on Existing Open Space except where redevelopment of part of the site is associated with the existing facility; or alternative provision is made available of equivalent or greater community benefit in terms of quality, quantity and accessibility; and that the proposed site cannot be used for an alternative form of open space for which there is a required need.

33. LP9B relates specifically to the economic development allocation on the western half of the Brockhurst Gate site. It however confirms the need for the re-provision of sports pavilion facilities on the adjacent site and the need for car parking arrangements in association with the sports pitches on the eastern half of the site.

34. The Council's 'Playing Pitch and Sports Facility Assessment' (April 2014) (PPSFA) was undertaken by Strategic Leisure and follows previous studies relating to sport pitch provision in 2008 and 2011. The latest Sports Facility Strategy recommends that the former Civil Service Sports Ground (the eastern part of the site) is retained for sports to meet anticipated demand over the Local Plan period. This land is an important area of open space in terms of its recreational function. It has been used by local sports teams for football and cricket and has been shown to be one of the best quality pitches in the Borough.

35. It is important to note that the PPSFA identifies an existing theoretical surplus of 1.9 senior pitches (taking account of resting) which reduces to 1.3 senior pitches by 2021. However it is considered that this supply in the Borough is particularly vulnerable for a number of reasons, but primarily because of the reliance on Ministry of Defence and Education provision. The community use of these MoD and Education pitches can be restricted or ceased completely with limited notice. This has happened in recent years with intermittent availability between one season and the next on key sites; and indeed the loss of available pitch provision at the Civil Service Sports Ground itself.

36. Consequently given such a small theoretical surplus the Council does not consider that the Civil Service Sports Ground is surplus to requirements particularly when considering the finite supply of open space available for new sports pitches in the very urban Borough. The Inspector at the Local Plan Examination in Public agreed with the Council's position.

37. Paragraph 74 of the NPPF is clear that Existing Open Space should not be built upon unless an assessment has been undertaken which clearly shows the open space to be surplus to requirements. The PPSFA and that recommends that the unsecured community use pitches that exist, including the Brockhurst Gate site, should be protected.

38. There are two key open space issues. Provision of sports pitches and associated facilities: The proposal makes provision for a full size adult football pitch which can be subdivided to provide two 9-a-side pitches. It is considered that this provision in itself meets the intentions of Policy LP35 in terms of retaining a sports facility on the site provided certain details regarding its usability and management are satisfactorily established. It will also be necessary to ensure that the site can be managed in such a way that it is genuinely available for community teams to use. This would normally be secured through a Section 106 agreement.

39. The proposal also makes provision in accordance with Policy LP9B(d) for changing facilities. Parking provision for the playing pitch is also made in accordance with Policy LP9B(e).

40. It is acknowledged that part of the open space allocation is proposed to be lost to the retail development due to layout considerations. However this element is being re-provided on the western edge of the site to provide a public park which provides a useable and potentially attractive open space. The total open space proposed on the site, according to the applicant's calculations, is estimated to be 2.46ha and the provision shown on the Local Plan Policies map designation is 2.43ha.

41. In terms of the tests set out in LP35 It is considered that the re-provision is therefore equivalent in terms of quantity; has the potential to be of at least equivalent or better than the current provision in terms of quality; and will improve accessibility to the open space to the public. Policy LP34 relates to the provision of new open spaces and aims to ensure that they are of a high quality. It would be necessary to ensure appropriate management and maintenance measures are in place and this would need to be achieved through a Section 106 agreement.

42. Therefore, notwithstanding the objection raised by Sport England, the Council is satisfied that the proposed open space and sports pitch provision accords with Policy LP35 of the Local Plan.

43. The Town and Country (Consultation)(England) Direction 2009 sets out in Section 7 of the Direction certain scenarios where a Local Planning Authority must refer a resolution to grant planning permission to the Secretary of State. It is not clear whether when recommending an application for refusal, failure to add loss of sport pitch as a reason for refusal, also requires referral. However, for referral to be necessary the following two stage question needs to be asked and if the answer to either stage of this question is 'no' then a referral is not required.

44. The question to be asked is: "*Is the land or any part of the which is subject to this application (i) The land of the local authority; or (ii) Currently used by an education authority as a playing field; or Has at any time in the past five years before the application is received been used by an educational institution as a playing field.*" The answer to this is 'no' and therefore there is no need to refer to the Secretary of State irrespective of the objection from Sport England or whether the resolution of the Regulatory Board is for approval or refusal.

The impact on the surrounding road network from the additional traffic generated by the proposals

45. A detailed Transport Assessment and Travel Plan have been submitted with the application as required by Policy LP22 of the Local Plan. The Transport Assessment, including an Addendum received in January 2017, has been reviewed by the Local Highway Authority whose comments are set out in full in the Consultations section of the report. As identified in the Highway Authority's comments, the application includes a number of improvements and alterations to the public highway which would need to be the subject of a Section 278 agreement secured through a Section 106 agreement. The off-site highway improvements include a new signalised junction from Heritage Way to serve the development with central pedestrian island; a re-alignment and widening of Heritage Way in the vicinity of the new junction to provide a right turn lane into the site; the relocation of a bus stop to the south of the site in Fareham Road; the re-alignment of lane markings on the southern-most roundabout in Fareham Road when approaching from the north; and a revised cycle lane, pram ramp and dropped kerb facility at the existing signalised junction with Fareham Road and Forest Way. The Travel Plan was also updated on 9 March 2017. The Highway Authority have confirmed their support for the scheme which is considered to be in a sustainable location being served by a number of transport options including bus routes, segregated cycle routes and pedestrian links. The overall conclusions of the Highway Authority are that the highway improvements including access arrangements are well designed and fit for purpose; that whilst the capacity of some sections of the existing road network is nearing theoretical capacity at certain times, the number of additional development vehicles forecast to distribute through the network and the subsequent insufficient capacity on the network is not considered severe. The developer will be expected to fund the proposed improvements to the network which will have the dual benefit of ensuring the trip generation from the site can be accommodated without causing undue delay for existing road users and will ultimately bring benefits for all road users. Subject to the highway improvements being secured and conditions imposed it is considered that the proposed access arrangements and highway improvements are in accordance with Policy LP22 of the Local Plan.

The site layout and level of parking proposed to serve the development

46. Policy LP23 states that development proposals will be permitted where they are designed to meet eight specific criteria. LP23(1) and LP23(2) requires the development to be served by convenient routes for pedestrians and cyclists which link with the existing network and that existing routes are safeguarded or enhanced. The site is considered to be well located to both the local community and the Borough as a whole with a series of cycle and pedestrian links including the Eclipse Bus and cycle route to the west of the site, segregated cycle and pedestrian routes in Heritage Way linking the site with the town centre via Priddys Hard, cycle and bus routes along Fareham Road and informal routes linking the site with the adjacent Fort which is particularly used by dog-walkers. The proposal enhances a number of these routes and would provide improved crossing points, on both Fareham Road and Heritage Way, improved cycle lane in Fareham Road and legally binding access arrangements to the adjacent Fort. The new footpath routes crossing the open space and linkages with the sports pitches to the rear of the site offer an improved network of routes which connect well with the existing network. The proposals are therefore considered to satisfy LP23(1) and LP23(2). Policy LP23(3) requires suitably located bus stops for developments of this type. The site is well connected to bus routes serving most of the Gosport Borough with the closest bus stops in Fareham Road being opposite the entrance to the stores and linked by a new path across the open space to the shops from bus-stops on both sides of the road via a toucan crossing. Access into the site by a bus or coach could be achieved and there is a lay-by provided within the site for purposes including pick up and drop off. The proposals are considered to be in compliance with Policy LP23 of the Local Plan.

The impact on protected species and designated sites

47. The applicant has submitted a detailed ecological assessment of the site including an over-wintering bird survey. The site has no ecological designations and on the basis of the survey work has been agreed as having little ecological interest. There are no protected species recorded as being present on site although there are a small number of historic records of great crested newts

on nearby sites and records of overwintering birds such as waders and Brent Geese. However, both Natural England and the Hampshire County Council Ecologist have agreed the site is generally unsuitable for such species and unlikely to be supporting habitat for the nearby SPA. The main ecological concern relates to construction noise and activity given the proximity to European designated sites, in this instance the Portsmouth Harbour Special Protection Area to the east and land to the north of the site which is known to be used as supporting habitat to the SPA. The imposition of conditions to limit percussive piling and noisy activities in the period from October to March inclusive would be appropriate mitigation and ensure the development complies with LP44 of the Local Plan. The proposed landscaping includes opportunities for bio-diversity enhancement across the site through additional tree planting with native species, the potential for a wild-flower meadow and bird and bat boxes in the woodland adjacent to the site.

### The design and layout of the buildings

48. The footprint of the buildings, the access arrangements and layout of the site have been amended through negotiation to respond to a number of issues including the setting of Fort Brockhurst, an increase in the number of sports pitches from 1 to 2, increased tree planting and landscaping with an emphasis on biodiversity and habitat creation in the species to be used. The overall layout is considered to respond well to its immediate surroundings both in terms of the location and alignment of buildings, the vehicular circulation spaces and the pedestrian connectivity. The layout is therefore acceptable and accords with Policies LP10 and LP23 of the Local Plan. The elevations on the main building have been significantly modified to reflect the quality of architecture and materials required on such a prominent site adjacent to a Scheduled Monument. The building has a very contemporary feel and the main elevation which is most clearly visible to public view comprises full height brickwork combined with large areas of glazing, a strong contrasting brick plinth and a pale aluminium cladding system above the glazing. The rhythm introduced with the brickwork, glazing and cladding is consistent across the building giving it clean lines and affectively breaking up the massing of what is a large single structure. The bricks used for the elevations and the plinth are the same on each elevation but a different cladding finish is used for the retail and service areas of the building. This helps to break up the mass of the building and gives a visual reference to the function of different part of the building. The front elevation provides a modern, attractive public face to the development which in combination with its open space setting is considered to be a positive addition to building forms in the area. The south-east side elevation is largely hidden from public view except for those using the path and has little impact on the surrounding area despite its proximity to the Scheduled Monument. This elevation of mainly brick with the two distinct cladding types is a typical side elevation for such schemes, but the use of such extensive brickwork is welcomed because of the qualities the material brings to the scheme. The most difficult elevations to design, given the building effectively has 3 elevations to public view are the side and rear elevations. The north-west side elevation is adjacent to the internal access road and opposite the drive-thru fast food units. This elevation is by definition functional with no active frontage and therefore has limited openings. The use of materials picks up the rhythm used of the other elevations and this elevation is screened from Heritage Way by the McDonalds and Costa buildings. Whilst not an inspiring elevation in itself, it would be read in conjunction with other elevations which together form an attractively designed building. The elevation to the rear service yard on such developments are usually hidden away from public view. However, due the layout of the site and the access point from Heritage Way, this elevation is unusually prominent and requires a more carefully designed approach than would normally be taken to a purely functional rear service yard. Through negotiation, the applicant has achieved a well-articulated elevation using the mix of bricks and cladding used on the other elevations. The elevation also introduces interesting architectural detailing referencing the heritage of the local area through the use of perforated paneling in the south-east corner of the elevation and makes use of the space available in the north east corner of the elevation to introduce an area for signage. It is considered that overall, the design of the proposals incorporates an appropriate mix of quality materials and visual interest to ensure that all elevations contribute to a well-designed building. The proposals are therefore considered to be in accordance with Policy LP10 of the Local Plan.

That the buildings on the site accord with the requirements of the Defence Munitions safeguarding area

49. The site is located within the 'outer explosive safeguarding zone' which defines a zone within which buildings are vulnerable should an explosive event occur at the Defence Munitions Gosport site. Policy LP15 requires the Local Planning Authority to consult 'appropriate organisations' on applications for this type and scale of development where large numbers of the public could be present. The Defence Infrastructure Organisation (DIO) was consulted. The DIO state that they 'disagree' with the applicant's stance that the buildings are 'non-vulnerable'. The DIO also state that *'buildings that contain glass...and buildings of lightweight construction are of particular concern'* to the MoD. The DIO has indicated that the building needs to be designed to ensure *'the development is capable of withstanding'* specific dynamic loadings that would occur in the event of an explosion. The applicant has submitted a specific report to deal with this matter. The report undertaken by TPS and *'agreed by the design team'* states that *'the proposed constructions can be considered 'non-vulnerable' and therefore 'precludes the need for specialist design determining the building response to short duration dynamic loads'*. The applicant also highlights that the elevation containing the glazing faces away from the munitions site and is therefore less vulnerable. This matter has not been resolved. The inclusion of the re-enforced design would be likely to add considerably to the construction costs. The proposals are not considered to satisfy the safeguarding requirements of Policy LP15.

Conclusion.

50. The specific policy allocation for the Brockhurst Gate (former Frater House) site LP9B states that development of the site should be for economic development uses as defined by the NPPF. As this definition includes retail development the proposed use is in accordance with the site allocation. Policy LP9B then identifies 6 specific criteria the development of the site must achieve:

- a. to ensure that any proposed retails uses accord with the sequential and impact tests set out in Policy LP29.
- b. to ensure that the buildings are well designed to enhance this prominent location.
- c. to ensure the setting of Fort Brockhurst is not harmed.
- d. to ensure a sports pavilion or appropriate community facility is re-provided to serve the sports pitch and open space.
- e. to ensure a parking strategy is in place to ensure users of the sports pavilion and pitches can use parking within the retail scheme
- f. that the development accords with the requirements of the Defence Munitions safeguarding area.

51. In addition the development must also accord with the criteria of the relevant policies as set out above including LP10, LP11, LP15, LP22, LP23, LP29, LP34, LP35 and LP44. It is considered that the proposals satisfy criteria b, c and d of LP9B and the requirements of Policies LP10, LP11, LP22, LP23 and LP44 of the Local Plan. It is considered that by way of provision of satisfactory parking specifically to serve the sports pitch with pedestrian and cycle links to the open space that criteria e of Policy LP9B is also satisfied. The provision of parking within the open space/sports pitch area does not erode the quantitative element of the sports pitch to the degree whereby there is conflict with Policy LP35. The qualitative provision and enhancement of the sports pitch facilities, its availability for use and enhancement of the open space accords with the requirements of Policy LP34.

52. However, it is concluded that the proposals fail to satisfy the requirements of Policy LP9B and LP29 in that it is considered that the proposals would be likely to have a significant impact on the vitality and viability of the Town Centre and other centres. Furthermore, the Council is not satisfied that the construction and materials proposed accord with the requirements of the Defence Munitions safeguarding area and therefore criteria LP9B(f) and Policy LP15 are not complied with.

**RECOMMENDATION: Refuse**

For the following reason(s):-

1. Based on the information submitted the Council is of the opinion that the applicant has underestimated the diversion of trade from key stores within the town centre and other centres. The Council is also of the opinion that the applicant has underestimated the importance these stores have, through linked trips, on maintaining the vitality and viability of the town centre. The Council considers that the proposals would have a significant adverse impact on the town centre and other centres contrary to Policy LP29 of the Gosport Borough Local Plan, 2011-2029.

2. Based on the information accompanying the application, in particular the supporting document, 'Review of Safeguarding Conditions (Explosives) - Statement for Planning Submission submitted by the applicant and the subsequent advice from the Defence Infrastructure Organisation (DIO) dated 8 February 2017, the Council is not satisfied that the buildings would be constructed to meet the required safeguarding criteria. Failure to construct in accordance with the DIO requirements would put future staff and customers of the development at unnecessary risk in the event of an incident at Defence Munitions Gosport. The proposals are therefore not in accordance with Policies LP9B(f) and LP15 of the Gosport Borough Local Plan, 2011-2029.



**ITEM NUMBER: 03.**  
**APPLICATION NUMBER: 17/00143/FULL**  
**APPLICANT: Mr L. Fryer Prinset Limited**  
**DATE REGISTERED: 24.04.2017**

**ERECTION OF A PART NINE, PART EIGHT, PART FOUR, PART THREE & PART TWO STOREY BUILDING (WITH SEMI-BASEMENT PARKING AREA) TO PROVIDE 10 NO. ONE BEDROOM FLATS AND 39 NO. TWO BEDROOM FLATS, WITH ASSOCIATED ACCESS, CAR PARKING, REFUSE AND CYCLE STORAGE & LANDSCAPING (as amended by plans received 07.06.17 and 30.06.17)**  
**Site Of Former Crewsaver Building On 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 in area 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 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 speed restriction.
2. The site, which is identified as an area of archaeological interest, is located within the Gosport Waterfront Mixed Use site, as defined by Policy LP4 of the Gosport Borough Local Plan, 2011-2029.
3. Portsmouth Harbour, a Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI), is to the north. The harbour is of international importance to wading birds with noteworthy flora including 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 vacant, the three storey building formally on the site having been demolished.
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 site, upon 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), has been redeveloped by the erection of a ten storey tower comprising 48 one and two bedroom retirement apartments. Beyond the residential tower is a foodstore.



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 200m 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 80m to the east.

10. Public car parking is available in the North Cross Street public car parks (approximately 100m away), and the Minnett Road North and Minnett Road South public car parks (approximately 300m away),

11. The Gosport Bus Interchange and Ferry Terminal are located approximately 450m 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 and Southampton.

12. Planning permission was granted in 2015 for the residential redevelopment of the site and the construction of 31 flats.

13. This proposal is for the erection of a part nine, part eight, part four, part three and part two storey building (with semi-basement parking area) to provide a total of 49 one and two bedroom flats.

14. The accommodation would comprise 10 one bedroom and 39 two bedroom flats. The building would be sited 15m from the northern (principal) elevation of the adjacent Clarence Square Council School building and set approximately 4m further forward (towards Mumby Road) than the building which used to be on the site. With the exception of a four storey, projecting element (which would be sited 2m 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 11m. The south eastern elevation of the building would be sited 15m from the Gosport Boat Yard.

15. The building would have two main elements, an eight storey tower with a setback ninth floor sited adjacent to the water, and a part two, three and four storey block adjacent to Harbour Road. The maximum height of the building would be approximately 30m above ground level with the subordinate block having a height of 14.5m. The ninth floor would be set back over 1.5m from the main façade of the tower and would be built with a gull-wing roof that has been designed with a projecting eaves detail.

16. The majority of the building would be finished in red brick or white coloured render, with elements on the north-east and south-western sides of the building being clad in verdigris coloured paneling to add colour and interest to 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, one of which would include facilities for visitor cycle parking in the form of three hoops. The landscaped areas would be enclosed by 1.1m 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.

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

18. The building would be set back approximately 3m from the back edge of Harbour Road. With the exception of the three storey element, the majority of the north western elevation will be sited 11m from the shared boundary with the Clarence Wharf Industrial Estate.

19. 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 (grey) with stainless steel balustrades and hand rails to the balconies.

20. The main difference between this proposal and the permitted scheme is the inclusion of a tower adjacent to the Harbour which would rise to 9 storeys. The tower would be finished in white render with areas of cladding to add colour and interest. Where it would face Harbour Road, the current proposal would be of a similar scale, appearance and finish to the approved scheme.

21. 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 46 cars (equating to 0.94 spaces per dwelling).

22. The semi-basement car park would be accessed from the north western corner of the site, via Harbour Road and down graded slopes to account for the difference in levels. The parking would be arranged around two cores, which would contain plant and lift accesses to the residential accommodation above. The semi-basement would also accommodate facilities for the storage of refuse and recyclable materials (in the form of 22no. 1,100 litre bins). 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.

23. In addition to providing all living accommodation at 4.8m 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, 1.8m 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.

24. The application is supported by a Phase 1 Ecological Survey that assessed the potential for the previous building to provide habitat for protected species, including bats and considers the potential impact of the proposed 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.

25. 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. 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 from neighbouring commercial premises. The report includes an assessment of the noise associated with nearby marine engineering works. The application is also accompanied by a Planning Statement, a Design & Access Statement and a Conservation Appraisal & Heritage Impact Assessment.

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

14/00550/FULL - 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 - permitted 18.12.15

### ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

- LP22  
Accessibility to New Development
- LP1  
Sustainable Development
- LP2  
Infrastructure
- LP3  
Spatial Strategy
- LP4  
The Gosport Waterfront and Town Centre
- LP10  
Design
- LP13  
Locally Important Heritage Assets
- LP23  
Layout of Sites and Parking
- LP24  
Housing
- LP37  
Access to the Coast and Countryside
- LP42  
International and Nationally Important Habitats
- LP44  
Protecting Species and Other Features of Nature Conservation Importance
- LP45  
Flood Risk and Coastal Erosion
- LP47  
Contamination and Unstable Land

Supplementary Planning Documents:

- Gosport Borough Council Design Guidance: Supplementary Planning Document: February 2014
- Gosport Borough Council Parking: Supplementary Planning Document: February 2014
- Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014

National Planning Policy Framework (NPPF), March 2012

**Consultations**

|   |  |
|---|--|
| Natural England                           | No objection subject to Solent recreational disturbance mitigation being secured and restriction of use of heavy machinery during bird overwintering period.             |
| Royal Society For The Protection Of Birds | No response received.  |
| Crime Prevention & Design                 | No objection. Recommends provision of CCTV to car park and building access and frontage.   |
| HCC Ecology                               | No objection.  |
| HCC Education Office                      | No objection.  |
| Queen's Harbour Master                    | No response received.  |
| Building Control                          | No response received.  |
| Hampshire Fire And Rescue Service         | No objection.  |
| Environment Agency (Hants & IOW)          | No objection subject to condition to secure flood mitigation measures.   |
| Southern Water                            | No objection. Recommends conditions and informatives in relation to foul and surface water drainage.   |
| Eastern Solent Coastal Partnership        | No objection.  |
| Local Highway Authority                   | No objection subject to conditions to secure Construction Method Statement, the provision and retention of on site car parking and S278 Highway Agreement.               |
| Environmental Health                      | Contaminated Land - No objection.<br>Noise - No objection. Recommends imposition of conditions to secure noise mitigation measures set out in submitted Acoustic Report. |
| Housing Services Strategic                | No objection subject to economic viability case being robustly assessed and any possible contributions being secured.  |
| Streetscene Waste & Cleansing             | No objection.  |

**Response to Public Advertisement**

4 letters of objection

Issues raised:-

- overdevelopment of site
- impact on infrastructure
- loss of privacy between proposals and neighbouring McCarthy & Stone development
- future occupiers of neighbouring McCarthy & Stone development unable to make comment

- inadequate provision for servicing of proposal development
- proximity of high-rise building adjacent to industrial premises
- inadequate parking
- parking spaces undersized and do not conform to SPD
- inaccurate Traffic assessment
- Flood Risk Assessment questionable
- undersized flats
- inappropriate provision for refuse collection
- impact of construction of neighbouring properties
- insufficient access for firefighting

### ***Principal Issues***

1. This application has been publicised in accordance with the relevant procedural requirements and in accordance with the Councils Statement of Community Involvement. Matters associated with access for fire and rescue purposes are dealt with under the Building Regulations. The potential impact of construction works on the structure of neighbouring buildings would fall outside of the scope of the planning system. Accordingly the main issues in this case are, the acceptability of the proposal in land use terms, the acceptability of the design and the impact of the development on the character and visual amenity of the locality and the setting of the adjacent Locally Listed Building, the amenity of adjacent and prospective users/occupiers, whether the development can be delivered without prejudicing the access and servicing arrangements of adjacent uses, or the future redevelopment of adjoining land, whether appropriate provisions can be made for access, car and cycle parking, refuse storage and collection and servicing and whether the development can be delivered without having a harmful impact on the interests of archaeology, nature conservation, flooding and land contamination.

2. The principle of the development has been established by the granting of the earlier planning permission. Policy LP4 of the Local Plan identifies the application site as forming part of the Waterfront redevelopment area that has the potential to provide approximately 700 new dwellings. The provision of dwellings in this location would also accord with the aims and objectives of the emerging Waterfront Supplementary Planning Document. The provision of 49 residential units would further contribute towards this provision. Having regard to the foregoing the principle of development must be considered acceptable, with the site's location close to a range of local services, facilities and transport links making it appropriate for a higher density development and thereby providing an additional 18 flats on the site.

3. Taking into consideration the permitted 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 development potential of adjacent sites, including the Clarence Square Council School building and Gosport Boat Yard. The proposal would not result in the loss of existing public access to the coast and would not prejudice future proposals to extend public access along the waterfront as opportunities arise within the waterfront regeneration area and would therefore be in accordance with Policy LP37 of the Local Plan.

4. The site is located within an area of archaeological potential, as with the previous permission a condition could be imposed (as was suggested by the County Archaeologist) that would 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 would ensure that any finds are appropriately preserved and recorded, in accordance with the NPPF and Policy LP13 of the Local Plan.

5. The proposed building would have a relatively simple design, with extensive areas of glazing provided on the elevation fronting the Harbour Road/Mumby Road junction, which would 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 previous building, whilst at the same time, providing an appropriate level of visual interest and articulation to the publicly visible facades. The top floors of the building have been set back from the main façade to reduce its perceived height and overall mass. The provision of gull-wing roofs 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. The submission of details, including samples, of the proposed external facing materials, so as to ensure a high quality finish could be controlled, by condition.

6. The provision of new areas of soft landscaping adjacent to the glazed entrance of the building would enhance the appearance of the site where it addresses the Harbour Road/Mumby Road frontage and would 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 would 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 would not extend forward of the north eastern corner of this building and would 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.

7. The proposed 1.8m high flood defence wall on the south eastern side of the site would form an integral part of the flood defences for the site. The wall would 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, could 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, could be controlled by condition.

8. Overall, the proposed development is considered acceptable in design terms. The building would not dominate its surroundings and complement the adjacent 10 storey residential tower nearing completion and contribute towards the positive regeneration work earmarked for this particular part of the Borough. For the reasons set out above the proposal complies with Policies LP10 and LP13 of the Local Plan.

9. Measures to protect residents and adjacent commercial occupiers during construction could be controlled by planning condition 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 could be imposed requiring the approval details of the glazing to be installed in all windows and balconies, so as to preserve the residential amenity of prospective occupiers. This would be consistent with the previous permission.

10. Due to its siting relative to existing buildings and the orientation of neighbouring properties it is considered that the proposed development would not have an unacceptable impact on the amenities of any neighbouring or prospective occupiers in terms of loss of light or outlook. Likewise, due to the orientation of the buildings, the proposal would not result in harmful levels of overshadowing. The proposed building would at its closest point be 25m from the recently built McCarthy and Stone development on the opposite side of Harbour Road. The separation distance between the tower element of this proposal and the tower in the McCarthy and Stone development would be approximately 60m. The proposed flats are considered to be of an appropriate size and all

habitable rooms would benefit from an appropriate outlook. The proposal, therefore, accords with Policy LP10 of the Local Plan.

11. The submitted Transport Assessment indicates that the proposed development would generate approximately 31 additional multi modal trips in each of the morning and evening peak hours. This would be an increase of 10 trips in each peak hour over and above that likely to be generated by the permitted scheme. The Transport Assessment indicates that even if all the trips associated with the proposed development were made by motor vehicle, this would, on average, equate to one additional motor vehicle movement on to the highway network every two minutes during the peak periods. Such an increased number of trips would be unlikely to result in a significant impact on the capacity of the surrounding highway network or the safety or convenience of highway users.

12. The proposed access would be sited 15m 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. The Local Highway Authority have advised that the potential requirement to regulate car parking adjacent to the proposed vehicular access to allow safe entry to and egress from the site can be considered and secured under Highway legislation. The proposed access and servicing arrangements are similar to that previously permitted. It is considered that the detailed design of the access and associated alterations to the highway could be addressed through the imposition of a suitably worded planning condition.

13. The Council's Parking Supplementary Planning Document (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. The permitted scheme for 31 flats included 42 car parking spaces to serve occupiers and visitors and as such met the standards in the Parking SPD. The proposed 49 flats should be served by 67 spaces to accord with standards in the Parking SPD, however only 46 are proposed. The submitted Transport Assessment puts forward a case for a reduction in car parking based on flats having a lower level of car parking demand than houses with the same numbers of bedrooms. The site is located close to the High Street where a range of local services, facilities and amenities are available, and is also accessible by a number of modes of transport given it is within walking distance of the Gosport Bus Station and Ferry Terminal. The easy access to public transport reduces the reliance on the use of the private motor vehicle for future occupiers. Visitor and long stay cycle parking facilities would be provided at the site, in accordance with the requirements of the Parking SPD, which would also provide sustainable travel alternatives to the private motor vehicle. No dedicated visitor spaces would be provided, however there are a number of public car parks within easy walking distance of the site which could serve to complement the on-site car parking provision. Whilst there are currently a number of public car parks in the vicinity of the site, this may not be the case in future, however it is unlikely that all would become unavailable.

14. Whilst the proposed level of car parking would not accord with the Parking SPD, the application is accompanied by a robust case setting out the justification for a relaxation of the standards. Given the location of the site it is considered that a refusal on parking grounds could not be sustained. The layout of the proposed semi-basement car park is not fully compliant with the SPD, with some of the spaces not having an increased width where they would be adjacent to walls or columns. However the semi-basement car park layout would be no worse than the previously permitted layout which was considered acceptable. The provision and subsequent retention of the car parking spaces and cycle parking facilities could be controlled by condition. In light of the above, the proposed parking and access arrangements are considered acceptable and would comply with Policies LP22 and LP23 of the Local Plan.

15. The proposal will introduce 49 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 applicant has indicated a willingness to provide mitigation in accordance with the Protocol such that the proposal would comply with Policies LP42 and LP44 of the Local Plan. However no mechanism is currently in place to secure the delivery of the mitigation and in the absence of which the proposal cannot be permitted.

16. There is no evidence of protected species being present within the site. In the interests of preserving the environment of over-wintering birds, a condition could be imposed to 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 would be permitted during the overwintering bird period. Subject to this condition, the proposed development would preserve the environment for the over-wintering bird population and comply with Policy LP44 of the Local Plan. The applicant has indicated that two swift boxes would be installed on the building and that new planting at the site would comprise a 70:30 ratio of native to non-native species. Details of the swift boxes and landscaping, together with their implementation and retention could be controlled by condition. Subject to these conditions, the proposed development would 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 Local Plan 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 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 4.8m AOD, all residential units would 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 would be built with enhanced flood protection walls, the details of which could 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 could control the precise details of the evacuation plan, which would be required to demonstrate the availability of safe access to higher ground. The condition would require the approved Evacuation Plan to be implemented in the event of a flooding event.

18. The development would 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 would 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 would not increase the risk of flooding to people or property, or pollute controlled waters. The development, therefore, complies with the NPPF and Policy LP45 of the Local Plan.

19. The developer has demonstrated that measures could be put in place to protect human health and controlled waters both during the construction phase and upon occupation. Any contamination would 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, could be secured by condition.



Subject to this condition, the development complies with the NPPF and Policy LP47 of the Local Plan.

20. In accordance with Policy LP24 of the Local Plan, the applicant is required to enter into a planning obligation to secure the provision of affordable housing on site. This would equate to 20 flats being made available on the affordable housing market. Policy LP24 also states that "where it can be clearly demonstrated that the provision of 40% affordable housing is not economically viable the Council will seek to negotiate a percentage of affordable housing as close as possible to the target level having regard to a site specific economic viability assessment".

21. The application was accompanied by an Affordable Housing Viability Report which sought to demonstrate that the development could not provide any affordable housing without rendering the scheme financially unviable. The submitted Viability Report has been critically reviewed by the District Valuer (DVS) to establish its robustness. Whilst the DVS generally agreed that most of the costs and values set out were reasonable, they did conclude that projected sale values are not based on the best comparable evidence. The DVS advise that when using more representative sales values the overall value of the development would increase to a level where a financial contribution towards the off-site provision of affordable housing (in lieu of on-site provision) could be supported.

22. The applicant has not agreed to provide a contribution towards affordable housing, nor have they submitted any further evidence to support their contention that the scheme could not bear to support a reduced provision. Accordingly the proposal is contrary to Policy LP24 of the Local Plan.

23. Having regard to the foregoing appraisal of the planning merits of the proposal, including its contribution towards the meeting the housing needs of the Borough, it is considered that the failure to provide any contribution towards affordable housing contrary to Policy LP24 would not be outweighed by the benefits of the proposal.

### **RECOMMENDATION: Refuse**

For the following reason(s):-

1. The proposal fails to make adequate on-site provision for affordable housing, or for the provision of a financial contribution in lieu of such a provision. The submitted Viability Report does not robustly demonstrate that the proposal could not provide any contribution towards affordable housing. The proposal is therefore contrary to Policy LP24 of the Gosport Borough Local Plan, 2011-2029.

2. The proposal does not make adequate provision to mitigate against the harmful impacts of recreational disturbance resulting from increased residential provision in the area on internationally designated habitat sites, specifically the Portsmouth Harbour and Solent and Southampton Water SSSI/SPA/Ramsar sites which would be detrimental to the protected and other species for which these areas are designated. The proposal is therefore contrary to the Conservation Habitats and Species Regulations (as amended), Policies LP42 and LP44 of the Gosport Borough Local Plan 2011-2029 and the Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol.

**ITEM NUMBER: 04.**  
**APPLICATION NUMBER: 16/00576/FULL**  
**APPLICANT: Mr Shaun Cully Gods Port Housing Society**  
**DATE REGISTERED: 16.01.2017**

**CONSTRUCTION OF 3 BUNGALOWS (DEPARTURE FROM LOCAL PLAN) (as amended by plans, Arboricultural Method Statement and Bat Survey received 01.06.17 and further Ecological Technical Note received 27.07.17 and as amplified by email dated 02.08.17)**

**Land At Northcott Close Gosport Hampshire**

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

1. The application site comprises a broadly rectangular parcel of land located at the northern end of Northcott Close and within a wider development of elderly persons accommodation managed by God's Port Housing Society. The site is currently an area of woodland adjacent to Bury Hall Lane and is designated as an area of Existing Open Space under the Gosport Borough Local Plan 2011-2029. The site is noted for containing Lowland Mixed Deciduous Woodland which is a priority habitat and is within 50m of a recorded location of Knotted Hedge-parsley which is a Notable and Protected Species.
2. The area is residential in character, with the predominantly single storey terraced buildings in Northcott Close contrasting with the wider context of two-storey detached and semi-detached dwellings.
3. Planning permission is sought for the construction of a terrace of three bungalows. The proposed bungalows would each have one bedroom with a single parking space to the front and an enclosed garden to the rear. The terrace would measure 25m wide x 9 m deep and sit beneath a pitched roof rising from an eaves height of 2.5m to a ridge 5.1m high. The proposal would be finished in brick and tile.
4. Amended plans have been received re-siting the proposed bungalows further away from Bury Hall Lane, providing a footpath through the trees adjacent to Bury Hall Lane and indicating areas of grass within the site to be offered as replacement open space.
5. The application is supported by Tree Survey, an Arboricultural Impact Assessment, an Arboricultural Method Statement, an Ecological Appraisal and Biodiversity Report, a Bat Survey and supplementary Ecological Technical Note and a Design & Access Statement.

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

Nil

### ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

- LP3
- Spatial Strategy
- LP10
- Design
- LP23
- Layout of Sites and Parking
- LP24
- Housing
- LP35
- Protection of Existing Open Space

LP41  
Green Infrastructure  
LP42  
International and Nationally Important Habitats  
LP44  
Protecting Species and Other Features of Nature Conservation Importance

Supplementary Planning Documents:

Gosport Borough Council Design Guidance: Supplementary Planning Document: February 2014  
Gosport Borough Council Parking: Supplementary Planning Document: February 2014  
Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014

National Planning Policy Framework (NPPF), March 2012

**Consultations**

|                                   |   |
|-----------------------------------|---|
| The Gosport Society               | No objection. Recommend securing appropriate replacement planting.  |
| Building Control                  | No response received.   |
| Streetscene Parks & Horticulture  | No objection. Tree survey highlights dangerous tree which has been inspected and should be removed. Agree with content of submitted tree survey. Trees proposed to be removed are not worthy of protection. |
| Streetscene Waste & Cleansing     | No objection.   |
| Hampshire Fire And Rescue Service | No objection.   |
| HCC Ecology                       | No objection. Recommend imposition of condition to secure ecological enhancement measures.  |
| Local Highway Authority           | No objection. Parking would comply with SPD. Recommends conditions relating to cycle and bin storage and provision/retention of car parking.  |

**Response to Public Advertisement**

8 letters of objection

Issues raised:-

- loss of trees and habitat
- removal of trees may lead to further future tree removal
- no justification for a departure from Local Plan
- overdevelopment
- impact on Bury Hall Lane streetscene
- further access onto to Bury Hall Lane must be prohibited
- access arrangement would be dangerous for drivers and pedestrians
- inadequate parking
- compromised privacy for current and future occupiers
- inappropriate use of materials
- elements of design are bland and banal
- how will future occupation of bungalows be controlled

- site is potentially contaminated
- inadequate notification
- potential for rights of way to be affected
- some drawings or poor quality and contain inaccuracies
- supporting documents are misleading

### **Principal Issues**

1. This application has been publicised in accordance with the relevant procedural requirements and in accordance with the Councils Statement of Community Involvement. The submitted information, when taken together with Officers' site visits is sufficient to allow the application to be properly determined. There are no established public Rights of Way on the site. The site is not located in an area where there is significant potential for contamination. Therefore the main issues to be considered are whether the proposal is acceptable in principle, whether it is acceptable in design and amenity terms and whether it is acceptable in highway terms. Other matters to consider relate to ecology and nature conservation.

2. The site is located in an area designated as Existing Open Space. Policy LP35 sets out that *"development proposals will not be granted planning permission on Existing Open Space as identified on the Policies Map except where: a) the redevelopment of a part of the site for recreation and/or community facilities would retain and enhance the existing facilities; or b) alternative provision is made available of equivalent or greater community benefit in terms of quality, quantity and accessibility and that the proposed site cannot be used for an alternative form of open space for which there is an identified need"*.

3. The applicant has sought to address the loss of the existing open space and has indicated that a larger area of land within Northcott Close would be offered as replacement open space. These parcels of land are areas of grass located between the fronts of the existing terraces of bungalows and the circulatory road. The grassed area in the centre of the wider site is already designated as Existing Open Space. The applicant is also offering to enhance the retained wooded area adjacent to where the bungalows are proposed by creating a walkway through the trees. The applicant has also indicated that the proposed bungalows would contribute to meeting the housing needs of an ageing population. If the proposal were considered acceptable in other respects the future occupation of the proposed bungalows could be restricted by the imposition of a suitably worded planning condition to ensure they were only occupied by elderly persons.

4. The case put forward by the applicant to justify the development of an area of designated open space has some elements with merit, however it is considered that the alternative open space provision indicated will not be of equivalent or greater community benefit. The additional grassed areas suggested as replacement open space function to soften the terraces of bungalows in front of which they are located. They have little ecological value and due to their size and location have limited potential for ecological enhancement. As a result the proposed replacement open space would make a lesser contribution to the green infrastructure network of the Borough. Furthermore insufficient evidence has been put forward to robustly demonstrate that there is a particular overriding need for residential development at this location or that the benefits suggested would outweigh the harm associated with the loss of open space. The proposal is therefore contrary to Policies LP35 and LP41 of the Local Plan.

5. Northcott Close is characterised by terraced bungalows with some two-storey development. The existing buildings are traditional in form and appearance. The proposed bungalows would follow the form of the existing development with projecting bay windows to the front. The proposal would in design terms be in keeping with the wider site. The bungalows would be partially screened from Bury Hall Lane by the retained trees and soft landscaping along the frontage of the wider site. As a result the proposal would not appear as unduly prominent or harmful feature within the streetscape of Bury Hall Lane. The proposal is considered acceptable in design terms and would comply with Policy LP10 of the Local Plan.

6. The proposed terrace of bungalows would be located 15m from the nearest properties and would set perpendicular to the existing terraced bungalows. The single storey nature of the proposal is such that the proposal would not have any significant impact on the living conditions of the occupiers of neighbouring properties. The proposed bungalows would be of a size that would exceed the guidelines set out in the Design SPD with all habitable rooms benefiting from an appropriate level of light and outlook. Accordingly it is considered that the proposal would accord with Policy LP10 of the Local Plan.

7. Access to the site would be directly from Northcott Close which is an adopted highway. The level of traffic associated with the proposal is not considered likely to prejudice the safety or convenience of highway users. Each bungalow would have a single parking space to accord with the requirements of the Parking SPD and Policy LP23 of the Local Plan. The wider site has capacity to accommodate any demand for additional visitor parking. The submission makes reference to storage facilities for mobility scooters which could equally be used for the storage of cycles. These facilities could be secured though the imposition of suitably worded planning conditions if the proposals were considered acceptable in other respects. The proposed bungalows would have no common boundary with Bury Hall Lane and as such could only ever be accessed via Northcott Close.

8. The proposal would require the loss of approximately 25 trees of a variety of species including lime, oak, yew and sycamore. None of the trees proposed to be removed would be worthy of protection. The application indicates replacement planting to include oak, ash and hazel trees, hawthorn and blackthorn bushes and a length of hedgerow. Subject to the replacement planting being secured by the imposition of a suitably worded planning condition the proposed loss of existing trees would be acceptable.

9. The application is accompanied by a range of supporting ecological information in recognition of the presence of habitats suitable for protected species on the site. The submitted ecological information demonstrates that the proposal would not directly impact on protected species. The application also includes details of ecological mitigation and enhancement measures in recognition that works associated with constructing the proposed development could have the potential to affect protected species. Planning conditions can be imposed to ensure that no harm would result from the development and to secure ecological enhancements on the site. Subject to such conditions, the proposal would comply with Policies LP41, LP42 and LP44 of the Local Plan.

10. The proposal will introduce additional dwellings which are 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 applicant has indicated a willingness to provide mitigation in accordance with the Protocol such that the proposal would comply with Policies LP42 and LP44 of the Local Plan. However no mechanism is currently in place to secure the delivery of the mitigation and in the absence of which the proposal cannot be permitted.

### **RECOMMENDATION: Refuse**

For the following reason(s):-

1. The proposal would result in the unacceptable loss of designated open space and green infrastructure and the application does not demonstrate that the indicated replacement open space would be of equivalent or greater community benefit or that there is an otherwise particular overriding need for residential development at this location. The proposal is therefore contrary to policies LP35 and LP41 of the Gosport Borough Local Plan 2011-2029.

2. The proposal does not make adequate provision to mitigate against the harmful impacts of recreational disturbance on the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA sites to the detriment of the protected and other species for which these areas are designated, contrary to Policy LP42 of the Gosport Borough Local Plan 2011 - 2029, the Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2016 and the Conservation of Habitats and Species Regulations 2010.



**ITEM NUMBER: 05.**  
**APPLICATION NUMBER: 17/00100/FULL**  
**APPLICANT: Mr Kevin Jones Tidebank UK Limited**  
**DATE REGISTERED: 07.03.2017**

**ERECTION OF SINGLE STOREY BUILDING (USE CLASS B1/B2/B8) WITH 55 CAR PARKING SPACES (as amended by plans received 04.05.17 and 28.06.17)**  
**Daedalus Park - Site B (South) Lee On The Solent PO13 9FU**

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

1. The application site is the southern part of a larger open area of land immediately adjacent to the recently completed business park known as Daedalus Park. It is located within the former HMS Daedalus site in Lee-on-the-Solent. All the previous buildings and hardstanding on the site have been demolished and removed.
2. The site is within the Solent Enterprise Zone and is a regeneration area designated by Policy LP5 of the Gosport Borough Local Plan 2011-2029 (Local Plan). The fully opened spine road across the Daedalus site, Daedalus Drive, permitted in February 2015, under reference 15/00009/FULL, gives direct access to the wider site along its northern boundary.
3. Unlike Phase 1 of Daedalus Park (application references 15/00247/FULL, 15/00547/VOC and 16/00408/VOC), this application falls within the area covered by the Outline permission for the Daedalus site (reference K17976), however, the application has been submitted as a Full application rather than a Reserved Matters application pursuant to the Outline.
4. The site benefits from a planning permission granted in March 2016 for employment uses (reference 16/00001/FULL) but that scheme was designed for a specific end user who has subsequently withdrawn from the scheme. The current proposal follows the principles established by Phase 1 and is speculative in nature.
5. To the north of the site, the remaining area of land forming the northern part of Phase 2 has a concurrent application (reference 17/00101/FULL) which comprises 3 buildings (to be known as Juno, Keppel and Invincible). Both applications taken together comprise Phase 2 and will share a central access road (Albion Road) from Daedalus Drive which also serves the 9000sqm of employment floorspace across 7 buildings which comprise Phase 1.
6. To the west of the application site is the new internal access road approved under reference 16/00441/DETS as the Phase 1 infrastructure works for the whole of the Daedalus site under the outline permission reference K17976. This road is in the early stages of construction and is scheduled to be completed by April 2018. There is no access proposed from the site onto this new road and therefore all vehicular and pedestrian traffic would be via Daedalus Drive creating a self-contained business park separate from the remainder of the Daedalus redevelopment proposals.
7. Beyond the new internal access road to the west of the application site is Overlord Hangar which forms part of a larger area of land allocated for employment uses. The Overlord building is currently vacant but the two large former hangars beyond it (Dunning and Swan) are occupied by marine engineering businesses.
8. Immediately to the south of the site is a recently cleared area of land, following demolition of a number of buildings. This area of land is indicated as being safeguarded for residential development and is anticipated to accommodate approximately half of the 200 houses approved under the Outline, reference K17976. There are currently no submitted details for the housing development.
9. Further to the south-east of the site are the houses in the modern Seacrest Gardens development and the original houses around the Milvil Corner area of Lee-on-the-Solent which back onto the eastern boundary of the HMS Daedalus site. The northern boundary of the Daedalus



Conservation Area, designated in 1999 is approximately 90m to the south of the site. The former Daedalus Dining Rooms and Cookhouse, which is a single storey listed building to the south-west of the site is approximately 70m away from the site.

10. The proposals comprise a single storey building with mezzanine (to be known as Hermes) measuring 87m long x 17 m deep x 7.4 m high. Indicatively the building would accommodate 12 separate business units ranging from 93sqm to 110sqm in floor area giving a total floor area of 1590sqm. The external appearance continues the theme of the Phase 1 with use of mainly grey profiled cladding with some colour panels utilised to identify individual units. Other than rooflights and fire exits, all doors and windows are located on the front elevation. The southern elevation adjacent to the residential allocated land would have no windows other than rooflights.

11. The site layout includes 55 parking spaces, a refuse store, HGV and Refuse Vehicle turning and parking area, and a dedicated loading and unloading area to the frontage of each unit. A 2 m wide landscaped belt is proposed along the western boundary which would be alongside the new internal access road (approved under reference 16/00441/DETS) and separated from it by a 0.75m high post and rail fence. The southern boundary, from which the building is 2m away, would have a 2.4m high close boarded fence with an additional 0.3m trellis above giving a total boundary height of 2.7m.

12. The application is accompanied by a Transport Statement, Noise Assessment, Contaminated Land Reports and a Design and Access Statement.

13. Whilst being a distinct application from 17/00101/FULL for the northern area of Phase 2 of Daedalus Park, which should be considered on its own merits, both applications are inextricably linked and will form a comprehensive redevelopment of the site sharing an access from Daedalus Drive, the internal access road (Albion Road) and the HGV turning area.

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

#### **Phase 1 Daedalus Park**

15/00009/FULL - construction of section of east-west road to include pedestrian and cycle pathways - permitted 26.02.15

15/00247/FULL - erection of 7no. two-storey buildings (B1/B2/B8 use) with associated car parking and landscaping - permitted 21.10.15

15/00547/VOC - variation of conditions 2 and 11 of planning permission 15/00247/FULL to amend approved site layout and soft landscaping scheme - permitted 29.01.16

DC04/010/16 - discharge of conditions 8 (materials) and 14 (archaeology) of 15/00547/VOC - variation of conditions 2 and 11 of planning permission 15/00247/FULL to amend approved site layout and soft landscaping scheme (as amended by letter dated 18.10.16) - permitted 21.10.16

DC04/025/16 - discharge of conditions 12 (contamination) and 13 (remediation strategy), of planning permission 15/00547/VOC (variation of conditions 2 and 11 of planning permission 15/00247/FULL to amend approved site layout and soft landscaping scheme (as amended by information received 09.11.15 and 17.11.15) (as amended by letter dated 18.10.16) - permitted 24.10.16

16/00408/VOC - variation of conditions 2, 8 and 9 of planning permission 15/00547/VOC to amend the external appearance (including additional windows, doors and substitution of materials) on buildings centaur, diligence, eagle and glorious; revised car parking layout to provide an additional 38 parking spaces and vehicular access to serve the adjacent development plot; revised landscape details to site frontage (as amended by plans received 20.10.16) - permitted 30.06.17

## Phase 2 Daedalus Park

K17976- outline application with all matters reserved except for access - employment-led mixed use scheme including up to 69,992sqm of commercial floor space in new buildings and re-use of existing buildings (use classes B1, B2 and B8); up to 1,075sqm 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 1,839sqm of community uses (use class D1); up to 8,320sqm of hotel use (use class C1); up to 2,321sqm 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 - permitted 28.01.16 (11/00282/OUT)

15/00009/FULL - construction of section of east-west road to include pedestrian and cycle pathways - permitted 26.02.15

16/00001/FULL - erection of 1 no. building (use class B1/B2/B8 use) with associated parking - permitted 07.03.16

16/00002/FULL - erection of 3 no. two-storey buildings (use class B1/B2/B8 use) with associated car parking - permitted 07.03.16

17/00223/DEMO - demolition of existing concrete slab and regrading of site to facilitate development of Site B - permitted 30.06.17

17/00101/FULL - erection of 3 no. two-storey buildings (use class B1/B2/B8) with 54 no. car parking spaces (as amended by plans received 28.06.2017) - pending

### **Relevant Policies**

Gosport Borough Local Plan, 2011 – 2029:

- LP1  
Sustainable Development
- LP2  
Infrastructure
- LP3  
Spatial Strategy
- LP5  
Daedalus
- LP10  
Design
- LP16  
Employment Land
- LP23  
Layout of Sites and Parking
- LP46  
Pollution Control
- LP47  
Contamination and Unstable Land

Supplementary Planning Documents:

- Gosport Borough Council Daedalus: Supplementary Planning Document: September 2011
- Gosport Borough Council Design Guidance: Supplementary Planning Document: February 2014
- Gosport Borough Council Parking: Supplementary Planning Document: February 2014
- Gosport Borough Council Policy Guidance Note: Securing Employment and Training Measures through planning obligations April 2012

National Planning Policy Framework (NPPF), March 2012

**Consultations**

|                                     |   |
|-------------------------------------|---|
| BAA Safeguarding                    | No response received.   |
| Civil Aviation Authority            | No response received.   |
| Defence Infrastructure Organisation | No objection.   |
| Environment Agency (Hants & IOW)    | No response received.   |
| Natural England                     | No objection subject to appropriate mitigation being secured and a condition being imposed preventing the use of percussive piling or works with heavy machinery (plant resulting in a noise level exceeding 69dbAmax when measured at the nearest sensitive receptor) during the bird overwintering period (October to March inclusive).                           |
| Southern Water                      | The applicant needs to make a formal application to Southern Water to be able to connect into the public foul and surface water sewer. An informative should be placed on the decision stating this. It is the responsibility of the developer to make suitable provision for the disposal of surface water in accordance with Part H3 of the Building Regulations. |
| The Gosport Society                 | No response received.   |
| Fareham LPA                         | No objection.   |
| Hampshire Fire And Rescue Service   | Fire access to the site is dealt with by Building Regulations and therefore comments made on the planning application are advisory rather than legal requirements. However, It is strongly recommended that consideration be given to the installation of Automatic Water Suppression Systems (AWSS).   |
| HCC Ecology                         | The site is generally uninteresting ecologically. Ecological enhancement measures would be welcomed, to be secured by condition.  |
| HCC Local Lead Flood Authority      | Holding objection until the applicant demonstrates that adequate surface and foul drainage systems are in place and the systems have been designed for a 1 in 100 year flood event.   |

## Environmental Health

Surveys should be undertaken across the site for the presence of contamination, radiation and unexploded ordnance prior to any ground intrusive works on the development being undertaken and any mitigation required as a result of those surveys being undertaken in accordance with a scheme of measures first agreed in writing with the Local Authority.

## Economic Prosperity

In economic development terms these applications to bring forward the last phases of the Daedalus Park industrial employment scheme on the Solent Enterprise Zone are welcomed. The earlier phases are currently nearing completion with nearly all the units either already occupied, under offer, or reserved attracting both expanding Gosport businesses and those previously located outside of the town. Therefore it is helping to sustain and create new jobs in Gosport. It is also positive that a number of the occupiers are engineering and manufacturing related, including marine that are target employment sectors for the Solent Enterprise Zone.

Whilst this development does not exceed the threshold to require an Employment and Training Plan under Policy LP17, it is only 410sqm short and is being built by the same project main contractor (as Site A North, 17/00101/FULL). Therefore we would welcome an informal plan being implemented for this development to maximise the employment and training opportunities available to residents.

We note that for both applications it is stated that *"the building occupiers will not require HGV access but do require occasional access to the unit loading bay doors"* (para 14.1 Planning Application Design and Access Statement). Given that this is an industrial scheme we do believe that there will be occupier need for HGV accessibility for deliveries and this is currently being demonstrated at the Daedalus Park Site A development. In addition we also believe that the lack of HGV accessibility could deter some businesses from occupying the units. Therefore our preference would be that the scheme does enable HGV access so as not to limit its marketability and potential employment generation, particularly given that it is on the Solent Enterprise Zone.

Local Highway Authority

No objection, subject to conditions requiring the parking and manoeuvring areas to be provided and a condition relating to contractors vehicles and compounds.

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

Nil

### ***Principal Issues***

1. The key issues to consider are the principle of development, the design and layout, the impact upon the nearby Daedalus Conservation Area and Grade II Listed Daedalus Dining Rooms and Cook House, access and parking provision, the impact upon the amenity of neighbouring occupiers, land contamination, archaeology and ecology. The provision of appropriate drainage systems to serve the development is covered by Part H3 of the Building Regulations. However, in order to comply with Policies LP39 and LP45 of the Gosport Borough Local Plan 2011-2029 (Local Plan) the Local Planning Authority must be satisfied that appropriate drainage can be achieved. New surface water and foul drainage infrastructure has recently been approved (under reference 16/00441/DETS) to serve the whole Daedalus site and individual developments will have the opportunity to connect into this. The infrastructure is currently being installed and expected to be completed by April 2018. The proposed surface and storm water from the site is shown to connect into the new drainage system below Daedalus Drive whilst the foul sewer connection shares that utilised by Phase 1 and is considered to satisfy Policy LP39 of the Local Plan.

2. The application site is located within an area designated as an Enterprise Zone and also a Regeneration Area by Policy LP5 of the Local Plan, which allocates 75,000sqm of B1, B2 and B8 floorspace to the wider Daedalus area. Extant permission also exists, under reference K17976, for up to 69,992sqm of B1, B2 and B8 floorspace which indicated that this part of the wider Daedalus site would principally be most appropriate for B2 and B8 development. Therefore, it is considered that the proposal is acceptable in principle in accordance with Policy LP5 of the Local Plan and the principles established by the approved Outline permission reference K17976.

3. The proposed building is considered of an appropriate design, scale and layout to respect the setting of adjacent developments (both existing and pending consideration) whilst the simple but functional design will ensure that it is attractive for potential tenants. Planning conditions are proposed to secure the use of appropriate materials, external lighting and boundary treatments, in addition to securing the potential for a future pedestrian and cycle access to the south of the site (should future development take place), and restricting the outside storage of materials. To ensure that there is not an unacceptable level of glare reflected from the rear of the southern elevation of the building a condition is recommended to ensure that non-reflective materials are used. On this basis the proposal is considered in accordance with Policy LP10 of the Local Plan.

4. As the proposal is for a large 'hangar' sized structure close to existing historic hangars (Dunning and Overlord) it is considered that the proposal would preserve the character and appearance of the nearby Daedalus Conservation Area. As the proposal is some distance to the north of the Grade II listed Daedalus Dining Rooms and Cook House and separated from it by the new road and potential future employment buildings, it is considered that there would not be an adverse impact upon the setting of the Grade II listed building. Therefore, the proposal is in accordance with Policies LP11 and LP12 of the Local Plan.

5. The application site will be accessed via the recently completed Daedalus Drive (approved under reference 15/00009/FULL). As the quantum of development proposed, and the infrastructure to support it, is being delivered by the wider Enterprise Zone it is considered that the proposed access to the site is acceptable subject to a planning condition to require the access from the spine road to the proposed unit to be provided prior to first occupation of any of the units within the building. Improved space for the manoeuvring and parking of HGV's and other vehicles within the site is

proposed. On this basis the proposal is considered in accordance with Policy LP23 of the Local Plan.

6. The proposal provides 55 parking spaces in total which is acceptable for the mix of B1, B2 and B8 being proposed. Whilst the size of the spaces are smaller than the current SPD recommends, they are consistent with the Phase 1 development and also provide an over-sized space for use by either two Disabled Driver Bays or one larger transit van sized vehicle. Four additional Disabled Driver bays are also shown making a potential of six in total with the flexibility for larger vehicles to also park. Whilst not fully compliant with current standards, this balance is considered acceptable. The proposal includes twelve cycle spaces with the scope to provide more should demand for cycle spaces outstrip this provision. On this basis it is considered that the proposal would provide sufficient car and cycle parking and would be in accordance with Policy LP23 of the Local Plan and the Gosport Borough Parking SPD 2014.

7. The proposed uses have the potential to impact upon the amenity of the occupiers of neighbouring residential properties and future planned residential development with regard to noise. However, given that the land is allocated for mixed use employment development it is reasonable to expect that some noise will be generated. Therefore, being consistent with the approach taken on Phase 1 of Daedalus Park, subject to conditions to control the hours of use of noisy machinery within the proposed units it is considered that there would not be a harmful impact. There are no windows overlooking the adjacent residential development. On this basis it is considered that the proposal would be in accordance with Policies LP10 and LP46 of the Local Plan.

8. The application site is an area of known likely contamination. The recently approved demolition application (17/00223/DEMO) included survey work for contamination, unexploded ordnance and mitigation measures across this site and the northern section of Phase 2. The results of these reports are still being considered and therefore, notwithstanding the information that has been provided, the Council's Environmental Health Section advise that planning conditions be imposed. Should the assessment of those reports be completed in time a verbal update will be provided. On this basis it is considered that the proposal would be in accordance with Policy LP46 of the Local Plan.

9. The County Archaeologist has confirmed that as investigations on the adjacent site did not uncover any archaeological potential there is no requirement for further investigation on this site. On this basis it is considered that the proposal would be in accordance with Policy LP11 of the Local Plan.

10. The Hampshire County Council Ecologist has confirmed that the site is of negligible ecological value. However, to ensure that appropriate enhancements are secured a condition is proposed to secure the inclusion of bat and bird boxes and protection for any nesting birds on the site in accordance with Policy LP44 of the Local Plan.

11. There has historically been insufficient capacity within the local drainage network for foul sewerage and surface water run off. The approval of the Phase 1 infrastructure works for the wider site (16/00441/DETS) which will be completed by April 2018 will address this problem. However as those works are not yet complete, a condition is proposed to ensure that there is capacity for the development to be adequately served prior to the occupation of the development.

12. The proposal will have a temporary impact upon the amenity of occupiers of the neighbouring residential development and other users of the wider Daedalus site during construction works. Therefore, a condition is recommended to secure the implementation of a Construction Management Plan and restrict the hours of construction activity.

**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:

Drg nos. 15011 51 P2 Location Plan; 15011 55 P7 Site Plan; 15011 54 P6 Site hard-landscaping and boundary treatment; 15011 61 P3 Hermes - Ground Floor and Roof Plan; 15011 62 P3 Hermes elevations and section;

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

3. Before any other part of the development is commenced, the approved boundary treatment for the southern boundary shall be erected and thereafter maintained in accordance with the details shown on the approved plan 15011 54 P6.

Reason - To secure the site and to provide an appropriate mitigating screen which separates the construction and future industrial activity on the site from adjoining land uses and nearby residents in accordance with Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

4. The new internal access road, parking spaces, refuse store, cycle hoops and HGV Parking Area/Turning Head shall all be provided in accordance within the details shown on drg no. 15011 55 P7 prior to any of the units within the building known as Hermes being first occupied.

Reason - To ensure appropriate access, parking and manoeuvring facilities are provided to serve the development in accordance with Policy LP23 of the Gosport Borough Local Plan, 2011-2029.

5. The development, hereby permitted, must not be used for any use except those within Classes B1, B2 and B8 in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason - To ensure that the development, hereby permitted, is only used for appropriate uses in accordance with Policy LP5 of the Gosport Borough Local Plan, 2011-2029.

6. No noise produced by machinery located within the development, hereby permitted, shall exceed 5dB Leq90 above the ambient noise level (when measured at the boundary of the site) except for between the hours of 08:00 and 18:00 Monday to Friday and 09:00 to 13:00 Saturdays.

Reason - To protect the amenity of neighbouring residential properties in accordance with Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

7. No external plant equipment (including ventilation and extraction equipment) shall be installed until details (including hours of operation and noise emission levels) have been submitted to and approved, in writing, by the Local Planning Authority. External plant equipment must be installed and maintained in accordance with the approved details.

Reason - To protect the amenity of neighbouring residential properties in accordance with Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no additional windows, doors or openings, other than those hereby permitted, shall be inserted into the south or east elevation of the building known as Hermes, other than those shown on the approved elevation plan 15011/62 P3.

Reason - To protect the amenity of neighbouring residential properties in accordance with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

9. The development shall be undertaken in accordance with the external materials and surface materials set out on approved plans 15011 62 P3 Elevations - Hermes and 15011 54 P6 Site hard-landscaping materials and boundary treatment. The material used for the south elevation of the building known as Hermes must be non-reflective.

Reason - To safeguard the character of the area and protect the amenity of neighbouring residential properties in accordance with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

10. Details of the soft landscaping scheme, including species and densities to be planted within the 2m wide landscape strip along the western boundary of the site hereby approved (as shown on plan no. 15011 55 P7), shall be submitted to the local planning authority for written approval prior to occupation of any of the units within the building known as Hermes and then completed within the next planting season following first occupation of any of the units. 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 LP10 of the Gosport Borough Local Plan, 2011-2029.

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

Reason - To safeguard the character of the area and protect the amenity of neighbouring residential properties in accordance with Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

12. The development, hereby permitted, must be undertaken in accordance with the recommendations of the submitted ecological appraisal (Lindsay Carrington Ecological Services dated May 2015).

Reason - To safeguard protected and other species of recognised ecological value in accordance with Policy LP44 of the Gosport Borough Local Plan, 2011-2029.

13. No development shall commence until:

(1) All hardstanding present has been removed and a site-wide unexploded ordnance subsurface clearance scan of the site undertaken to either confirm the absence of unexploded ordnance or identify any anomalous readings (which shall thereafter be investigated). The unexploded ordnance scan, investigation, reporting of findings, and any subsequent mitigation measures shall be undertaken by an appropriately qualified expert. The results of the scan and any subsequent mitigation measures shall be submitted to and approved, in writing, by the Local Planning Authority; and

(2) All hardstanding present has been removed and a site-wide survey for radiation undertaken followed by an assessment of the risks posed to human health and implementation of any required mitigation measures. The survey, assessment, and any subsequent mitigation measures actions shall be undertaken by an appropriately qualified expert. The results of the survey and any subsequent mitigation measures shall be submitted to and approved, in writing, by the Local Planning Authority; and

(3) The area of potential hydrocarbon contamination previously identified shall be investigated followed by an assessment of the risks posed to human health and implementation of any required mitigation measures. The investigation, assessment, and any subsequent mitigation measures actions shall be undertaken by an appropriately qualified expert. The results of the investigation, and any subsequent mitigation measures, shall be submitted to and approved, in writing, by the Local Planning Authority.

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 Policy LP47 of the Gosport Borough Local Plan, 2011-2029.



14. 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 approved 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 Policy LP47 of the Gosport Borough Local Plan, 2011-2029.

15. The development shall be carried out in accordance with the approved Construction Management Plan (Rev A as received 7 March 2017). The Dust management procedures to be incorporated into the construction phase of development shall be the subject of an additional document setting out a detailed strategy for dust management including positions, material composition and maximum heights of stockpiled material and monitoring measures to be put in place. Construction shall not commence until the dust management document has been agreed in writing by the Local Planning Authority, and construction shall be carried out in accordance with the agreed plan.

Reason - In the interests of the amenities of occupiers of the neighbouring residential properties in accordance with Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

16. The construction of the development, hereby approved, shall not be undertaken except for between the hours of 08:00 and 18:00 Monday to Friday, 09:00 and 13:00 on Saturday's and at no time on Sundays, Bank Holidays or Public Holidays unless otherwise approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of occupiers of the neighbouring residential properties in accordance with Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

17. No materials (including pallets) shall be stored outside.

Reason - To safeguard the character of the surrounding area in accordance with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

18. There shall be no deliveries to the development, hereby permitted, except for between the hours of 08:00 and 18:00 Monday to Friday, 09:00 and 13:00 Saturdays unless otherwise approved, in writing, by the Local Planning Authority.

Reason - To safeguard the amenities of occupiers of the neighbouring residential properties in accordance with Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

19. No unit shall be occupied until a scheme to demonstrate an acceptable mechanism for the disposal of foul and surface water has been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure that the development, hereby permitted, has adequate foul and surface water infrastructure in accordance with Policy LP2 of the Gosport Borough Local Plan, 2011-2029.

20. No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor) shall be undertaken during the bird over wintering period - October to March inclusive.

Reason- To mitigate against the potential adverse effects of the development on nearby protected sites in accordance with Policy LP44 of the Gosport Borough Local Plan, 2011-2029.

**ITEM NUMBER: 06.**  
**APPLICATION NUMBER: 17/00101/FULL**  
**APPLICANT: Mr Kevin Jones Tidebank UK Limited**  
**DATE REGISTERED: 07.03.2017**

**ERECTION OF 3 NO. TWO-STOREY BUILDINGS (USE CLASS B1/B2/B8) WITH 54 NO. CAR PARKING SPACES (as amended by plans received 28.06.2017)**  
**Daedalus Park - Site B (North) Lee On The Solent PO13 9FU**

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

1. The application site is the southern part of a larger open area of land immediately adjacent to the recently completed business park known as Daedalus Park. It is located within the former HMS Daedalus site in Lee-on-the-Solent. All the previous buildings and hardstanding on the site have been demolished and removed.
2. The site is within the Solent Enterprise Zone and is a regeneration area designated by Policy LP5 of the Gosport Borough Local Plan, 2011-2029 (Local Plan). The fully opened spine road across the Daedalus site, Daedalus Drive, permitted in February 2015, under reference 15/00009/FULL, gives direct access to the wider site along its northern boundary.
3. Unlike Phase 1 of Daedalus Park (application references 15/00247/FULL, 15/00547/VOC and 16/00408/VOC), this application falls within the area covered by the Outline permission for the Daedalus site (reference K17976), however, the application has been submitted as a Full application rather than a Reserved Matters application pursuant to the Outline.
4. The site benefits from a planning permission granted in March 2016 for employment uses (reference 16/00001/FULL) but that scheme was designed for a specific end user who has subsequently withdrawn from the scheme. The current proposal follows the principles established by Phase 1 and is speculative in nature.
5. To the north of the site, the remaining area of land forming the northern part of Phase 2 has a concurrent application (reference 17/00101/FULL) which comprises 3 buildings (to be known as Juno, Keppel and Invincible). Both applications taken together comprise Phase 2 and will share a central access road (Albion Road) from Daedalus Drive which also serves the 9000sqm of employment floorspace across 7 buildings which comprise Phase 1.
6. To the west of the application site is the new internal access road approved under reference 16/00441/DETS as the Phase 1 infrastructure works for the whole of the Daedalus site under the outline permission reference K17976. This road is in the early stages of construction and is scheduled to be completed by April 2018. There is no access proposed from the site onto this new road and therefore all vehicular and pedestrian traffic would be via Daedalus Drive creating a self-contained business park separate from the remainder of the Daedalus redevelopment proposals.
7. Beyond the new internal access road to the west of the application site is Overlord Hangar which forms part of a larger area of land allocated for employment uses. The Overlord building is currently vacant but the two large former hangars beyond it (Dunning and Swan) are occupied by marine engineering businesses.
8. Further to the south-east of the site are the houses in the modern Seacrest Gardens development and the original houses around the Milvil Corner area of Lee-on-the-Solent which back onto the eastern boundary of the HMS Daedalus site. The northern boundary of the Daedalus Conservation Area, designated in 1999 is approximately 90m to the south of the site. The former Daedalus Dining Rooms and Cookhouse, which is a single storey listed building to the south-west of the site is approximately 90m away from the site.

9. The proposals comprise 3 no. two storey buildings (to be known as Invincible, Juno and Keppel). Invincible is the largest of the 3 buildings and is located centrally within the overall Phase 2 site. It has the capability of being sub-divided so as to have two frontages and utilising parking within the southern phase (17/00100/FULL) the layout of which has been designed to accommodate this flexibility. However, for the purposes of this application it is wholly within the northern phase of development. Invincible measures 86m long x 24m deep x 8.04m high. Indicatively the building would accommodate 7 separate business units of 298sqm in floor area giving total a floor area of 2086sqm. However, there is the built in flexibility for this to be converted into a maximum total of 14 units each with 149sqm floor area. Juno is the smallest of the proposed buildings and is orientated to face towards to the new access road approved under reference 16/00441/DETS. Juno comprises two units each of 131sqm and measures 22.7m x 12.1m x 7.4m high. Keppel is the most prominent building being located on the southern side of Daedalus Drive and would be a natural continuation of the buildings recently completed on Phase 1. The building tapers to respond to the curve in the road and therefore provides a mix of unit sizes from 94sqm at its western end to 202sqm at its eastern end adjacent to Phase 1. There would be a total of 7 units within Keppel with a total floor area of 1184sqm.

10. The external appearance of the buildings continues the theme of the Phase 1 with use of mainly grey profiled cladding with some colour panels utilised to identify individual units. Other than rooflights and fire exits, all doors and windows on Invincible are located on the front elevation. Juno and Keppel have additional windows in their rear elevations serving the mezzanine level.

11. The site layout includes 55 parking spaces, a refuse store, HGV and Refuse Vehicle turning and parking area, and a dedicated loading and unloading area to the frontage of each unit. A landscaped belt is proposed along the western boundary which would be alongside the new internal access road (16/00441/DETS) and separated from it by a 0.75m high post and rail fence which runs around the western boundary to the corner of Keppel in the north-west corner of the site. Along the northern boundary with Daedalus Drive is a landscape strip similar to that provided on Phase 1.

12. The application is accompanied by a Transport Statement, Noise Assessment, contaminated land reports and a Design and Access statement.

13. Whilst being a distinct application from reference 17/00100/FULL for the southern area of Phase 2 of Daedalus Park, which should be considered on its own merits, both applications are inextricably linked and will form a comprehensive redevelopment of the site sharing an access from Daedalus Drive, the internal access road (Albion Road) and a HGV turning area.

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

#### **Phase 1 Daedalus Park**

15/00009/FULL - construction of section of east-west road to include pedestrian and cycle pathways - permitted 26.02.15

15/00247/FULL - erection of 7no. two-storey buildings (B1/B2/B8 use) with associated car parking and landscaping - permitted 21.10.15

15/00547/VOC - variation of conditions 2 and 11 of planning permission 15/00247/FULL to amend approved site layout and soft landscaping scheme - permitted 29.01.16

DC04/010/16 - discharge of conditions 8 (materials) and 14 (archaeology) of 15/00547/VOC - variation of conditions 2 and 11 of planning permission 15/00247/FULL to amend approved site layout and soft landscaping scheme (as amended by letter dated 18.10.16) - permitted 21.10.16

DC04/025/16 - discharge of conditions 12 (contamination) and 13 (remediation strategy), of planning permission 15/00547/VOC (variation of conditions 2 and 11 of planning permission 15/00247/FULL to amend approved site layout and soft landscaping scheme (as amended by information received 09.11.15 and 17.11.15) (as amended by letter dated 18.10.16) - permitted 24.10.16

16/00408/VOC - variation of conditions 2, 8 and 9 of planning permission 15/00547/VOC to amend the external appearance (including additional windows, doors and substitution of materials) on buildings centaur, diligence, eagle and glorious; revised car parking layout to provide an additional 38 parking spaces and vehicular access to serve the adjacent development plot; revised landscape details to site frontage (as amended by plans received 20.10.16) - permitted 30.06.17

## Phase 2 Daedalus Park

K17976- outline application with all matters reserved except for access - employment-led mixed use scheme including up to 69,992sqm of commercial floor space in new buildings and re-use of existing buildings (use classes B1, B2 and B8); up to 1,075sqm 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 1,839sqm of community uses (use class D1); up to 8,320sqm of hotel use (use class C1); up to 2,321sqm 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 - permitted 28.01.16 (11/00282/OUT)

15/00009/FULL - construction of section of east-west road to include pedestrian and cycle pathways - permitted 26.02.15

16/00001/FULL - erection of 1 no. building (use class B1/B2/B8 use) with associated parking - permitted 07.03.16

16/00002/FULL - erection of 3 no. two-storey buildings (use class B1/B2/B8 use) with associated car parking - permitted 07.03.16

17/00223/DEMO - demolition of existing concrete slab and regrading of site to facilitate development of Site B - permitted 30.06.17

17/00100/FULL - erection of single storey building (use class B1/B2/B8) with 55 car parking spaces (as amended by plans received 04.05.17 and 28.06.17) - pending

## **Relevant Policies**

Gosport Borough Local Plan, 2011 – 2029:

- LP1  
Sustainable Development
- LP2  
Infrastructure
- LP3  
Spatial Strategy
- LP5  
Daedalus
- LP10  
Design
- LP16  
Employment Land
- LP23  
Layout of Sites and Parking
- LP46  
Pollution Control

**Supplementary Planning Documents:**

Gosport Borough Council Daedalus: Supplementary Planning Document: September 2011  
Gosport Borough Council Design Guidance: Supplementary Planning Document: February 2014  
Gosport Borough Council Parking: Supplementary Planning Document: February 2014  
Gosport Borough Council Policy Guidance Note: Securing Employment and Training Measures through planning obligations April 2012

National Planning Policy Framework (NPPF), March 2012

**Consultations**

|                                     |   |
|-------------------------------------|---|
| BAA Safeguarding                    | No response received.   |
| Civil Aviation Authority            | No response received.   |
| Defence Infrastructure Organisation | No objection.   |
| Environment Agency (Hants & IOW)    | No response received.   |
| Natural England                     | No objection subject to appropriate mitigation being secured and a condition being imposed preventing the use of percussive piling or works with heavy machinery (plant resulting in a noise level exceeding 69dbAmax when measured at the nearest sensitive receptor) during the bird overwintering period (October to March inclusive).                           |
| Southern Water                      | The applicant needs to make a formal application to Southern Water to be able to connect into the public foul and surface water sewer. An informative should be placed on the decision stating this. It is the responsibility of the developer to make suitable provision for the disposal of surface water in accordance with Part H3 of the Building Regulations. |
| The Gosport Society                 | No response received.   |
| Fareham LPA                         | No objection.   |
| Hampshire Fire And Rescue Service   | Fire access to the site is dealt with by Building Regulations and therefore comments made on the planning application are advisory rather than legal requirements. However, It is strongly recommended that consideration be given to the installation of Automatic Water Suppression Systems (AWSS).   |
| HCC Ecology                         | The site is generally uninteresting ecologically. Ecological enhancement measures would be welcomed secured through a condition.  |

Environmental Health

Surveys should be undertaken across the site for the presence of contamination, radiation and UXO's prior to any ground intrusive works on the development being undertaken and any mitigation required as a result of those surveys being undertaken in accordance with a scheme of measures first agreed in writing with the Local Authority.

HCC Local Lead Flood Authority

Holding objection until the applicant demonstrates that adequate surface and foul drainage systems are in place and the systems have been designed for a 1 in 100 year flood event.

Economic Prosperity

In economic development terms these applications to bring forward the last phases of the Daedalus Park industrial employment scheme on the Solent Enterprise Zone are welcomed. The earlier phases are currently nearing completion with nearly all the units either already occupied, under offer, or reserved attracting both expanding Gosport businesses and those previously located outside of the town. Therefore it is helping to sustain and create new jobs in Gosport. It is also positive that a number of the occupiers are engineering and manufacturing related, including marine that are target employment sectors for the Solent Enterprise Zone.

This development exceeds the threshold for employment and training plans under Policy LP17 i.e. an industrial development greater than 2,000sqm. Therefore as a minimum requirement we would expect an employment and training plan to be implemented for the Site B North part of the development.

We note that for both applications it is stated that "the building occupiers will not require HGV access but do require occasional access to the unit loading bay doors" (para 14.1 Planning Application Design and Access Statement). Given that this is an industrial scheme we do believe that there will be occupier need for HGV accessibility for deliveries and this is currently being demonstrated at the Daedalus Park Site A development. In addition we also believe that the lack of HGV accessibility could deter some businesses from occupying the units. Therefore our preference would be that the scheme does enable HGV access so as not to limit its marketability and potential employment generation, particularly given

that it is on the Solent Enterprise Zone.

Local Highway Authority

No objection subject to conditions requiring the parking and manoeuvring areas to be provided and a condition relating to contractors vehicles and compounds (part of a CEMP condition).

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

Nil

### ***Principal Issues***

1. The key issues to consider are the principle of development, the design and layout, the impact upon the nearby Daedalus Conservation Area and Grade II listed Daedalus Dining Rooms and Cook House, access and parking provision, impact upon the amenity of neighbouring occupiers, land contamination, archaeology and ecology. The provision of appropriate drainage systems to serve the development is covered by Part H3 of the Building Regulations. However, in order to comply with Policies LP39 and LP45 of the Local Plan the Local Planning Authority must be satisfied that appropriate drainage can be achieved. New surface water and foul drainage infrastructure has recently been approved (under reference 16/00441/DETS) to serve the whole Daedalus site and individual developments will have the opportunity to connect into this. The infrastructure is currently being installed and expected to be completed by April 2018. The proposed surface and storm water from the site is shown to connect into the new drainage system below Daedalus Drive whilst the foul sewer connection shares that utilised by Phase 1 and is considered to satisfy Policy LP39 of the Local Plan.
2. The application site is located within an area designated as an Enterprise Zone and also a Regeneration Area by Policy LP5 of the Local Plan, which allocates 75,000sqm of B1, B2 and B8 floorspace to the wider Daedalus area. Extant permission also exists, under reference K17976, for up to 69,992sqm of B1, B2 and B8 floorspace which indicated that this part of the wider Daedalus site would principally be most appropriate for B2 and B8 development. Therefore, it is considered that the proposal is acceptable in principle in accordance with Policy LP5 of the Local Plan and the principles established by the approved Outline permission, reference K17976.
3. The proposed buildings are considered of an appropriate design, scale and layout to respect the setting of adjacent developments (both existing and pending consideration) whilst the simple but functional design will ensure that they are attractive for potential tenants. Planning conditions are proposed to secure the use of appropriate materials, external lighting and boundary treatments, in addition to securing the potential for a future pedestrian and cycle access to the south of the site (should future development take place), and restricting the outside storage of materials. On this basis the proposal is considered in accordance with Policy LP10 of the Local Plan.
4. As the proposal is for a large 'hangar' sized structures close to existing historic hangars (Dunning and Overlord) it is considered that the proposal would preserve the character and appearance of the nearby Daedalus Conservation Area. As the proposal is some distance to the north of the Grade II listed Daedalus Dining Rooms and Cook House and separated from it by the new road and potential future employment buildings, it is considered that there would not be an adverse impact upon the setting of the Grade II listed building. Therefore, the proposal is in accordance with Policies LP11 and LP12 of the Local Plan.
5. The application site will be accessed via the recently completed Daedalus Drive (approved under reference 15/00009/FULL). As the quantum of development proposed, and the infrastructure to support it, is being delivered by the wider Enterprise Zone it is considered that the proposed access to the site is acceptable subject to a planning condition to require the access from the spine road to the proposed unit to be provided prior to first occupation of any of the units within the building.

Improved space for the manoeuvring and parking of HGV's and other vehicles within the site is proposed. On this basis the proposal is considered in accordance with Policy LP23 of the Local Plan.

6. The proposal provides 54 parking spaces in total which is acceptable for the mix of B1, B2 and B8 being proposed. The spaces are designed to the standards used on Phase 1 which are smaller than the current SPD standards but work for a typical private car. A larger parking bay has been provided for Transit Van sized vehicles. The tracking for a 12m vehicle is also tight but the design of the loading and unloading bays to the front of the units allows for over-running and would enable vehicles of this size to navigate the site. On balance the proposed layout is considered to be workable and therefore acceptable. The proposal includes eight cycle spaces with scope to provide more should there be demand for more spaces. On this basis it is considered that the proposal would provide sufficient car and cycle parking and would be in accordance with Policy LP23 of the Local Plan and the Gosport Borough Parking SPD 2014.

7. The proposed uses have the potential to impact upon the amenity of the occupiers of neighbouring residential properties and future planned residential development with regard to noise. However, given that the land is allocated for mixed use employment development it is reasonable to expect that some noise will be generated. Therefore, being consistent with the approach taken on Phase 1 of Daedalus Park, subject to conditions to control the hours of use of noisy machinery within the proposed units it is considered that there would not be a harmful impact. There are no windows overlooking the adjacent residential development. On this basis it is considered that the proposal would be in accordance with Policies LP10 and LP46 of the Local Plan.

8. The application site is an area of known likely contamination. The recently approved demolition application (17/00223/DEMO) included survey work for contamination, unexploded ordnance and mitigation measures across this site and the northern section of Phase 2. The results of these reports are still being considered and therefore, notwithstanding the information that has been provided, the Council's Environmental Health Section advise that planning conditions be imposed. Should the assessment of those reports be completed in time a verbal update will be provided. On this basis it is considered that the proposal would be in accordance with Policy LP46 of the Local Plan.

9. The County Archaeologist has confirmed that as investigations on the adjacent site did not uncover any archaeological potential there is no requirement for further investigation on this site. On this basis it is considered that the proposal would be in accordance with Policy LP11 of the Local Plan.

10. The Hampshire County Council Ecologist has confirmed that the site is of negligible ecological value. However, to ensure that appropriate enhancements are secured a condition is proposed to secure the inclusion of bat and bird boxes and protection for any nesting birds on the site in accordance with Policy LP44 of the Local Plan.

11. There has historically been insufficient capacity within the local drainage network for foul sewerage and surface water run off. The approval of the Phase 1 infrastructure works for the wider site (16/00441/DETS) which will be completed by April 2018 will address this problem. However as those works are not yet complete, a condition is proposed to ensure that there is capacity for the development to be adequately served prior to the occupation of the development.

12. The proposal will have a temporary impact upon the amenity of occupiers of the neighbouring residential development and other users of the wider Daedalus site during construction works. Therefore, a condition is recommended to secure the implementation of a Construction Management Plan and restrict the hours of construction activity.



## **RECOMMENDATION: Grant Permission**

Subject to Section 106 agreement relating to

1. an employment and skills plan

### **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:

Drg nos. 15017 50 P1 Location Plan; 15017 52 P3 Site Plan; 15017 53 P3 Site Hard Landscaping Materials; 15017 56 P1 Invincible Building Elevations and Section; 15017 57 P1 Juno and Keppel Building Elevations and Sections; 15017 54 P1 Invincible Ground Floor and Roof Plan; 15017 55 P1 Juno and Keppel Ground Floor Plan and Roof Plan.

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

3. The new internal access road, parking spaces, refuse store and cycle hoops shall all be provided in accordance within the details shown on drg no. 15011 52 P3 prior to any of the units within Invincible, Juno or Keppel being first occupied.

Reason - To ensure appropriate access, parking and manoeuvring facilities are provided to serve the development in accordance with Policy LP23 of the Gosport Borough Local Plan, 2011-2029.

4. The development, hereby permitted, must not be used for any use except those within Classes B1, B2 and B8 in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason - To ensure that the development, hereby permitted, is only used for appropriate uses in accordance with Policy LP5 of the Gosport Borough Local Plan 2011-2029.

5. No noise produced by machinery located within the development, hereby permitted, shall exceed 5dB Leq90 above the ambient noise level (when measured at the boundary of the site) except for between the hours of 08:00 and 18:00 Monday to Friday and 09:00 to 13:00 Saturdays.

Reason - To protect the amenity of neighbouring residential properties in accordance with Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

6. No external plant equipment (including ventilation and extraction equipment) shall be installed until details (including hours of operation and noise emission levels) have been submitted to and approved, in writing, by the Local Planning Authority. External plant equipment must be installed and maintained in accordance with the approved details.

Reason - To protect the amenity of neighbouring residential properties in accordance with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

7. The development shall be undertaken in accordance with the external materials and surface materials set out on approved plans 15017 56 P1 Invincible Elevations; 57 P1 Juno and Keppel Elevations; and 15017 53 P3 Site hard-landscaping materials.

Reason - To safeguard the character of the area and protect the amenity of neighbouring residential properties in accordance with Policy LP10 of the emerging Gosport Borough Local Plan, 2011-2029.

8. Details of the soft landscaping scheme, including species and densities to be planted within the landscape strip along the western and northern boundaries of the site hereby approved (as shown on plan no. 15017 52 P3), shall be submitted to the Local Planning Authority for written approval prior to occupation of any of the units within the any of the buildings and then completed within the next planting season following first occupation of any of the units. 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 Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

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

Reason - To safeguard the character of the area and protect the amenity of neighbouring residential properties in accordance with Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

10. The development, hereby permitted, must be undertaken in accordance with the recommendations of the submitted ecological appraisal (Lindsay Carrington Ecological Services dated May 2015).

Reason - To safeguard protected and other species of recognised ecological value in accordance with Policy LP44 of the Gosport Borough Local Plan, 2011-2029.

11. No development shall commence until:

(1) All hardstanding present has been removed and a site-wide unexploded ordnance subsurface clearance scan of the site undertaken to either confirm the absence of unexploded ordnance or identify any anomalous readings (which shall thereafter be investigated). The unexploded ordnance scan, investigation, reporting of findings, and any subsequent mitigation measures shall be undertaken by an appropriately qualified expert. The results of the scan and any subsequent mitigation measures shall be submitted to and approved, in writing, by the Local Planning Authority; and

(2) All hardstanding present has been removed and a site-wide survey for radiation undertaken followed by an assessment of the risks posed to human health and implementation of any required mitigation measures. The survey, assessment, and any subsequent mitigation measures actions shall be undertaken by an appropriately qualified expert. The results of the survey and any subsequent mitigation measures shall be submitted to and approved, in writing, by the Local Planning Authority; and

(3) The area of potential hydrocarbon contamination previously identified shall be investigated followed by an assessment of the risks posed to human health and implementation of any required mitigation measures. The investigation, assessment, and any subsequent mitigation measures actions shall be undertaken by an appropriately qualified expert. The results of the investigation, and any subsequent mitigation measures, shall be submitted to and approved, in writing, by the Local Planning Authority.

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 Policy LP47 of the Gosport Borough Local Plan, 2011-2029.

12. 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 approved 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 Policy LP47 of the Gosport Borough Local Plan, 2011-2029

13. The development shall be carried out in accordance with the approved Construction Management Plan (Rev A as received 7 March 2017). The Dust management procedures to be incorporated into the construction phase of development shall be the subject of an additional document setting out a detailed strategy for dust management including positions, material composition and maximum heights of stockpiled material and monitoring measures to be put in place. Construction shall not commence until the dust management document has been agreed in writing by the Local Planning Authority, and construction shall be carried out in accordance with the agreed plan.

Reason - In the interests of the amenities of occupiers of the neighbouring residential properties in accordance with Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

14. The construction of the development, hereby approved, shall not be undertaken except for between the hours of 08:00 and 18:00 Monday to Friday, 09:00 and 13:00 on Saturday's.

Reason - In the interests of the amenities of occupiers of the neighbouring residential properties in accordance with Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

15. No materials (including pallets) shall be stored outside.

Reason - To safeguard the character of the surrounding area in accordance with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

16. There shall be no deliveries to the development, hereby permitted, except for between the hours of 08:00 and 18:00 Monday to Friday, 09:00 and 13:00 Saturdays and at no other time unless otherwise approved, in writing, by the Local Planning Authority.

Reason - To safeguard the amenities of occupiers of the neighbouring residential properties in accordance with Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

17. No unit shall be occupied until a scheme to demonstrate an acceptable mechanism for the disposal of foul and surface water has been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure that the development, hereby permitted, has adequate foul and surface water infrastructure in accordance with Policy LP2 of the Gosport Borough Local Plan, 2011-2029.

18. No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor) shall be undertaken during the bird over wintering period - October to March inclusive.

Reason- to mitigate against the potential adverse effects of the development on nearby protected sites in accordance with Policy LP44 of the Gosport Borough Local Plan, 2011-2029.

**ITEM NUMBER: 07.**  
**APPLICATION NUMBER: 17/00233/FULL**  
**APPLICANT: Mr M Hammond**  
**DATE REGISTERED: 25.05.2017**

**ERECTION OF A SINGLE STOREY REAR EXTENSION, CONVERSION OF THE HIPPED ROOF INTO A GABLE AND A FRONT AND REAR DORMER (as amplified by statement received 15.06.17)**  
**92 Fisgard Road Gosport Hampshire PO12 4HJ**

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

1. The application property is a semi-detached two storey, 3 bedroomed residential dwelling on the east side of Fisgard Road. The property shares a hipped roof and chimney with the attached property and has a 1.4m deep, full width lean-to conservatory on the rear (east) elevation. It is set back from Fisgard Road by 5m and the front area is paved for the parking of a maximum of 2 cars. There is a gated access, approximately 1.1m wide down the southern side of the property which opens out into the approximately 30m long rear garden. The garden is enclosed by a mixture of hedges, fences and walls all approximately 1.8m high or more. Fisgard Road is residential in character with a uniform pattern of similar semi-detached pairs all with similar hipped roof forms. The majority of the properties have single storey rear extensions of some form and a number have roof lights in the front and rear elevations. There is one exception, which is opposite the application site, and this property has replaced the hip of the roof with a gable, erected a rear dormer and inserted roof lights in the front elevation all under permitted development.
2. The attached property to the north is similar in plot size and layout but has a full width rear extension approximately 6m deep and a series of outbuildings in the rear garden. The property to the south also has an approximately 1.1m wide access along the shared boundary to the north but does not have any form of rear extension, although it is evident that one has been removed. The properties on the opposite side of Fisgard Road have similar open frontages for parking and there is a distance of approximately 21m between front elevations. The rear gardens of the properties to the east back onto the application site and there is a distance of approximately 55m between rear elevations separated by fences, numerous outbuildings and various forms of mature planting.
3. The proposal is for the erection of a rear single storey extension; the conversion of the hipped roof into a gable and the addition of front and rear flat roof dormers. The rear single storey extension would replace the existing conservatory. It would be full width, 4m deep and have a mono-pitch roof with a maximum height of 3.6m. It would have 1 roof light and a cut away in the roof around an existing first floor window. The only doors and windows within the proposed single storey extension would be in the rear elevation. The proposed gable on the southern elevation would have the same eaves and ridge height as that of the existing roof and would not include any additional windows. The proposed rear dormer would be 0.15m narrower than full width and positioned 0.3m from the eaves and roof ridge. It would be 3.3m deep and include two windows in the rear elevation and an extension to the soil pipe and a smaller window in the south elevation. The proposed front dormer would be positioned 1m from the proposed gable end and 0.75m from the centre line of the roof. It would be 0.95m above the eaves and 0.3m below the ridge. It would be 2.3m deep and include 2 windows in the front elevation. All parts of the proposal would be completed in matching materials to the application property and would allow the reconfiguration of the internal living space and would enlarge the 3 existing bedrooms.
4. It is noted that although the rear single storey extension, hip to gable extension and rear dormer are likely to be permitted development in isolation, however, when the gable extension and rear dormer are combined with the front dormer they would create additional roof space of over 40 cubic metres which would not comply with permitted development criteria. Therefore the proposed alterations to the roof are considered as one development.

5. The applicant has submitted further information in support of their application which, highlights the presence of other front dormers in surrounding area, suggests that the proposed alterations to the property will have less effect on the character of area than changes made to other properties and that the proposal would not result in greater overlooking than existing.

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

Nil

### ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

LP10

Design

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

### ***Consultations***

Nil

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

4 letters of objection

Issues raised:-

- the front dormer will have a detrimental effect on the appearance of the surrounding area
- the windows in the front dormer will look into the bedrooms of 99 and 101 Fisgard Road
- the rear dormer will allow views over the rear garden of 94 Fisgard Road
- concern of the impact of the works on 94 Fisgard Road and whether applicant is expecting access on or over that property to complete the works
- could roof lights in the front elevation not offer the same amount of light into the roof space as a front dormer?

2 letters of support

Issues raised:-

- in the economic climate it makes sense for a growing family to modernise their existing home rather than move
- other extensions and property renovations along Fisgard Road have already modernised its aesthetic
- properties in the wider Elson / Hardway area have front dormers
- do not believe the windows in the front dormer would afford views into the properties over the road as the majority have blinds or nets in place

### ***Principal Issues***

1. Each application is considered on its merits and the applicant has requested this application to be considered as such. Any impact on the attached property in relation to building works should be considered within an appropriate Party Wall Agreement which is a private legal matter between the parties involved and is not a planning consideration. The intention of the applicant to pursue a different proposal should this application be refused cannot be considered in relation to this application as those details have not been submitted. The main issues, therefore, are the appropriateness of the design of the proposal and its impact on the appearance of the locality and the amenities of the occupiers of adjacent properties.

2. The proposed single storey rear extension would be in keeping with the residential character of the application property and the wider area. Due to the distances involved, its single storey height and location of the proposed windows it is not considered that this part of the proposal would harm the amenity of the occupants of neighbouring properties in terms of loss of light, privacy and outlook. The proposed single storey rear extension would therefore comply with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

3. The proposed alterations to the roof would impact all three elevations, in total they would significantly increase the volume of the roof space and create an asymmetry between the semi-detached pair. Although the properties along Fisgard Road are functional in design there is a strong street character which includes the rhythmic nature of the semi-detached pairings with centralised hipped roofs and chimneys. There are various small scale alterations to the front of the properties along the road predominantly at ground floor level but with examples of roof lights being installed within the front roof slope; therefore the overall roof shapes have been retained with the exception of one property. That property has altered the roof from a hip to gable under permitted development. The pattern of predominantly unaltered front roof forms is considered to be a distinctive part of Fisgard Road's character and quality and is unusual in the wider Elson / Hardway area where the majority of roads have examples of front dormers. However, the rear roof forms of the properties on Fisgard Road are less uniform and largely screened from public view. It is therefore considered that the impact of the proposed rear dormer on the character of Fisgard Road would be limited. The proposed front dormer and gable alteration, however, would significantly alter the appearance of the front and side elevation of the application property and would be incongruous in relation to the character of Fisgard Road, so would not comply with this aspect of Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

4. Due to the separation distances it is not considered that the roof alterations would have a significant impact on the outlook or access to light for the occupants of the surrounding properties. The proposed windows in the east, south and west sides of the roof alterations are set back from the existing elevations of the application property and look out over land already affected by overlooking from the existing property, other nearby properties and the highway. It is therefore considered that the proposed roof extensions would not harm the residential amenity of the occupiers of the adjacent residential properties in relation to privacy. The proposal would therefore comply with this aspect of Policy LP10 of the Gosport Borough Local Plan 2011-2029.

### **RECOMMENDATION: Refuse**

For the following reason(s):-

1. The proposed front dormer and alteration from a hipped to gable roof by reason of its design and form would represent an unacceptable addition to the application property and would form an incongruous feature and be out of keeping with the character and appearance of the application property or the surrounding area and is therefore contrary to Policy LP10 of the Gosport Borough Local Plan 2011-2029 and the Gosport Borough Council Design Guidance Supplementary Planning Document.