

*Please ask for:*

Lisa Young

*Direct dial:*

(023) 9254 5340

*E-mail:*

Lisa.young@gosport.gov.uk

4 July 2017

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

**MEETING:** Regulatory Board  
**DATE:** 12 July 2017  
**TIME:** 6.00 pm  
**PLACE:** Council Chamber, Town Hall, Gosport  
**Democratic Services contact:** Lisa Young

MICHAEL LAWThER  
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 Allen	Councillor Foster-Reed
Councillor Beavis	Councillor Hicks
Councillor Bergin	Councillor Mrs Hook
Councillor Carter	Councillor Raffaelli
Councillor Ms Diffey	Councillor Ronayne
Councillor Earle	Councillor Wright
Councillor Farr	

### **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).

Regulatory Board  
12 July 2017

**AGENDA**

1. APOLOGIES FOR NON-ATTENDANCE
2. ELECTION OF VICE-CHAIRMAN FOR MUNICIPAL YEAR 2017-18
3. 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.*
4. MINUTES OF THE MEETING OF THE REGULATORY BOARD HELD ON 31 MAY 2017
5. 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 Monday, 10 July 2017. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*
6. 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 Monday, 10<sup>th</sup> July 2017).*
7. LAND TO THE SOUTH AND WEST OF 15 ST THOMAS'S ROAD, GOSPORT  
*To advise 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, Gosport).*
8. LAND AT ST GEORGE'S BARRACKS (SOUTH)  
*To advise 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).*
9. REPORT OF THE HEAD OF PLANNING SERVICES  
*Schedule of planning applications with recommendations. (grey sheets pages 1-65/1)*
10. ANY OTHER ITEMS  
*Which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.*

PART II  
Contact Officer:  
Hilary Hudson  
Ext: 5611

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Hilary Hudson  
Ext: 5611

PART II  
Contact Officer:  
Debbie Gore  
Ext: 5455

**A MEETING OF THE REGULATORY BOARD  
WAS HELD ON 31 MAY 2017 AT 6PM**

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

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

**7. APOLOGIES**

Apologies for inability to attend the meeting were received from The Mayor and Councillors Ms Diffey, Hicks and Jessop.

In the absence of the Chairman, the Vice Chairman Councillor Allen chaired the meeting.

**8. DECLARATIONS OF INTEREST**

- In respect of item 2 of the grey pages of the report of the Head of Planning Services, Councillor Carter advised that he knew the deputation speakers and would be making a deputation himself and therefore would not take part in the discussion or vote.
- In respect of item 3 of the grey pages of the report of the Head of Planning Services, Councillors Allen, Beavis, Hook, Mrs Hook and Raffaelli declared that they knew the applicant, but did not consider that this would affect their judgement and would remain in the room and take part in the discussion and voting thereon.

**9. MINUTES**

**RESOLVED:** That the Minutes of the Regulatory Board meetings held on 12 April 2017 and 18 May 2017 be approved and signed by the Chairman as true and correct records.

**10. DEPUTATIONS**

Deputations had been received on the following items:

- Item 1 of the grey pages 17/00053/FULL – 100 Park Road, Gosport
- Item 2 of the grey pages 16/00593/FULL – Finsbury Cars, Privett Road, Gosport
- Item 3 of the grey pages 17/00113/FULL – 78 Clayhall Road, Gosport
- Item 5 of the grey pages 16/00457/FULL – Land adjacent to 9 Monroe Close

**11. PUBLIC QUESTION**

There were no public questions

**PART II**

**12. 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.

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

**13. 17/00053/FULL – RETENTION OF AND FURTHER WORKS TO A DETACHED GARAGE  
100 Park Road Gosport Hampshire PO12 2HH**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/0053/FULL.

Janet Jones was invited to address the Board.

She advised the Board as follows:- that she had no objection to the approved application 16/00317, in accordance with which the garage should have been built. The distance from the fence allowed room for maintenance and the north elevation was plain. The side door and window located in the south elevation allowed the applicant easy access to house, garden and driveway.

However, the applicant has ignored the approved plans, building 2.3metres further to the west and relocating the side door to the north elevation, the applicant has made no effort to submit amended plans to reflect this change prior to the build. This retrospective planning application 17/0053/FULL has only been submitted after a visit from enforcement officers in the very early stages of the build, however, the building has continued to completion. Also, the application incorrectly states that no trees have been pruned in the build and the build had not been started without planning permission, when clearly this was not the case.

The glass side door has been relocated to approximately 1.3m from the boundary fence with 96 Park Road and 4.2 metres from the rear of this property. It opens towards the garden of number 96, which is accessed from patio doors from the ground from the lounge. The boundary fence allows, light, sound and vision through and the plot of 96 Park Road is half the width of the applicants'.

Of the seven other garages with vehicular access from Park Road none have side doors opening towards a neighbour's property. Therefore the side door in the north elevation of no. 100's is out of character with the area.

It's reasonable to expect some activity along the boundary, however, the disproportionate width of the gardens and the unnecessarily close proximity of the side door to the boundary and rear of 96 Park Road property will increase and concentrate activity that would otherwise be spread over the wider area of the garden, having additional negative impact on privacy, over and above general use of the wider garden or a plain north elevation to the garage.

Activity such as using machinery or running a stationary car in the wider area of the garden would allow noise and fumes to dissipate before causing nuisance to neighbours, however, similar activity in the confines of the garage, with the side door open, could concentrate noise and funnel elevated levels of car fumes directly towards the narrow garden and living space of number 96 before it could dissipate.

Furthermore, the presence of the shelter, power and light will enable impactful activity to continue for extended periods of time and into the hours of darkness.

Therefore an opening in the north elevation will have an additional harmful impact on the amenity of no. 96 over and above what one would reasonably expect had there been no garage or a plain north elevation to the garage.

This negative impact is contrary to National Planning Policy Framework paragraph 7.56, which states: 'Good design should contribute positively to making places better for people' and also Gosport Borough Local Plan Policy LP10 which states:- 'Proposals will be permitted provided that it

does not cause harm by reason of: loss of light, privacy or outlook; noise, light pollution, smell, air pollution or other adverse impacts'

When approving 16/00317/FULL the planning officer concluded that the north elevation would not have an impact on the privacy of no. 96 in line with Policy LP10 as it was plain and had no opening. However, now the garage has been built, when assessing 17/00053/FULL, the planning officer has concluded that it is in line with LP10 even with an opening.

As a neighbour negatively affected by an opening in the north elevation, such contradictions give the impression that the applicant has gained advantage from railroading the build through to completion, without first seeking an alternative solution through a fair planning process.

Furthermore, now the garage has been built, the planning officer has dismissed the negative impact of noise, light smell and air pollution as an environmental issue, when it is clearly a planning issue as it contradicts the National Planning Policy Framework and Policy LP10 of the Gosport Borough Local Plan.

The situation was completely avoidable had the application chosen to communicate with neighbours, build to the approved plans or submit amended plans for approval before starting the build. Instead, the applicant has chosen to completely disregard the impact on neighbours and ignore the planning process. Such actions undermine the planning process and needlessly destroy good neighbour relationships.

A side door to the south elevation would be located over 10 metres from the southern boundary and even further from the rear elevations of the properties to the south, therefore activity from a door open to the south would have no impact on neighbours, whilst still allowing easy access to the house, garden and driveway.

This would be in line with planning policy and remove any unnecessary harmful impact on no.96 and any approval of this retrospective application should include the enforceable condition that the north elevation of the garage is plain without windows or doors.

Mrs Jones thanked Members for listening to her deputation.

A Member noted that a previous application had been submitted with regard to the proposal and that it had been suggested at that time that negotiations should be encouraged and take place between the applicant and the neighbours. Mrs Jones advised that no approach had been made from either side, and that she would have liked negotiations to take place as prior to the application being submitted she had considered that she had a good relationship with her neighbours and that no attempt had been made to discuss the application with her, despite the garage being located closer to number 96 than the application property no. 100.

In answer to a Member's question, the Board were advised by planning officers that contact had been made with the applicant for clarification as to why the door had been moved to the northern elevation and the answer was that this had been to allow more direct access from the garage to the driveway, without having to negotiate around a corner of the house as would be the case if the door were positioned on the south elevation.

In answer to a further question, Members were advised by planning officers that their assessment was that the application was compliant and acceptable in planning terms with regard to design and the impact on the amenity of the applicants and neighbours.

Members expressed disappointment that they had not seen effort from the applicant and neighbour to reconcile and discuss the application.

**RESOLVED:** That planning application 17/00053/FULL be approved subject to the conditions of the report of the Head of Planning Services.

**14. 16/00593/FULL – CHANGE OF USE FROM CAR SALES TO COMMERCIAL CAR WASHING**  
**Finsbury Cars, Privett Road, Gosport, Hampshire, PO12 2SU**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00593/FULL.

The Board were advised of an update from the Planning Officer. One additional letter of representation had been received from a local resident, that mainly responded to letters of support for the application and detailed the following;

- Claims that there has been a car wash on the site before are untrue the resident had lived there for 34 years and there had never been a car wash;
- There are another 2 car wash facilities nearby which have been overlooked: at the Sanderson Centre and Morelands Road;
- Both of those car wash facilities are in industrial not residential areas;
- There are 7 local car wash sites, all but one of which have separate entry and exit access points; and
- The houses were here long before the commercial use of the site.

Mr Bowers was invited to address the Board.

He thanked Councillors for the opportunity to address the Board and addressed them as follows:-

He and his wife were the immediate neighbours to the south of Finsbury's and lived in the property most badly affected, although there have been objections from all of the near neighbours.

They have been next door to Finsbury's for 15 years, and have always found them to be a quiet neighbour. Their house has been in that location for almost 90 years, long before there were any neighbours and long before there was any business there. It is not the business use of the site that they objected to, rather it is this long-running application for an inappropriate change of use.

Their objections were based on the detriment and nuisance they and the other neighbours would suffer as well as on road and cycle safety grounds and were all fully explained in the various letters they have written as these applications have been registered. Members will no doubt have read the lengthy correspondence which has been accumulating since this application was first received in July 2016.

Mr Bowers explained that their principal objection was that of noise and disturbance. There will clearly be a detrimental impact on their property, as illustrated by the applicant's own noise report, and even with the mitigation measures in place would be significant. Even though the original report was poorly written and full of inaccuracies it is still clear about the facts of the impact. The plans require hedges in place as well as an acoustic screen, and even then cannot be certain how high the level of noise impact would be. With the application for 7 days a week working there would simply be no respite for them and this would clearly not be reasonable. He could not envisage anywhere where a council would allow noise nuisance 7 days a week in an otherwise entirely residential area.

Mr Bowers went on to say that it was apparent that the general efficiency of the drainage on the site is inadequate. As has been clearly identified, the Bowers' property (and that of their neighbour to the rear) sits at a lower level than the Finsbury's site. This means that chemical-laden water run-off (classified as industrial waste) would inevitably flow into their garden and spread contaminants unchecked. In addition there is no means of capturing or preventing overspray and airborne droplets from landing in their garden in large amounts, depending on wind direction. The noise and contamination would be an unacceptable nuisance created entirely by this change of use.

Lastly Mr Bowers wished to highlight the increased road risk that this application would undoubtedly create. The risk of collisions created by vehicles turning into and out of the site, so close to the roundabout is obvious, and has been identified by both Gosport Borough Council and Hampshire County Council experts. Without turning restriction orders both into and out of the site drivers will simply choose what they consider to be the easiest route.

This increased risk applies both to the road traffic, and more worryingly to the cyclists using the cycle path which runs alongside the site. With drivers already worried about cars accelerating fast off of the roundabout they are likely to be distracted, and will not see cyclists coming from either direction. The risks to cyclists who are often young children should be a major factor in the Board's considerations. Mr Bowers explained that he had had the sad duty of dealing with many road traffic collisions including child cyclists under the wheels of cars and urged the Board strongly to reject anything that would create such a hazard.

Mr Bowers continued that there was a simplistic argument that drivers should not have accidents as they should drive with due care and attention. The 2015 figures for the UK (the latest available) show many thousands of road accidents, with 1732 fatalities, and 186,209 people injured. These are just those reported to police; for every one injury accident there are several other non-injury non-reported accidents. An average of five drivers die every week, along with two pedal cyclists, and the principal causes of all of these accidents are drivers who aren't paying due care and attention, and poorly designed or engineered roads, junctions and turnings.

Mr Bowers concluded that he had covered just a few amongst many objections and urged the Board to accept the Planning Officer's recommendation and refuse the application. If the Board were minded to grant permission, he asked that they do so only with the imposition of all of the conditions and stipulations contained in the various correspondence so as to attempt to minimise the level of unacceptable nuisance to the neighbours. In particular he was keen to seek an assurance over the acoustic screen, the tree / hedge border and the site management plan; and especially would request that the opening hours be limited to less than that requested and the new use not permitted on at least one weekend day to give respite to the neighbours.

Mr Scrivener was invited to address the Board and advised that he was a sound specialist and that there was existing noise from the site in its permitted use as a car sales garage. He advised that there was already ancillary use as a car wash and that by approving this application the Board would therefore be able to place conditions on the use of the site and restrict the times that the car wash was operational. He advised the Board that the application was to change the use of half of the site to a car wash facility and that consideration of the application would also allow the Board to restrict the commercial activities on the site including the limiting of hours.

Mr Scrivener advised the Board that there would be mitigation measures in place in the form of acoustic screening and fencing and enclosed vacuuming.

Mr Bell was invited to address the Board, he advised that he was representing the agent and that he was formally a Chief Highways Engineer for a local authority and had been involved in a number of high profile projects including working with the Department of Transport and on Safer Routes to Schools projects.

Mr Bell advised the Board that it would be perverse to suggest that there would be no increase to the traffic entering and exiting the site, but advised that the proposal was not to implement a new entry and exit point, but utilise the existing one for the existing commercial use.

The Board were advised that cyclists currently used the existing path every day and that the current usage did not currently present a problem.

Mr Bell advised the Board that he had tried to find the road safety audit for both the implementation of the cycle path and the implementation of the additional crossing point, but these were unavailable, presumably because they did not exist and/or were considered unnecessary as there was little risk to highway safety for pedestrians and cyclists.

Mr Bell also advised the Board that the existing entry and exit points to the garage were kerbed, with priority given to vehicles entering and exiting the site.

Mr Bell stated that the car wash facility in Grange Road had a designated way in and way out and that any cars waiting to use this proposed facility would have sufficient space to wait for the service off of



the highway. He also noted that the Highway response included no concern regarding surface water on the application site .

In answer to a Members question, Mr Scrivener advised the Board that the average noise and the maximum noise would be similar as the noise would be continuous, rather than stop start.

A Member expressed concern that the noise report had stated that the impact to the amenity of the neighbours would only be considered non adverse if the neighbours were sat in their house with double glazed windows closed.

Mr Scrivener advised that the mitigation measures proposed would reduce the noise to a level that would not be deemed to have an adverse impact on neighbours in line with paragraph 123 of the National Planning Policy Framework. He also added that there was noise from the existing use of the garage that could not be regulated. He concluded by advising that he felt the likely noise from the proposed change of use was acceptable when taken with the proposed mitigation measures in place.

In answer to a Member's question, Mr Bell advised the Board that he believed there would be a marginal increase in the traffic to and from the site as a result of the proposal.

Councillor Carter was invited to address the Board.

Councillor Carter stated that if the Board were minded to go against the Planning Officer's recommendation of refusing the application, the site would then be used for car sales, car maintenance, MOT testing and a car wash and that there was no clear differentiation between the activities on the site.

He advised the Board that Mr Bowers was also experienced in road safety matters and that as a County Councillor himself he could see that the proposal was dangerous. It was a major route for young people travelling to school, and was in extremely close proximity to a major roundabout, which in itself could present an issue with car indicators failing to self-correct after the roundabout but before the entrance into the car wash leading to confusion over the intent of drivers. In addition, he advised the Board that the site was located just before an increase in the speed limit from 30mph to 40mph and that drivers often increased their speed in anticipation of this as they exited the roundabout. He expressed concern that drivers travelling to use the facility from the west would not use the roundabout to turn round, but would turn right across the road, increasing the risk of an accident.

In answer to a Member's question, the Board were advised by Planning Officers that the application was for a manual car wash, rather than an automatic and that it would be labour intensive.

Members debated the proposal and felt that the noise and impact on the amenity of the neighbours would be unacceptable even with the proposed mitigation measures.

Some Members also expressed concern at the likely impact the proposal would have on road safety, citing the increase in traffic to the site, the proximity of the site to the roundabout and the cycle path situated on the pavement in front of the garage and its use by school children. It was unanimously agreed that the proposal be refused.

**RESOLVED:** That planning application 16/00593/FULL be refused for the following reasons:-

1. The location of the site on a busy roundabout and the intensification of vehicular activity associated with the proposed commercial car wash business would increase the likelihood of road traffic collisions and introduce additional conflict with pedestrians and cyclists using the adjoining cycle/footway to detriment of highway safety and contrary to Policies LP10 (2) and LP23 of the Gosport Borough Local Plan 2011-2026.
2. The proposed commercial car wash business, by reason of its scale, operating times and the level of activity associated with it in immediate proximity to the boundary of residential properties represents an unneighbourly form of development resulting in levels of noise and disturbance which would be harmful to the amenities currently enjoyed in the their rear private garden areas by the occupiers of

**15. 17/00113/FULL – RETENTION OF PLAY EQUIPMENT AND THE ERECTION OF AN ADDITIONAL FENCE ALONG THE SOUTHERN BOUNDARY (RESUBMISSION OF 16/00401/FULL) AND EXTEND THE HOURS OF PERMITTED USE UNDER 16/00401/FULL (as amplified by garden management plan received 10.05.17)  
78 Clayhall Road, Gosport, Hampshire, PO12 2AJ**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00113/FULL.

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

Three letters of objection had been received, post the submission of a Garden Management Plan (two were from individuals who have already made representations). The issues raised were as follows:-

- previous planning permission conditions were not complied with
- why are the Council reconsidering this application and renege on its previous decision?
- no mention of height of children to use play equipment
- the public house is not a special case it is a business like any other in Gosport and exists solely to make money for the Brewery
- no evidence that the tenants of the public house considered the neighbours
- no confirmation that the Garden Management document will be adhered too
- breach of the rules by a clear disrespect of parking in the area and have reported to the police and approval of the application will increase this
- increase the noise, litter and rowdiness related to the public house
- walnut tree was felled in the first week of the building works for the extension
- the Garden Management plan would now mean that the garden and play equipment can be used on a Saturday morning
- reason for no complaints in the last two months is because the garden has been closed and members should be aware that the various Statutory Noise Nuisances were officially witnessed at approximately 1900 and 1930; and at approximately 2000
- in previous application Environmental Health were concerned with the ability to manage children via staff training

Mrs Karen Alexander was invited to address the Board, but was not in attendance.

Mr Chris Best was invited to address the Board. He advised that he was representing his daughter who was the landlady of the Fighting Cocks.

Mr Best advised the Board that the current restrictions of the children's play area closing at 6pm was being adhered to, but as a result families were leaving the premises early and were not able to enjoy their dinner at the pub. He felt that this was disappointing as the aim of the Fighting Cocks was to provide a safe, family-friendly facility and experience, especially coming in a week where two more Public Houses in Gosport had closed.

Mr Best advised that the new equipment was well managed and resourced and was lower in height than the equipment previously there. Mr Best advised that the garden management plan would include detailed plans to close the garden at 8pm Monday to Thursday, at 9pm Friday to Sunday, with the exception being use by smokers. Mr Best advised that the wellbeing of neighbours was, to them, as important as the wellbeing of their customers.

Mr Best advised the Board that there would be greater levels of signage advising patrons of restrictions, and that children using the play equipment must be supervised by an adult and that the play area was only suitable for children under the age of 11 with no more than 10 children using it at a time. In addition signage would advise that there was to be 'no climbing trees and no ball games' and that the pub was in a residential area and to respect neighbours.

Mr Best concluded by advising that it was the intention of the pub to host monthly meetings with residents to discuss any concerns, on the last Tuesday of the month, either at the pub itself or at an alternative venue.

In answer to a Member's question, the Board were advised by Mr Best that pub was making a clear commitment to improving relationships with neighbours. This was being undertaken by educating staff and customers, sending letters outlining plans and acknowledging that mistakes had been made previously that needed rectifying.

A Member stated that as wWard Councillor they had received a large number of complaints about the Pub and its customers. Mr Best advised the Board that the aim of the pub was to be a family friendly one; as a large site it was one of only a few public houses suitable for special events and was therefore more than just a day to day pub. It was acknowledged that this could cause additional noise and disruption to neighbours but the pub was going to great lengths to address this. They were working hard to ensure that neighbours' amenity was respected and had previously given neighbours opportunity to meet with them to discuss issues, but the neighbours had been unwilling to attend.

In answer to a Member's question the Board were advised that there were no restrictions on the use of the previous play equipment. The Pub and the garden had been on the site for a long time.

In answer to a further question, the Board were advised that there was an enforcement notice outstanding on the play equipment that would be withdrawn if this application were to be approved. , If this proposal were to be refused then enforcement action would continue.

Members stated that when the application had previously been considered, there had been some confusion with regard to the ownership of the fence and it had now been confirmed that only part of it was the responsibility of the Brewery. The southern boundary fence was owned by the adjacent residential properties.

A Member requested that consideration be given to extending the fencing required to the eastern side of the plot to protect the privacy of the occupants of 27 St Francis Road as the visual access to the garden of the property from the equipment and garden was a concern to residents.

The applicant confirmed that they were happy to undertake this and it was proposed and seconded that an additional condition reflecting this be added.

RESOLVED: That planning application 17/00013/FULL be approved subject to the conditions of the report of the Head of Planning Services plus an additional condition requiring additional fencing to be erected along the eastern boundary.

**16. 16/00602/FULL – ERECTION OF BUILDING TO PROVIDE NO. TWO BEDROOM FLATS WITH ASSOCIATED PARKING, BIN AND CYCLE STORAGE AND LANDSCAPING (as amended by plan received 23.01.17)  
Land Rear of 107 Elson Road, Gosport, Hampshire, PO12 4AA**

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

The Planning Officer updated the Board that planning application reference 16/00438/VOC, referred to in the report as 'pending', had now been approved. :The Planning Officer also advised that as a result an additional condition was required relating to control over construction times to safeguard the amenity of local residents.

A Member advised the Board that on paper there did not appear to be any issue with the proposal. Upon closer inspection, however, concerns had been raised as to the impact the proposal would have on residents in terms of impact on amenity as a result of building work and the increased car journeys to the site from Elson Road, which was not only on a school route but had a tendency to be

a fast stretch of road. In addition, it was felt that the proposal could place strain on the parking spaces available.

One of the most significant concerns from Members was the effect the development would have on the residents of Elson Lane and Elson Road, particularly the overlooking of and the loss of light to properties. The Board was advised that this could not be appreciated without viewing the proposed site from the gardens in question. It was therefore proposed and seconded that the application be deferred for a site visit.

Members welcomed the proposal for a site visit and the opportunity to view both the highway concerned and the potential impact on local residents. Neighbours from the local area present at the meeting confirmed that they would allow Councillors to access their property and garden as part of the site visit.

In answer to a Member's question the Board were advised that a small structure shown on the plan was a lean-to abutting the site that had been in position for a number of years. The applicant and the owner of the lean-to had reached an agreement whereby the area where the lean-to was located would be the last to be developed allowing time for the owner to remove their contents.

**RESOLVED:** That planning application 16/00602/FULL be deferred for a site visit.

**17.                   16/00457/FULL – CHANGE OF USE OF LAND TO GARDEN (as amplified by email received 17.10.16)  
Land adjacent 9 Monroe Close Gosport Hampshire PO12 2RT**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00457/FULL.

Mrs Booker was invited to address the Board. She advised that she was representing 80 local residents. She advised that addressing the Board was not a vendetta, but that the residents had legitimate concerns regarding personal safety and that it had been recognised in the application that there was a covenant on the land allowing only for the planting of flora and fauna.

Mrs Booker advised the Board that she would not normally get involved in such matters, but had concerns for the safety of both pedestrians and cyclists that used the footpath, despite it clearly being marked no cycling. She expressed concern that the land would be block paved to allow additional turning space for cars or that the height of the planting would not be policed.

The Board were advised that the land and path were currently open plan and that many people complimented the estate for its open outlook, in addition, concern was expressed that access to the lamppost and underground utilities for neighbouring properties would be restricted.

Mrs Booker advised that two trees had been removed from the land and felt that the approval of this application would set a precedent for changes of use to other patches of land on the estate.

Councillor Edgar was invited to address the Board. He advised that although it was no longer part of his ward, he had served the area as a Councillor previously for 13 years.

He advised the Board that he knew the residents well and that when the estate was built, it was marketed as having open spaces in a shift from the terraced housing in existence elsewhere in the Borough at the time.

Councillor Edgar advised that residents on the estate enjoyed open plan living and that the Board should resist applications to grant permission for patches of land sold off by the developer to be converted in to gardens as it was felt this was antisocial and not in keeping with the originally proposed use of the land.

Councillor Edgar also expressed concern as the route was a main route to and from both Gomer and Bay House Schools and that the path became very busy and would therefore be safer left open.

Councillor Edgar advised the Board that he felt it was important that designated open spaces should remain exactly that, particularly as that is what the properties were sold as having. He felt that the approval of the proposal would affect the whole characteristic of the estate.

In answer to a Member's question, the Board were advised that this plot, in addition to others, had remained under the ownership of Percy Bilton, the developer, who had now decided to sell off the land. The Board were advised that there were situations in which objects such as lampposts were erected and maintained on privately owned land, often leading to confusion as to land ownership. The Board were advised that access to the lighting column would be maintained in the event that the application was approved.

Mr Brewer was invited to address the Board. He advised that he was the applicant and owner of 9 Monroe Close. He advised the Board that when he purchased the property, the stretch of land in question was overgrown and unmaintained. He had maintained the land since he had purchased 9 Monroe Close and purchased the land in question in 2016 and that he had applied for the change of use of the land to allow him to maintain the land legally. He advised the Board that he had not acquired the land in an underhand way and that he had always allowed access to the lamp column. He advised that he had consulted a tree surgeon with regard to the trees on the land who had advised that one of the trees was deceased and the other diseased. He was advised to remove them as recent storms had uprooted trees on the estate, including in Monroe Close, and should these be uprooted he could be liable.

Mr Brewer advised that the visibility within the road was reduced as a result of large vehicles blocking the turning area and that his proposal was for a small hedge to be planted, which would still allow complete visibility along the pathway. He also advised that currently people walked across the land, allowed their dogs to foul on the land and that he hoped this application would allow him to address this, tend to the land legally and be a good neighbour in maintaining the land in a pleasant way.

In answer to a Member's question, the Board were advised that the application was for a change of use of the land, from designated open space, to private garden. The Board were also advised that there was no requirement for planning permission to plant a hedge as the land in question belonged to the applicant. Members were advised that the planting of the hedge was agricultural and did not require planning permission.

In answer to an additional question from Members, the Board were advised that it was not uncommon for utilities to be underground and that this did not present an issue if they were easily accessible.

It was confirmed that Mr Brewer owned the land in question.

Planning Officers clarified that Mr Brewer did not need planning permission to plant a hedge, unlike other applications received for development on the estate which had been for hard boundary treatment. The application for the change of use of the land was acceptable in the opinion of the Planning Officer, subject to conditions that would control the level of planting.

Members accepted that the applicant did not need planning permission to plant a hedge and also acknowledged that the site in question was much smaller in size than others on the estate previously considered by the Board. Members felt the proposal would not set a precedent as any subsequent applications would be considered on a case by case basis.

**RESOLVED:** That planning application 16/00457/FULL be approved subject to the conditions of the report of the Head of Planning Services.

18.                   **17/00153/FULL – DEMOLITION OF BUILDING AND ERECTION OF REPLACEMENT DWELLING AND DETACHED DOUBLE GARAGE (CONSERVATION AREA) (as amended by plan received 19.05.17)**  
                          **Delden, Fort Road, Gosport, Hampshire, PO12 2DT**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00153/FULL.

The Board were advised that two additional letters of representation had been received from previous objectors; the new issues raised were of concerns over the impact of construction traffic using the Crescent Road access upon adjacent trees in Crescent Gardens. Planning Officers therefore recommended that condition 3 of the report be amended to include the requirement for the provision of tree protection measures to ensure that the trees within Crescent Garden would not be harmfully affected by construction traffic. Planning Officers also advised the Board that the applicant had requested that the wording of the final condition be amended to allow details of the screening to the roof terrace be agreed rather than a blanket requirement for the use of obscure glazing. The Planning Officers confirmed that an amended condition as sought would be appropriate

In answer to a Member's question, the Board were advised that the road in question was a private road and that access and ownership of it was a private legal matter. The accessibility of the road to construction traffic was not a consideration for the Board. Members felt that a sub clause should be added to condition 3 to agree the route of the construction traffic.

**RESOLVED:** That planning application 16/00457/FULL be approved subject to the conditions of the report of the Head of Planning Services including an amendment to condition 3 regarding tree protection measures and construction traffic and condition 9.

19. **17/00114/DETS - REGULATION 3 – DETAILS PERSUANT TO APPLICATION 15/00465/OUT - PROVISION OF RECREATION FACILITIES – ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE.  
Alver Valley Country Park Western Gateway, Cherque Way, Lee-on-the-Solent,**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to regulation 3 application 17/00114/DETS.

Members welcomed the proposal.

**RESOLVED:** That Regulation 3 application 17/00114/DETS be approved subject to the conditions of the report of the Head of Planning Services.

20. **17/00055/GR3 – REGULATION 3 – INTERNAL AND EXTERNAL ALTERATIONS TO CONVERT GROUND FLOOR OFFICE INTO 1 NO. ONE BEDROOM FLAT AND 1 NO. TWO BEDROOM FLAT (LISTED BUILDING IN CONSERVATION AREA)  
84 North Street, Gosport, Hampshire, PO12 1DJ**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to Regulation 3 application 17/00055/GR3.

**RESOLVED:** That Regulation 3 application 17/00055/GR3 be approved subject to the conditions of the report of the Head of Planning Services.

21. **17/00056/LBA– LISTED BUILDING APPLICATION – INTERNAL AND EXTERNAL ALTERATIONS TO FACILITATE THE CONVERSION OF THE BUILDING INTO RESIDENTIAL ACCOMMODATION (CONSERVATION AREA)  
84 North Street, Gosport, Hampshire, PO12 1DJ**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to listed building application 17/00056/LBA.

**RESOLVED:** That listed building application 17/00056/LBA be approved subject to the conditions of the report of the Head of Planning Services.

**22. ANY OTHER BUSINESS**

There was none.

The meeting concluded at 20.02

CHAIRMAN

## AGENDA ITEM NO.7

<b>Board/Committee:</b>	REGULATORY BOARD
<b>Date of Meeting:</b>	12 JULY 2017
<b>Title:</b>	LAND TO THE SOUTH AND WEST OF 15 ST THOMAS'S ROAD, GOSPORT
<b>Author:</b>	BOROUGH SOLICITOR AND DEPUTY CHIEF EXECUTIVE
<b>Status:</b>	FOR DECISION

### **Purpose**

To advise 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, Gosport).

### **Recommendation**

That the Board agrees to vary the mortgagee exclusion clause in 4.2.5 of the Undertaking to ensure that it meets the needs of the Radian Housing Group.

## **1 Background**

- 1.1 Planning permission was granted on appeal on 21 March 2007 for the erection of 22 apartments and associated parking and access road on land lying to the south and west of 15 St Thomas's Road. This development has been completed and is now Somerset Court, Heritage Way, Gosport.
- 1.2 The planning permission is subject to a Unilateral Undertaking ('Undertaking') given under Section 106 of the Town and Country Planning Act 1990 by the then owner of the land, CCM (Homes) Limited, on 21 December 2006. This requires that the development contain at least the following affordable housing provision:
  1. One one-bedroom apartment/flat for affordable rent;
  2. Five two-bedroom apartments/flats for affordable rent; and
  3. Three two-bedroom apartments/flats for shared ownership.
- 1.3 The land is now owned by Drum Housing Association ('Drum'), one of the registered providers in the Radian Housing Group ('Radian'). Drum is the successor in title to CCM (Homes) Limited and is therefore bound by the terms of the Undertaking. Although the Undertaking only requires nine properties to be affordable, in fact all properties within the development are affordable housing and are a mixture of affordable rented and shared ownership.

## **2 Report**



- 2.1 The Council has been approached by Radian who has asked that the Undertaking be varied to amend the mortgagee exclusion clause. The relevant clause in the Undertaking currently provides that, in the event of a mortgage lender taking possession of the properties, that mortgagee in possession would not be bound by the affordable housing provisions, and so could sell the properties on the private market. Radian has requested that the clause be amended to include a receiver appointed by a mortgagee and their successors in title.
- 2.2 The proposed revision to the clause will require the mortgagee in possession or receiver to give written notice to the Council of its intention to dispose of the affordable dwellings and to use reasonable endeavours over a period of three months from the date of that written notice to complete the transfer of the affordable dwellings to another registered provider or to the Council for not less than the amount due under the terms of the relevant mortgage or charge.
- 2.3 Radian will continue to use the dwellings in question as affordable homes, and indeed will be required to do so for nine of the dwellings under the continuing effect of the Undertaking. However, the current mortgagee exclusion clause is affecting Radian's ability to borrow against the value of the properties to raise finance for other affordable housing projects by restricting the value of the properties of anywhere up to 70% less than market value.
- 2.4 The risk of the properties being released from use as affordable housing is considered to be very low as there is little likelihood of properties owned by a registered provider being repossessed by a mortgage lender. Should this unlikely event occur, mortgagees in possession are already excluded from the affordable housing provisions, meaning that the proposed variation would have only a limited impact on the current situation. It would, however, have a significant positive impact on Radian's ability to raise finance for other affordable housing projects.

### **3 Risk Assessment**

- 3.1 If the variation is not agreed, Radian will not be able to borrow against the full market value of these properties in order to raise finance. This will inhibit their ability to develop other affordable housing projects.

<b>Financial Services comments:</b>	None
<b>Legal Services comments:</b>	Contained in the report
<b>Crime and Disorder:</b>	None
<b>Equality and Diversity:</b>	None
<b>Service Improvement Plan implications:</b>	None
<b>Corporate Plan:</b>	The proposal will contribute to the

	corporate priorities relating to People and Prosperity
<b>Risk Assessment:</b>	Contained in Section 3
<b>Background papers:</b>	Unilateral Undertaking dated 21 December 2006
<b>Appendices/Enclosures:</b>	None
<b>Report author/ Lead Officer:</b>	Hilary Hudson

## AGENDA ITEM NO.8

<b>Board/Committee:</b>	REGULATORY BOARD
<b>Date of Meeting:</b>	12 JULY 2017
<b>Title:</b>	LAND AT ST GEORGE'S BARRACKS (SOUTH)
<b>Author:</b>	BOROUGH SOLICITOR AND DEPUTY CHIEF EXECUTIVE
<b>Status:</b>	FOR DECISION

### **Purpose**

To advise 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).

### **Recommendation**

That the Board agrees to vary the mortgagee exclusion clause in 5.2 of the Agreement to ensure that it meets the needs of the Radian Housing Group.

## **1 Background**

- 1.1 On 17 March 2003 the Regulatory Board granted permission for the retention of existing works and further works to change the use of existing buildings and erect new buildings to provide 161 dwellings, offices (B1a), community office, a community building (D1), access, parking, amenity areas and landscaping at St George's Barracks South under reference K.15660/5.
- 1.2 This planning permission was granted subject to a Section 106 Agreement dated 14 March 2003 ('Agreement') between the Council and the then owner of the site, Sunley Estates plc. The Agreement provided, amongst other things, for the provision and retention of 32 affordable housing units on that part of the site that is now Martin Snape House.
- 1.3 The land is now owned by the Guinness Partnership ('Guinness'), one of the registered providers in the Radian Housing Group ('Radian'). Guinness is the successor in title to Sunley Estates plc and is therefore bound by the terms of the Agreement.

## **2 Report**

- 2.1 The Council has been approached by Radian who has asked that the Agreement be varied to amend the mortgagee exclusion clause. The relevant clause in the Agreement currently provides that, in the event of a mortgage lender taking possession of the properties, that mortgagee in possession would not be bound by the affordable housing provisions, and so could sell the properties on the private market. Radian has requested that the clause be amended to

include a receiver appointed by a mortgagee and their successors in title.

- 2.2 The proposed revision to the clause will require the mortgagee in possession or receiver to give written notice to the Council of its intention to dispose of the affordable dwellings and to use reasonable endeavours over a period of three months from the date of that written notice to complete the transfer of the affordable dwellings to another registered provider or to the Council for not less than the amount due under the terms of the relevant mortgage or charge.
- 2.3 Radian will continue to use the dwellings in question as affordable homes, and will be required to do so under the continuing effect of the Agreement. However, the current mortgagee exclusion clause is affecting Radian's ability to borrow against the value of the properties to raise finance for other affordable housing projects by restricting the value of the properties of anywhere up to 70% less than market value.
- 2.4 The risk of the properties being released from use as affordable housing is considered to be very low as there is little likelihood of properties owned by a registered provider being repossessed by a mortgage lender. Should this unlikely event occur, mortgagees in possession are already excluded from the affordable housing provisions, meaning that the proposed variation would have only a limited impact on the current situation. It would, however, have a significant positive impact on Radian's ability to raise finance for other affordable housing projects.

### **3 Risk Assessment**

- 3.1 If the variation is not agreed, Radian will not be able to borrow against the full market value of these properties in order to raise finance. This will inhibit their ability to develop other affordable housing projects.

<b>Financial Services comments:</b>	None
<b>Legal Services comments:</b>	Contained in the report
<b>Crime and Disorder:</b>	None
<b>Equality and Diversity:</b>	None
<b>Service Improvement Plan implications:</b>	None
<b>Corporate Plan:</b>	The proposal will contribute to the corporate priorities relating to People and Prosperity
<b>Risk Assessment:</b>	Contained in Section 3
<b>Background papers:</b>	Section 106 Agreement dated 14 March 2003
<b>Appendices/Enclosures:</b>	None
<b>Report author/ Lead Officer:</b>	Hilary Hudson



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

**12th July 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.

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<u>Item</u>	<u>Page No</u>	<u>Appl. No.</u>	<u>Address</u>	<u>Recommendation</u>
01.	3-10/1	16/00602/FULL	Land To The Rear Of 107 Elson Road Elson Road Gosport Hampshire PO12 4AA	Grant Permission subject to Conditions
02.	11-22/1	16/00599/FULL	Carisbrooke Centre 43-61 Carisbrooke Road Gosport PO13 0QY	Grant Permission subject to Conditions / s106
03.	23-26	16/00390/FULL	Unit 3 - 4 Camden Street Gosport Hampshire PO12 3LU	Grant Permission subject to Conditions
04.	27-34	16/00169/FULL	Marycourt Co-Educational School 27 Crescent Road Gosport Hampshire PO12 2DJ	Refuse
05.	35-40	17/00087/FULL	15 St Marks Road Gosport Hampshire PO12 2DA	Grant Permission subject to Conditions
06.	41-44/1	17/00208/FULL	19 Amersham Close Gosport Hampshire PO12 2RU	Refuse
07.	45-46/1	17/00146/FULL	7 Vernon Close Gosport Hampshire PO12 3NU	Grant Permission subject to Conditions
08.	47-50	17/00156/FULL	Land South Of Netherton Road Gosport Hampshire	Grant Permission subject to Conditions
09.	51-54	17/00224/FULL	11 North Close Gosport Hampshire PO12 2PH	Grant Permission subject to Conditions
10.	55-65/1	16/00446/FULL	Royal Hospital Haslar Haslar Road Gosport Hampshire PO12 2AA	Grant Permission subject to Conditions

**ITEM NUMBER: 01.**  
**APPLICATION NUMBER: 16/00602/FULL**  
**APPLICANT: Mr Luke Walker**  
**DATE REGISTERED: 22.12.2016**

**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)**  
**Land To The Rear Of 107 Elson Road Elson Road Gosport Hampshire PO12 4AA**

***The Site and the proposal***

1. This application was considered by the Regulatory Board on 31 May 2017 when Members resolved to defer it for a site visit.
2. The application site is located on the southern side of Elson Road and consists of land to the rear of number 107 Elson Road, which is a two storey building located within the Elson Road Neighbourhood Shopping Centre. Number 107 was formally the western half of a pair of semi-detached dwellings and now consists of a Class A1 retail unit at ground floor level and residential flat above. It has a flat roofed single storey rear projection that is 10m deep. The adjoining property, number 109, is currently a Fish and Chip Shop/Takeaway (Class A5) similarly with a flat over. There is a two storey residential dwelling to the west that is separated from 107 Elson Road by an approximately 3.75m wide shared driveway. To the north east of the site is Number 111 Elson Road that formerly operated as the Jack in the Bush public house. To the south of the site, set off the boundary by approximately 6.5m, is the Elson County Infant School, beyond a boundary of mature planting and trees. To the west of the site are the rear gardens of two storey properties that front Elson Road and Elson Lane.
3. On the southern side of Elson Road, the Neighbourhood Shopping Centre is characterised by two storey buildings with commercial uses at ground floor level and residential accommodation above. Many of the buildings in the locality have been extended at both ground and first floor level. Some have rear garden areas in the region of 20m to 25m in length. Whilst the buildings fronting this section of Elson Road are, for the most part, two storey, the locality is also characterised by larger, flatted residential development, set back from the highway. To the east and south-east of the application site, and set back over 30m from Elson Road, are the three storey flatted developments of Beaumont Court and Irwin Heights. These blocks of flats have pitched roofs with small areas of shared amenity space and formal areas of parking/associated garage forecourts. There is a bus stop within 30m of the site, with services to Gosport and Fareham Town Centres. Elson Recreation Ground, which is designated as an area of Open Space on the Policies Map, is located approximately 150m to the east.
4. Planning permission was granted in 2016 relating to 111 Elson Road and the land at the rear, under reference 15/00230/FULL, for the erection of a building to provide 4 two bedroom flats, 1 two bedroom maisonette and 1 one bedroom flat with associated parking, bin and cycle storage and landscaping. The approved building is L-shaped and positioned in the south-eastern corner of the site, adjacent to its eastern boundary. This development has commenced but is not yet completed. Vehicular access into this site is via an approximately 4.5m wide access road which passes between the side elevations of numbers 109 and 111 Elson Road.
5. The site defined within this application was formerly part of the rear garden areas of numbers 107 and 109 Elson Road. The site is approximately 18m wide and 27.5m deep. It is adjoining the land subject to planning permission reference 15/00230/FULL and is under the same ownership and also includes the single width access road from Elson Road which passes between the side elevations of numbers 109 and 111.
6. The proposal is for the erection of a building to provide 4 no. two bedroom flats and 2 no. one bedroom flats with associated parking, bin and cycle storage and landscaping. The proposed



building has a similar footprint and appearance to that approved and under construction on the adjacent land. It would be sited within the south western corner of the site and would be orientated east-west. It would be 21.8m long and 5.9m wide and would be sited 0.5m to 1.1m from the uneven boundaries. It would be located over 20m from the shared boundary with number 109 Elson Road to the north. There would be a separation distance of approximately 40m between the western elevation of the proposed building and the opposing rear elevations of the properties to the west which front Elson Lane. The eastern side elevation of the proposed building would be sited approximately 10m from the western elevation of the block of flats under construction at the rear of 111 Elson Road.

7. The building would have a pitched, slate roof to a height of 9.5m with a centrally positioned projecting gable on the rear elevation together with four hipped roofed dormer windows. The front roof slope would contain five dormer windows of matching design. There would be windows in the front and rear elevations that serve the three floors of accommodation. The eight upper floor windows and four dormer windows in the rear elevation are shown to be fitted with obscure glazing. The front (north) elevation would include two Juliet balconies at first floor level. It is proposed to construct the building from brick with areas of render. There would be three entrance doors to the flats in the front elevation. There would be two flats on each of the three levels.

8. Parking for the development would be shared between the proposed development, 111 Elson Road and the flats under construction at the rear of 111 Elson Road. The approved parking layout for the development at the rear of 111 Elson Road comprised seventeen spaces with eight spaces on the western side of the site, five spaces in front of the building under construction and four on the northern side of the building. The parking layout now proposed includes a total of twenty one spaces across the two sites. There would be eight spaces in front of the building at the rear of 111 Elson Road, six spaces in front of the building proposed under this application and a further seven spaces alongside the western site boundary. The required amendments to the approved parking layout for the development at 111 Elson Road were recently approved under reference 16/00438/VOC.

9. Facilities for long stay cycle parking and the storage of refuse would be provided within a shared store on the western side of the site, at the rear of 111 Elson Road. No provision is shown for visitor cycle parking. The site would continue to be accessed via the existing access from Elson Road, passing between the side elevations of numbers 109 and 111. The proposed development provides small areas of soft landscaping on the edges of the site and within the parking area.

10. Amended plans have been received to amend the car parking layout and to show a smaller build out section on the access road to allow for Fire Appliance access.

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

#### **Relating to 107 Elson Road**

13/00193/FULL - partial conversion and alterations to provide 2no. one bedroom flats with associated bin and cycle storage - permitted 23.07.13

15/00025/VOC - variation of conditions 2 and 4 of planning permission 13/00193/FULL to amend approved refuse and cycle storage facilities (as amplified by email received 09.03.15) - permitted 26.03.15

#### **Relating to 111 Elson Road**

K5690/3 - development at 111 Elson Road for the demolition of existing side and rear extensions and erection of single storey rear extension, alterations to existing first floor windows and installation of shop front - permitted 29.09.11

K18029 - erection of 2.5 storey building to provide 3no.two bedroom flats and 1no.one bedroom flat with associated car and bicycle parking and refuse storage - permitted 23.03.12

15/00230/FULL - erection of building to provide 4 no. two bedroom flats, 1 no. maisonette and 1 no. one bedroom flat with associated parking, bin and cycle storage and landscaping (as amended by plans received 05.11.15) - permitted 03.03.16

16/00438/VOC - variation of conditions 2 (approved plans), 4 (hard landscaping), 5 (soft landscaping), 7 (car parking), 8 (cycle and refuse storage) of application 15/00230/FULL - erection of building to provide 4 no. two bedroom flats, 1 no. maisonette and 1 no. one bedroom flat with associated parking, bin and cycle storage and landscaping to allow increase in ridge height of building, alterations to car parking layout and amended cycle and refuse storage provision (as amended by plan and email received 21.10.16, 22.12.16 and 23.01.17) - permitted 24.05.17

### **Relevant Policies**

Gosport Borough Local Plan, 2011 – 2029:

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

National Planning Policy Framework (NPPF), March 2012

### **Consultations**

Streetscene Waste & Cleansing	No objection.
Building Control	Access to site needs to be 3.7m wide to allow for access for Fire Appliance.
HCC Ecology	No objection.
Natural England	No objection. The proposal is likely to increase the level of recreational disturbance along the coast, the impact of which will need to be satisfactorily mitigated.
Local Highway Authority	No objection. The six additional dwellings would likely add between 4 and 6 additional vehicular movements during each of the AM and PM peak periods together with a similar level of pedestrian/cycle trips. In this instance, this level of intensification cannot be considered severe as there are similar arrangements locally which currently serve a similar number of total dwellings. The widening at the site access to allow two cars to pass one another is likely to be suitable to accommodate these further dwellings. It should, however, be noted that the Highway Authority would be unlikely to support any further intensification of this site without

physical improvement to the access from Elson Road to improve visibility. The parking provision for this application is provided in line with GBC Parking SPD standards and is, therefore, acceptable. The parking area for both 107 and 111 Elson Road has been amalgamated to provide full car parking and cycle storage collectively for the two development sites which is considered appropriate. This amalgamation and redesign of the parking arrangements is subject to a separate variation of condition application (reference 16/00438/VOC) which the Highway Authority does not object to. On balance and having regard to the previous permission, the above comments, the previous use with an established access and that local highway circumstances have not changed significantly since the time of the earlier planning application for 111 Elson Road and is acceptable.

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

3 letters of objection (to original plans)

Issues raised:-

- issues over conduct of contractors on site
- damage to fencing
- loss of privacy to gardens of Elson Lane
- overshadowing of gardens of Elson Lane
- noise and disturbance from use of parking area
- visibility at site access is poor

### ***Principal Issues***

1. A certain level of disturbance is inevitable during the construction period but if it becomes a nuisance, the matter can be dealt with through the Environmental Health legislation. If private property is damaged, the matter should be referred to the Police. The site is located within the Urban Area where the principle of residential development is acceptable. Developments are required to provide a mix of dwelling sizes and types to reflect the needs of those seeking housing in the Borough and whilst the flats do not meet the size standards guidance within the Gosport Borough Design Supplementary Planning Document (Design SPD), there are no policy requirements for minimum standards for flat sizes and this is a matter for market forces. The main issues in this case, therefore, are the acceptability of the proposed development in terms of its design and density, the impact on the character and visual amenity of the locality, the amenities of neighbouring and prospective occupiers, the adequacy of access and parking arrangements and the provision for cycle parking, refuse storage and collection and recreational disturbance.

2. The site is located within the Elson Road Neighbourhood Shopping Centre and prospective residents would, therefore, have ready access to numerous local shops, services and links to public transport. Prospective occupiers would have access to a small area of shared amenity space which would be supplemented by access to Elson Recreation Ground to the east. At 35 dwellings per hectare (dph), when measured cumulatively with the flats under construction, the development is commensurate to adjacent sites and within the guideline density range of 30-60 dph based upon accessibility of public transport and proximity to centres, as set out within Policy LP24 of the Gosport Borough Local Plan, 2011-2029. The proposal is not, therefore, considered to represent an overdevelopment of the plot. Use of the application site is not required by the commercial units fronting Elson Road, which can continue to be serviced from their frontage.

3. The proposed development has a pitched roof design and is of an overall scale that is comparable to the nearby flatted developments on the adjacent site and in Beaumont Court and Irwin Heights to the east and which, overall, will help to achieve an appropriate level uniformity across the wider site. As the development would be sited to the rear of the properties fronting Elson Road, it would not be readily visible from the public highway. The provision of small, hipped roof, dormer windows adds visual interest to the roof slopes, while the provision of Juliet balconies, pedestrian access doors and the differing materials and finishes will ensure that there is appropriate level of articulation to the external elevations. The specific external materials will be controlled by condition. There are no trees on the site that are worthy of retention or formal protection. The siting of the proposed development, set back from the road and to the rear properties fronting Elson Road, is characteristic of the adjacent flatted developments and appropriate in this location.

4. In light of paragraphs 2 and 3 above, the proposed development is considered acceptable in land use terms. It has an acceptable density and will not harm the vitality or viability of the Neighbourhood Shopping Centre. The development, by reason of its design, siting and layout, will not harm the character or visual amenity of the locality and the proposal, therefore, complies with Policies LP10 and LP24 of the Gosport Borough Local Plan, 2011-2029.

5. Given the orientation of the building and the established trees and vegetation on the boundaries together with the separation distances between buildings and depth of the gardens of the adjacent dwellings that front Elson Lane and Elson Road, the proposed development will not harm the amenities of existing or prospective occupiers in terms of overshadowing or loss of light or outlook. Due to the acute angle and separation distances between the buildings and the rear gardens to the north and north west there would be no harmful loss of privacy as a result of the windows in the front elevation. In the interests of amenity, however, it is proposed to attach a condition requiring the upper floor windows in the rear elevation that face the Elson County Infant School to be obscure glazed and non-opening to a height of 1.7m above finished floor level. Subject to the above condition, the proposal will not allow an unacceptable level of mutual overlooking. Although this arrangement would result in the second bedroom in the two first floor flats not having a clear glazed window, these windows would be otherwise unobstructed and the level 3 obscure glazing required by the condition will still allow natural light to enter the room. On balance, therefore, this is acceptable in this instance. The depth of the rear gardens of the neighbouring properties is such that it is not considered that the use of the parking area or the increased use of the access will result in a harmful level of disturbance to adjacent occupiers. It is considered appropriate, however, to require details of the new boundary treatment to be erected on the western site boundary to be controlled, by condition. Although the application proposes parking spaces adjacent to the building and boundaries and will reduce the amount of private amenity space associated with numbers 107 and 109 and the flats above, smaller gardens are a common arrangement for such developments in local centres and will not be harmful to the neighbouring and prospective occupiers. Subject to the above condition, therefore, the proposed development complies with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

6. The previous planning permission on the adjacent site (15/00230/FULL) was approved with a total of seventeen unallocated parking spaces for use of the six flats and the retained pub/retail unit at 111 Elson Road. The Gosport Borough Parking Supplementary Planning Document (Parking SPD) requires this level of residential development to provide thirteen car parking spaces (inclusive of visitors), if allocated, and eight spaces if unallocated, together with eleven cycle spaces. The total number proposed was, therefore, significantly higher than that required by the Parking SPD.

7. Based upon the number of units and the number of bedrooms proposed under this application, this development would require seven unallocated spaces and, in combination with development at the rear of 111 Elson Road, a total of fifteen unallocated spaces for the residential uses. The application proposes a total of twenty one unallocated spaces to be shared across all the users of this and the adjacent site. This is again higher than the requirements of the Parking SPD for the residential uses and allows for there to be spare capacity for the staff and visitors of the commercial use at 111 Elson Road, the amount of which required under the Parking SPD would depend on the use of the building and the currently undefined retained floor area.

8. The parking layout was also subject to the consideration of application reference 16/00438/VOC that was recently approved. The plans submitted show an access and parking layout that can provide a sufficient level of parking of eight spaces in front of the proposed building to serve the proposed development independent of the development at the rear of 111 Elson Road. The overall arrangement and number of the proposed spaces provides flexibility for the occupiers and other users of the sites. Given the above, together with the number of parking spaces proposed in addition to the fact that the proposed flats are one and two bedroom units only, the proposed development will not result in significant overspill parking in the local road network to the detriment of local amenity and/or highway and pedestrian safety. The site is also close to a number of local amenities and good public transport links, which will help to reduce the reliance on the use of a private motor vehicle. The layout of the spaces is such that vehicles will be able to manoeuvre safely and conveniently so as to exit the site in a forward gear. The comings and goings associated with twelve flats in total are unlikely to have a significant or harmful impact on local traffic characteristics or contribute to harmful congestion in the local highway network. Access to the site will continue to be provided safely and conveniently via the existing access and it is proposed to require details of the build outs on the access point to control the use of this access, by condition.

9. The combined comings and goings associated with the proposed residential use and the retained commercial use at number 111 Elson Road is unlikely to be significantly greater than the previous uncontrolled use of the site as a public house. Traffic speeds on approaching the exit will be low and it is not, therefore, considered that the continued use of the access will compromise highway or pedestrian safety. Adequate provision is available on the site for the secure storage of cycles and for the storage and collection of refuse bins and this will be controlled, by condition. Provision has not been shown for visitor cycle parking, however, there is sufficient space within the site to accommodate these facilities, the details of which can similarly be secured by condition. Subject to these conditions, the proposal is acceptable and complies with Policies LP10 and LP23 of the Gosport Borough Local Plan, 2011-2029.

10. The proposal will introduce additional dwellings which is likely to result in increased recreational activity on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. To address this impact, a contribution towards appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, is required and will be secured by condition. There is no evidence that the site supports notable or endangered species and none are at threat as a result of the development. The proposal, therefore, complies with Policies LP43 and LP44 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. With the exception of the first and second floor windows in the rear elevation, the development hereby permitted shall be carried out in accordance with the following approved plans:

107ER-LW-001 issue 4, 107ER-LW-002 issue 5 and 107ER-LW-003 issue 4

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policies LP10, LP24, LP44 and LP23 of the Gosport Borough Local Plan, 2011 - 2029.

3. No development above slab level shall take place until details of all external facing and roofing materials, including render, have been submitted to and approved, in writing, by the Local Planning

Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the building is satisfactory, and to comply with Policy LP10 of the Gosport Borough Local Plan, 2011 - 2029.

4. No development above slab level shall take place until details of the hard landscaping works have been submitted to and approved, in writing, by the Local Planning Authority. These details shall include samples of the hard surfacing materials and lighting to the car parking area and shall be provided before the development is first occupied and thereafter retained.

Reason - In the interests of amenity, the appearance of the locality and highway and pedestrian safety and to comply with Policies LP10 and LP23 of the Gosport Borough Local Plan, 2011 - 2029.

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

Reason - In the interests of amenity and the appearance of the locality, and to comply with Policy LP10 of the Gosport Borough Local Plan, 2011 - 2029.

6. The landscaping scheme approved pursuant to condition 5 shall be completed within six months from either the completion of the building or first occupation of any of the units, whichever is the sooner, and any trees or plants which die are removed or become seriously damaged or diseased during the first five years, shall be replaced with others of identical species (or as may otherwise be agreed in writing with the Local Planning Authority) during the next planting season.

Reason - In the interests of amenity and the appearance of the locality, and to comply with Policy LP10 of the Gosport Borough Local Plan, 2011 - 2029.

7. The use of the building shall not commence until a new boundary fence/wall has been provided between points A-A shown on the approved plan, 107ER-LW-001, in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority. The fence/wall shall thereafter be retained.

Reason - In the interests of amenity, and to comply with Policy LP10 of the Gosport Borough Local Plan, 2011 - 2029.

8. No part of the development hereby permitted shall be occupied until the areas shown on the approved plan, 107ER-LW-002 issue 5, for the parking of vehicles have been made available, surfaced and marked out in accordance with details submitted to and approved, in writing, by the Local Planning Authority and these areas shall be retained for that purpose at all times.

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

9. Notwithstanding the submitted details, no part of the development hereby permitted shall be occupied until the build outs to control the vehicular access have been provided in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority. The measures to control the vehicular access shall be retained for that purpose at all times.

Reason - In the interests of highway safety and to comply with Policy LP23 of the Gosport Borough Local Plan, 2011 - 2029.

10. No part of the development hereby permitted shall be occupied until refuse and cycle storage facilities have been provided in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority. The approved cycle storage and refuse storage facilities shall be retained thereafter.

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

11. Notwithstanding the details shown on the approved plan, 107ER-LW-003 issue 4, all windows at first and second floor level in the southern (rear) elevation of the building hereby permitted, shall

be non-opening and glazed with obscure glass (minimum of level 4) to a height of 1.7m above finished floor level and shall be retained in that condition thereafter.

Reason - To preserve the amenity of the neighbouring properties, and to comply with Policy LP10 of the Gosport Borough Local Plan, 2011 - 2029.

12. No development shall commence until details of the means for securing appropriate mitigation for recreational disturbance have been submitted to and approved, in writing, by the Local Planning Authority. The approved mitigation shall be in place before the first residential unit is occupied.

Reason - To ensure the impact of recreation disturbance is mitigated and to comply with Policy LP42 of the Gosport Borough Local Plan 2011 - 2029.

**ITEM NUMBER: 02.**  
**APPLICATION NUMBER: 16/00599/FULL**  
**APPLICANT: Ms L. Atkins Zionstone Limited**  
**DATE REGISTERED: 22.12.2016**

**REFURBISHMENT OF THE CARISBROOKE CENTRE INVOLVING: (I) GROUND FLOOR EXTENSION TO THE COOP STORE (53SQ.M.); (II) REFURBISHMENT AND RECONFIGURATION OF THE UPPER FLOORS OF THE WEST AND NORTH WINGS OF THE CENTRE TO PROVIDE 27 X ONE BEDROOM AND 1 X TWO BEDROOM FLATS (REPLACING THE EXISTING 10 X THREE BEDROOM FLATS) INCLUDING THE ADDITION OF 2ND FLOOR TO NORTH WING; EXTERNAL ALTERATIONS AND ENCLOSURE OF EXISTING OPEN STAIRCASES SERVING THE FLATS; (III) CONSTRUCTION OF A PAIR OF SEMI-DETACHED, THREE BEDROOM HOUSES TO SOUTH OF CAR PARK ENTRANCE, AND; (IV) ENLARGEMENT OF CENTRE CAR PARK AND RATIONALISATION OF REAR SERVICE AREAS AND RESIDENTS PARKING SPACES, AND LANDSCAPING TO PROVIDE A TOTAL OF 69 CAR PARKING SPACES AND 44 CYCLE SPACES. Carisbrooke Centre, 43-61 Carisbrooke Road as amended by plans 06.02.2017**  
**Carisbrooke Centre 43-61 Carisbrooke Road Gosport PO13 0QY**

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

1. The site is located within the Urban Area Boundary of Gosport and allocated as an existing Neighbourhood Shopping Centre in the Gosport Borough Local Plan (Policies LP27 and LP28).
2. The existing arrangement of buildings, built in the mid-1960's, comprises two, two storey, shallow pitched roofed linked blocks of accommodation with retail and commercial units occupying the ground floor and a total of 10 three bedroom flats above. Servicing and storage for the commercial units is undertaken from the rear service road which runs along the north and western side of the buildings. This concrete road also provides access to the parking area and entrance doors to the individual flats.
3. To the front of the site is a car park with direct access from Carisbrooke Road which provides 35 unmanaged spaces for customers.
4. The site is bounded on its southern edge by a raised grassed mound containing a number of mature trees. Whilst the trees are not protected, or following inspection by the Councils tree officer, considered worthy of a Preservation Order, they do add to the character and amenity of the area by reason of their height and stature, physical presence and providing a visual demarcation between the housing area to the south and west of the Neighbourhood Centre.
5. There are also a series of footpath links across and around the site providing permeability and connectivity with the surrounding residential development. The family housing to the south and west is typically formed in short terraces of simple design and standard two storey height. More recently, a housing scheme to the north of the site, approved in 1999, and located where the original car park for the Centre was positioned, has been constructed and shares that section of the service road which runs along the northern edge of the site. The ownership of this section of the service road appears to have been transferred to the developer of the new housing at the time of the housing development and is not in the ownership of the applicant. It is understood that access rights for the occupiers of the flats and the commercial units remain and it continues to be used by them to this day. This includes the larger vehicle turning head for refuse vehicles and service vehicles.
6. As the site's designation as a Neighbourhood Centre implies, it plays an important part at the heart of the local community with its role in supporting a sustainable neighbourhood. In addition to the car park (which is frequently full) the surrounding path network makes it accessible on foot and by cycle to the area it serves, although there is poor provision of cycle storage and parking facilities. Additionally, the site benefits from good public transport links with bus stops on both sides of



Carisbrooke Road immediately opposite the site linking Gosport and Fareham and serving the surrounding community of Bridgemary.

7. The proposal would add an additional 53sq m, of retail floor space to the existing main (Co-op) store in the north-east corner of the site adjacent to Carisbrooke Road and a total of 28 flats and 2 houses. The single storey extension to the retail unit projects beyond the existing side elevation by 4.6m towards Carisbrooke Road and is mainly glazed. The total of 30 residential units to be provide is made up of an additional 18 flats and 2 houses. As the existing 10 flats are all 3 bedroom, and all but one of the proposed flats are to be 1 bedroom, the total number of bedrooms in the two main blocks actually reduces from 30 to 29 despite the increase in individual units. 15 one bedroom and 1 two bedroom flats are to be provided at first floor level as a result of converting the existing 3 bedroom flats. A further 8 flats are to be provided in the second floor extension to the main west to east aligned building closest to Carisbrooke Road. The remaining 4 one bedroom flats are provided in the roof space of this building. The provision of two additional floors of accommodation in this building raises its height from 8.4m to 12.6m giving it the appearance of a 3 storey building with an additional floor of accommodation within the roof space under the new and steeper pitched roof.

8. On the southern side of the access into the car park, and in front of the area of open space with mature trees, it is proposed to construct a pair of semi-detached two storey, 3 bedroom houses each with two dedicated off road parking spaces and enclosed rear gardens.

9. Two trees will be required to be removed to accommodate the houses and their rear gardens.

10. A total of 65 parking spaces will be provided across the site. The existing total of spaces available at the rear of the site is not an exact science due to the range of uses, storage and fly-tipping that takes places in and around the rear service yard. However, the new frontage car park would be enlarged by removal of some of the soft landscaping and wide concrete aprons at the front of the shops and by taking a narrow section of the grassed mound on the southern side of the site to increase the parking provision in this area from 35 to 50 spaces. A further 15 spaces will be provided at the rear of the site along the rear service road.

11. The proposals include the upgrading and enclosing of the rear entry stairs which provide access to the flats; the removal of a number of tired or dilapidated garage structures, an upgrading of the refuse storage provision for the flats and commercial units and the provision of new cycle store facilities. The service yard for the existing Cco-op shop which is prominently located in the north east corner of the site will also be refurbished.

12. The application was amended by plans received 06.02.2017 showing revisions to the layout of the parking area and rear service road.

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

65/05113/PA Outline application for wider area regeneration ('77.7 Acres of residential development with row of shops and a primary school) . permitted - 15/02/1965

65/07324/PA Layout of roads and sewers (phase iv.) permitted - 30/04/1965

65/07390/PA (K5132) - Phase 4 of K3804 - 92 Houses, 10 Shops with flats above, doctors surgery and garages. permitted 30.09.1965

98/00078/FULL Closure of existing underpass and construction of retail shop unit. permitted 20/11/1998

### ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

LP1

Sustainable Development

LP10  
Design  
LP23  
Layout of Sites and Parking  
LP27  
Principal, District and Neighbourhood Centres  
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  
LP24  
Housing  
LP28  
Uses in Centres

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**

HCC Ecology	Based on the emergence survey data it is concluded that Bats are absent from the site and no additional work is required for protected species. An ecological mitigation and enhancement plan condition is required to be imposed.
Natural England	No objection subject to appropriate mitigation being received.
Southern Water	In principle the proposal to discharge a flow no greater than the existing contributing flows is acceptable to Southern Water Services. However, the applicant will require to provide evidence of the exiting flows/connection points and calculations in order to demonstrate that there will be no overall increase in flows to the public sewerage system.
The Gosport Society	No Objection
Transport & Traffic	The revised site plan now shows a turning area adjacent to space No. 63 by the reconfiguring of the parking spaces. This would need to be carefully designed so that the resultant space remains available for such purposes and does not become used for general parking. As shown on the plan presently there is no indication of how this

will be visibly identifiable as a turning area - maybe it could be hatched out, or not provided at the full depth of a parking space to deter parking within it so therefore retained for turning purposes.

I note that parking space no. 65 appears to be only 2.5 metres wide - as this space is immediately adjacent to a wall it should be 2.8 metres wide. This would however reduce the available width for access to the cycle stores/short-stay spaces adjacent, but may not be such an issue if access to these stores/short-stay cycle spaces is available from the south - this will need to be clarified

I note that visitor cycle parking is now shown for the residential units, with 20 spaces available - this is below the full standards as set out in the Parking SPD, but as there were already 10 existing dwellings this level of short-stay cycle parking will be at a level appropriate for the net increase in units. Should there be an additional demand for short-stay cycle parking, there appears to be additional space available behind car parking spaces 64 and 65.

I have become aware that the parking spaces for the semi-detached dwellings have a retaining wall to the rear of the spaces, with the path to the houses at a higher level. In order that people can walk around their parked vehicle, and to prevent such vehicles from overhanging the footway it is required that these spaces be increased to 6m in depth, and consideration given to the level difference between the path/parking spaces - is a barrier/fence required? The gradient of the paths to the houses will also need to be carefully considered so as to be compliant with the relevant guidance on acceptable slopes.

A noted previously site plan shows the turning requirements for an approx. 9m rigid vehicle, however it would be preferable to show the turning movements for a larger rigid vehicle in this area in order to demonstrate accessibility for a range of delivery vehicles.

I note that parking space No. 55 has been increased in width as requested.

Sliding doors are indicated to the bin stores adjacent the service road, so as not to open outwards.

	<p>The applicant states that blocks will be provided to prevent parked cars from overhanging the footways adjacent to the shops.</p> <p>Streetscene should consider the location of the bin collection area.</p>
Streetscene Waste & Cleansing	Adequate capacities and collection arrangements are shown.
Local Highway Authority	The applicant has submitted revised plans to address earlier concerns about the parking layout and numbers. The scheme as revised is acceptable to the Highway Authority and no objections are raised subject to a construction management plan being imposed. A licence is required to provide the new dropped kerb access to the new houses.
Streetscene Parks & Horticulture	The trees whilst of some stature are not of a quality to merit protection. No objection to the proposals.
Environment Agency (Hants & IOW)	No comments received.
Housing Services Strategic	No comments received.
Environmental Health	<p>Any plant and machinery required to be relocated as a result of the commercial extensions must be located so as not to cause nuisance to residential properties.</p> <p>It is recommended that the internal layout of some flats is amended to avoid transmission of noise between living areas and noise sensitive (bedrooms) rooms in the flats.</p> <p>No objections. No requirement for contamination surveys however a condition relating to unsuspected contamination is advisable.</p>
Economic Prosperity	Welcome the opportunities for refurbishing the local centre and the potential increase in attractiveness for local businesses.
Crime Prevention & Design	<p>The access to the residential units is via a number of staircases located to the rear of the retail units and close to their service areas. This is not ideal and residential access should be separated from any access associated with the retail units.</p> <p>The enclosed staircases could be used for anti-social behaviour.</p>

Hampshire Fire And Rescue Service

No comments received.

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

20 letters of representation have been received.

Issues raised:

- the area has already been changed sufficiently, no more is needed
- this is a quiet residential area with lots of elderly people and this development will change that
- there are already enough flats above the shops this development is too much for this area
- the extra height of the building will be out of character with the area which will set a precedent
- the extra height will result in loss of privacy and loss of light
- support services such as doctors and schools will not cope with more residential units in this area
- the shops will be forced to close during the construction period and may never open again
- there isn't enough parking already, the original car park was developed for houses
- houses nearby don't have parking and have to use this car park
- the car park and nearby lay-by's are already full
- there will be more traffic congestion
- the construction period will result in chaos
- the removal of existing garages is not fair on existing businesses who use them
- the dual commercial and residential use of the rear service area doesn't work and this scheme will add to the conflict
- the two houses will block sight lines for vehicles exiting the car park
- the existing shops serve their purpose, there is no need for extra retail space
- some of the existing shops will lose their service areas
- there are no advantages to local people from this scheme, just more profits for the landowner
- loss of trees and landscaping
- other alternative proposals for fewer units should be considered
- the houses proposed on the open space is on Peel Estate Common Land not owned by the applicant
- the boundary between Peel Estate Common and Carisbrooke Shops runs along the top of the bank
- the occupiers of the flats are likely to be low income individuals and the existing litter and other problems will only get worse
- there is an existing litter and lack of maintenance problem here and this will only get worse
- the existing drainage system will not be able to cope
- the money being used to carry this out should be spent elsewhere

7 letters of support:

Issues raised:

- the centre and surrounding area needs a refurbishment
- the plans will create an improved environment where businesses can thrive
- the upgrade of the buildings is long overdue and will improve the vitality and viability of the area
- the scheme will rejuvenate an area which is run down and tired
- the plans are attractive and will give the area a real boost
- most of the shop owners support the proposals
- modernisation of the centre will be beneficial in the long term
- the revised servicing arrangements will improve the existing situation
- revised parking is welcomed but needs to be managed to ensure availability for customers and not misused by local residents
- additional flats and houses will help support the shops

1 letter of observation:

- affordable housing must be provided if the scheme goes ahead

## **Principal Issues**

1. The applicant has provided details of the deeds relating to the property which demonstrate that the application site corresponds with the applicant's ownership. The Local Planning Authority is therefore satisfied that the application is valid. Covenants which may or may not be present on the land are a private matter between the parties and are not for consideration by the Local Planning Authority. The application must be considered on the planning merits of what has been submitted, potential alternative solutions are not for consideration. The money invested in the scheme will be private money and not at the public expense. The planning process does not allocate the individual occupiers' residential units but the provision of affordable accommodation is a key planning policy requirement. Litter and other social problems are wider community issues dealt with by a range of agencies however a management company is required to be established to maintain the site and its surrounds through a s106 agreement.
2. The main issues for consideration are therefore matters of design, scale, massing of the building, the increased height of the buildings in context with the surrounding area and the impact this will have on neighbour's, the continued function of the site as a local centre, car parking, access and highway safety, protected species and loss of trees and open space.
3. The principle of increasing the amount of residential and retail development on the site as part of a wider package of environmental improvements is acceptable in this location. The proposed increase of 20 residential units in addition to the 10 which are currently on site is in accordance with Policy LP3 of the Local Plan which looks to provide an additional 3,060 dwellings over the plan period. With the exception of the 2 three bedroom houses and 1 two bedroom flat the proposal consists of entirely one bedroom flats. Part (1) of Policy LP24 requires that development should include a mix of dwelling types, sizes and tenures to meet the need of Gosport's current and future population, the majority of the residential properties in this part of the Borough are terraced and semi-detached houses of between two and four bedrooms in size. It could be argued, therefore, that the proposed flats add to the housing mix of this area of the Borough. Policy LP24 requires that on developments of 10 or more dwellings a provision is made for 40% affordable housing. In this instance this comes to approximately 15 affordable homes to be secured by a s106 agreement.
4. The additional 53sq m of retail floorspace and the modernised appearance of the building to introduce a better defined entrance and glazed wall and create an active frontage to Carisbrooke Road will visually enhance what is currently a dated and tired looking elevation on what is a prominent corner of the site. Whilst there will inevitably be some disruption during the construction period, the completed development with refurbished elevations, additional parking, revamped service yards and storage areas will improve the quality and attractiveness of the centre whilst maintaining the diverse range of units which serve the local community. The proposals are therefore considered to be in accordance with Policies LP27 and LP28 of the Local Plan and it is hoped that a refurbished centre with improved facilities will stimulate rather than hinder the ability of the commercial units to operate successfully. Work undertaken during the construction period will be managed through a Construction Environment Management Plan to ensure the works are undertaken in accordance with Policy LP46 of the Gosport Borough Local Plan 2011-2029.
5. The proposed additional storey (providing two additional floors of accommodation) to the main wing of the building increases the height and presence of the building within the street scene in an area surrounded by two storey housing. Given the commercial function of the site at the heart of the community and the space within which the buildings are located, it is considered the additional height would give a greater identity to its role as a local centre and destination without it appearing unduly dominant in the street scene due to the spaces around the building. There would be some additional impact on the occupiers of housing to the north in terms of outlook and some additional shadowing outside the summer months, and, to a lesser degree, houses to the west of the site. However, the separation distances and presence of routes between these units, the orientation of those houses, including windows and gardens, means that the impact is limited and is not judged to be harmful. The simple form of the extended building with continuous eaves, ridge and gable ends respects the form of surrounding buildings and the existing buildings on site. The improvements to the quality finishes of the external appearance of the buildings and the introduction of greater

interest, including a modernisation of the ground floor retail unit to create a more active frontage onto Carisbrooke Road will what? This sentence doesn't come to a point. The improvements to the facade of the building also include the existing, external stairwells at the rear serving the flats above which are shown to be altered to be enclosed to improve security. Use of contrasting but complementary materials and finishes on the rear elevation to the functional (staircases, stores etc) of the scheme as distinct from the main elevations, help break up the massing of the building and enhance its appearance. Similarly, the proposed upgrading of the surface treatments to circulation space, parking bays, bin and cycle stores will greatly improve the appearance of the site. These improvements include boundary treatment to the service yard in the north east corner of the site which currently seriously detracts from the character and visual qualities of the area. The proposals are considered to be in compliance with Policy LP10 of the Local Plan.

6. The introduction of two houses to the site frontage will alter the character and appearance of this section of the street scene and result in the loss of some of the open landscape belt, including two trees, which is a positive a feature of the site. However, there is no objection in principle to the provision of housing in this location subject to careful attention to detailing. The footprint and massing of the two houses is similar to that of nearby houses and the alignment allows for a natural continuation of development fronting onto Carisbrooke Road. The semi-detached form, simple eaves and ridgeline, lack of dormer windows and use of gable ends also reflects form and design characteristics of the adjacent houses. There are no windows shown in the south side elevation of the proposed houses and therefore the privacy of the occupiers of the adjoining house will be protected. The outlook from the north side facing first floor window of the existing house to the south will be affected but as this is a secondary window it is not considered harm will be caused to the amenities of the occupiers of that property. The means of enclosure surrounding the rear gardens will be on raised ground and enclose a relatively small area of what is currently soft landscaping. The visual amenity value including the long vista along the south side of the site when viewed from Carisbrooke Road will be impacted on and the sense of openness lost to some degree. However, this has to be balanced with the fact that the landscape setting will be largely retained, the tall trees to the rear will still be visible in the street scene and the network of paths alongside the open space unaffected. On balance, whilst this element of the scheme will alter the existing open character of this part of the site, the delivery of family housing in this location is welcomed. The proposals are considered to comply with Policy LP10 and LP24 of the Local Plan.

7. The parking to the site frontage serving these houses is provided on land which rises up from the road. Whilst the change in levels is not significant it may be necessary for retaining walls to be provided around the parking area up to approximately 300mm high. Details of these and how level access to the front entrances is to be achieved will need to be covered by condition to ensure it is done with appropriate quality and ease of access for future occupiers. The location of the houses and the parking spaces has been carefully considered at a number of site meetings with the Highway Authority who have confirmed they have no objections to the proposals and are fully satisfied that sightlines for vehicles leaving the car park to the north will not be affected. The layout of the houses therefore complies with Policy LP23 of the Local Plan.

8. The provision of parking to the front of the shops has been the subject of considerable discussion, site meetings and amendments to the plans. The submitted layout has been worked up as a result of advice given by the Highway Authority and traffic engineers. There are currently 35 formally laid out spaces within the main car park and potential additional spaces around the rear service road which are currently not formally laid out. Historically, plans approved in 1999 showed 39 communal spaces at the front of the site and 10 garages for the 10 flats at the rear of the site making the total provision 49. More recently, due to the placing of recycling facilities and other alterations in the main car park the 39 spaces has reduced to 35. It is therefore reasonable, despite the informality of the existing parking at the rear of the site, to calculate that the existing on-site provision is 45 spaces.

9. The proposals increase the parking across the site from 45 spaces to 69 spaces. To simplify matters, as 4 of those spaces are provided separately to serve the 2 houses, these 4 spaces are considered to be allocated spaces which satisfy the requirements associated with 3 bedroom houses and therefore in accordance with LP23 of the Local Plan. The remaining 65 spaces are

unallocated and need to serve the existing shops, the 28 flats and visitors to the flats. As the parking standards cannot be used retrospectively to make up for shortfalls in existing provision, the required additional parking needs to be based on the new development or net increase in floorspace. The increase in retail floorspace of 53sq m equates to the need to provide an additional 4 parking spaces based on a standard of 1 space per 20sq m or part there-of and 1 space per 300sq m for long term stay for staff.

10. The existing 10 three bedroom flats have a parking requirement for 17 spaces to comply with the adopted standards. The proposed 27 one bed and 1 two bed flats have a parking requirement of 29 spaces including visitor spaces. Therefore there is a need to provide an additional 12 parking spaces to serve the residential units and 4 spaces for the increased retail floorspace meaning a total of 16 spaces over and above the existing provision. in the main parking area. The proposals increase the parking by 20 spaces, 4 more than the minimum they must provide to satisfy the adopted parking standards as set out in the Parking: Supplementary Planning Document of 2014. The proposals are therefore considered to be in compliance with the parking standards and Policy LP23 of the Local Plan.

11. 11 new visitor cycle hoops able to accommodate 22 cycles are provided across 2 locations, 12 in the south west corner in front of the shops and 10 by the extended Co-op unit. At the rear of the units new and segregated refuse stores are provided for the flats and commercial units. An area of hardstanding is allocated as a refuse collection point within 20m of the turning head for refuse vehicles which reduces the existing carry distances for residents, commercial operators and the refuse collectors. The rear service yard which linked to the existing Co-op will be refurbished with new means of enclosure and will represent a significant visual improvement to what is currently a poor environment in a prominent location.

12. The site has been assessed for the presence of protected species including bats. Surveys have been undertaken in recent weeks which have indicated that there are no protected species in the buildings. Natural England and the County Ecologist have reviewed the survey work undertaken and concluded that the proposals are compliant with Policy LP44 of the Local Plan. Conditions are suggested requiring the provision of bio-diversity enhancements and habitat mitigation within the wider site area including the provision of bat boxes within the trees on land within the applicants control to satisfy Policy LP44.

13. A condition is also required relating to foul and surface water drainage systems serving the site. Whilst the design of the drainage system will be a matter for other regulatory bodies such as Building Control to approve, the applicant will need to demonstrate that the approved system has no net increase in flows to the existing drainage infrastructure in order to comply with Policy LP39 of the Local Plan.

14. The Conservation of Habitats and Species Regulations 2010 [as amended] and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour, the Solent and Southampton Water are designated as Special Protection Areas, or otherwise affect protected habitats or species. Policy LP42 in the Local Plan sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected. The Solent Special Protection Areas - Gosport Bird Disturbance Mitigation Protocol was adopted in April 2016. It has been identified that any development in the borough which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast. The proposal would lead to a net increase in population, which in all likelihood would lead to a significant effect, as described in Regulation 61 of the Habitats Regulations, the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA (the SPAs). The Gosport Bird Disturbance Mitigation Protocol sets out how the significant effect which this scheme would otherwise cause, could be overcome. Whilst the applicant has recognised the need to provide SPA mitigation in this way, no mechanism has been proposed to secure appropriate mitigation in accordance with the Protocol. Without this obligation the proposal is unacceptable and would have an unacceptable impact on protected species contrary to Policy LP42.



15. The proposals replace the larger flats with smaller one bedroom units which would be less likely to put pressure on local services such as schools as they are more likely to be occupied by single people or couples rather than families? .

16. Whilst the number of flats is increased from 10 to 28, the total number of bedrooms reduces from 30 to 29 and therefore there is the potential for fewer people to occupy the building, thereby reducing the pressure on drainage infrastructure and local services.

### **RECOMMENDATION: Grant Permission**

Subject to Section 106 agreement relating to:-

1. the provision of affordable housing;
2. the provision of a car parking management plan;
3. CCTV; and
4. the appointment of a management company for the communal areas to include the maintenance of the open space, habitat mitigation features, refuse stores and visitor cycle parking.
5. Bird mitigation (SRMP)

### **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:

- 16.2131.002 P9 proposed site plan
- 16.2131.013 P3 proposed elevations
- 16.2131.006 P4 proposed first floor plan
- 16.2131.018 P4 proposed first floor plan context
- 16.2131.007 P4 proposed second floor plan
- 16.2131.008 P2 proposed third floor plan
- 16.2131.011 P3 proposed houses elevations and floor plans

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. No development above slab level shall commence until details of:

- (a) all boundary treatments including retaining walls and service yards (including, height, design and material);
- (b) sample panels of all external materials
- (c) position and appearance of proposed external vents, louvres and flues; and
- (d) any permanent external lighting on the buildings
- (e) surface materials for car parks, service areas and circulation routes

have been submitted to and approved, in writing, by the Local Planning Authority. The development must be carried out in accordance with the approved details.

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

4. The new one and two bedroom flats , hereby permitted, must not be first occupied until the parking, turning and servicing areas shown on the approved plans have been provided and made available for use. The areas shown on site for the parking of vehicles and cycles, turning and

servicing shall be completed in accordance with the approved site plan 16.2131.002 and thereafter shall be retained as approved.

Reason - To ensure that adequate provision for the parking of vehicles and cycles is provided in accordance with Policy LP23 of the Gosport Borough Local Plan 2011-2029 and the Gosport Borough Council SPD Parking 2014.

5. The development, hereby permitted, must not be first occupied until provision has been made on site for the storage of refuse waste in accordance with the approved plan. The storage shall be retained in accordance with the approved plan.

Reason - To preserve the character and appearance of the area and to ensure adequate facilities are made available for businesses and residential occupiers in accordance with Policy LP10 of the Gosport Borough Local Plan 2011-2029

6. The new one and two bedroom flats shall not be occupied until short stay cycle parking has been provided in accordance with the approved plans. The short stay cycle parking facilities shall be retained for the parking of cycles at all times unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure a satisfactory level of cycle parking is provided on the site and to comply with the NPPF and Policies LP10 and LP23 of the Gosport Borough Local Plan 2011 - 2029

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

- (a) A plan of the defined working area;
- (b) The location of the site compound and any buildings within it;
- (c) The means of enclosure of the site compound;
- (d) The provisions to be made for the parking of contractors, site operatives, employees and visitors;
- (e) The provision for wheel washing facilities;
- (h) Measures to control the emission of dust and dirt;
- (g) The method and timing of any piling required;
- (i) Measures to prevent adverse impacts to surface water and ground water;
- j) Any screening or hoarding;
- k) A lighting strategy; and
- l) Hours of construction.

The development must be carried out in accordance with the approved details.

Reason - To safeguard the amenity of occupiers of adjoining properties, highway and pedestrian safety, the character and appearance of the area and to prevent pollution in accordance with Policies LP10, LP22, LP44, LP46 and LP47 of the Gosport Borough Local Plan 2011-2029 .

8. No permanent external lighting shall be erected within the curtilage of the site 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 as such.

Reason - To safeguard the character of the area and protect the amenity of neighbouring residential properties in accordance with Policy LP44 of the Gosport Borough Local Plan 2011-2029

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

10. 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.

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. There shall be no deliveries at any time on Sundays, Bank Holidays or Public Holidays 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 of the Policy LP46 of the Gosport Borough Local Plan 2011-2029

11. No development shall commence 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. The development shall be undertaken in accordance with the approved details.

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

12. No development shall commence above slab level until details of employment and training measures have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the development provides opportunities to develop a skilled workforce within the Borough in accordance with Policy LP17 of the Gosport Borough Local Plan 2011-2029 and the Gosport Borough Council securing employment and training measures through planning obligations Planning Guidance Note 2012.

13. The new one and two bedroom flats shall not be first occupied until a scheme of ecological enhancement has been submitted to and agreed in writing with the Local Planning Authority. The agreed measures must be undertaken in accordance with the recommendations of an ecological appraisal within 6 months of the first one or two bedroom flat being first occupied

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

**ITEM NUMBER: 03.**  
**APPLICATION NUMBER: 16/00390/FULL**  
**APPLICANT: Mr Kevin Jones Tidebank Ltd**  
**DATE REGISTERED: 12.08.2016**

**ERECTION OF FENCE AND GATES (as amended by plan received 23.03.17)**  
**Unit 3 - 4 Camden Street Gosport Hampshire PO12 3LU**

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

1. The application site is located on the eastern side of Camden Street and contains a single storey, pitched roof light industrial unit together with a yard area to the north. The 6m high building is set back from the pavement of Camden Street by approximately 1.7m. The building is approximately 17.8m wide along Camden Street reducing to be approximately 15.7m wide at the rear of the site. The yard area to the north is approximately 6.4m wide along Camden Street and is approximately 30m deep.
2. The application site also includes a section of unregistered land beyond the yard area of the industrial unit that is used for access to the dwellings to the north, numbers 1-6 Camden Terrace. This section of unregistered land is approximately 25m long and 3m wide. There is no boundary between the land and the yard area of the industrial unit. The dwellings of Camden Terrace are set at an angle to the industrial unit and are set off its northern elevation by between approximately 14m (from number 1 at the western end of the terrace) and approximately 9.4m (from number 6 at the eastern end). These properties front onto the land and have front gardens that vary in depth between 3m-4m.
3. Camden Street has a one way entry from Forton Road (A32) but changes to be a two way road along its length. There are parking restrictions in the form of white lines at the accesses to the industrial unit, the land to the north and also to the two vehicular access points to Elizabeth Court to the south.
4. Originally it was proposed to erect a 2m high palisade fence and gates with spiked top along the northern boundary of the factory yard adjacent to the section of unregistered land and across the access. Amended plans, however, have been received that now show a 1.8m high mesh fence along this northern boundary with a splay on the northern side of the site entrance and a pair of wide gates of matching design set back from the edge of the highway by 4.95m. The fence and gates would be powder coated in green and would no longer have a spiked top.

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

Nil

### ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

LP10  
Design  
LP23  
Layout of Sites and Parking

National Planning Policy Framework (NPPF), March 2012

### ***Consultations***

Local Highway Authority

No objection. The alignment of the fence and set back of the gates would appear to allow for appropriate visible splays for vehicles

egressing the industrial site to be achieved.

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

6 letters of objection (to original plans)

Issues raised:-

- unregistered land included within application site is not under the ownership of the applicant
- neighbours not consulted by applicant prior to submission of application
- fence is a response to disputes over land
- fence is disproportionate to its requirements for security
- do not understand need to erect fence
- fence will have detrimental effect on appearance of properties along Camden Street
- fence too close to properties along Camden Terrace
- type of fencing is not in keeping with residential character of locality
- steel fencing will spoil quiet enjoyment of properties and make houses seem enclosed
- loss of light
- fence would affect access for emergency vehicles

2 letters of objection (to amended plans)

Issues raised:-

- unregistered land included within application site is not under the ownership of the applicant
- existing environmental nuisance from factory
- fence is disproportionate to its requirements for security
- suggest amendments to scheme
- issues with conduct of applicant
- fence will have detrimental effect on appearance of properties along Camden Street
- type of fencing remains not in keeping with residential character of locality

### ***Principal Issues***

1. Issues of ownership and rights of access over the area of unregistered land are private legal matters between the interested parties. Requisite notice has been served on all those with an interest in the land, in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The application has been publicly advertised in accordance with the Council's Statement of Community Involvement and there is no obligation for the developer to notify neighbours in advance. The application is required to be considered on the basis of the plans and particulars submitted by the applicant. Should there be a statutory noise nuisance, the matter can be dealt with through the Environmental Health legislation. It is not possible to address existing environmental nuisances through this application and the conduct of the applicant is not a planning matter. The main issues for consideration in this case, therefore, are the appropriateness of the design of the fence and gates, the impact on the visual amenities of the surrounding area and highway and pedestrian safety.

2. The site is located within the Urban Area Boundary where the principle of development is acceptable provided that the details of the application accord with the relevant policies of the Gosport Borough Local Plan, 2011-2029 (GBLP). The site is located within an area of mixed character with a variety of building styles in the locality. The fence would be located along the boundary of the factory unit that is surrounded by residential development. Given this context, therefore, the proposed fence, given its 1.8m height, colour and design, has a sufficiently domestic appearance whilst providing the security that is required for the factory unit. The design and height of the fence is such that there would be no harmful loss of light or outlook and, overall, the development is acceptable in visual terms and in terms of the impact upon the amenities of the neighbouring properties, in compliance with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

3. The gated entrance is wide enough to accommodate larger vehicles that may visit the site and the opening of the gates will be controlled to ensure they do not project over the highway. The design of the fence and gates is such that oncoming vehicles can be seen through the fence and

gates and, together with the splay on the northern side (facing the traffic travelling from Forton Road) and the set back of the gates, appropriate levels of visibility would be provided for vehicles egressing the site. Although the siting of the fence would prevent vehicles from crossing the factory yard to park upon the unregistered land, access rights are not a planning matter and it would be possible for a wall/fence to be constructed along this northern section for much of its length, other than the section adjoining the highway, without the need for planning permission. Having regard to the above, therefore, the development would not have a harmful impact upon highway and pedestrian safety, in compliance with Policy LP23 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 plans:

KAD 02 A SITE B

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029.

3. The gates hereby approved shall be installed in such a manner as to be incapable of opening over the adjacent public highway and shall be so retained thereafter.

Reason - In the interests of highway safety, and to comply with Policy LP23 of the Gosport Borough Local Plan, 2011 - 2029.



**ITEM NUMBER: 04.**  
**APPLICATION NUMBER: 16/00169/FULL**  
**APPLICANT: Mr K Brown Capital Homes (Southern) Ltd**  
**DATE REGISTERED: 06.05.2016**

**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**

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

1. The application site is located on the north eastern side of Crescent Road, within the Anglesey Conservation Area. The site is approximately 0.139ha in area and currently contains a prominent 2.5 storey building that was formerly the 'Marycourt School' which was a privately owned independent day school until it closed in 2010. The approximately 12.5m high building, that is subject to an Article 4(2) Direction that removes permitted development rights, is sited on the north western side of the site and has been extended in the past to the rear and occupies a footprint of approximately 300 square metres. There is an approximately 1.5m high wall to the front boundary with two gated vehicular accesses from Crescent Road. The side and rear boundaries are formed of approximately 1.8m high walls. The area surrounding the building is hard surfaced with tarmac.
2. Anglesey Court, to the northwest, is set off the common boundary by approximately 1.2m at the front but adjoining at the rear and is set back from the front elevation of the application building by approximately 6m and is currently in use as a care home. There are bedroom windows in the opposing elevation, facing onto the flank elevation of the application building. Number 28 Crescent Road to the south east is a dwellinghouse that is sited adjacent to the application site boundary but its front elevation is set approximately 13m forward of the application building. There is a single, first floor window in its opposing elevation. On the opposite side of Crescent Road is Crescent Gardens and to the rear are Cedar Cottage and Rosery Cottage, which front The Lane.
3. The Anglesey Conservation Area was designated to include the settlement of 'Angleseyville'. This settlement was laid out in the 1820s with Crescent Road and St Marks Road forming the key focal point, and Anglesey Arms Road and The Lane developed for access to coach houses and various outbuildings that served the principal dwellings. Crescent Gardens was developed as part of this original phase. Although only half of the original Crescent was completed, Regency buildings run to the west and east ends of Crescent Road and Monckton House and Anglesey Lodge complete the western and eastern extremes. The eastern half of the Crescent, on which the application building stands, was developed as a series of larger plots between 1890 and c.1907. Four of the buildings are roughly equal in width and general mass, but the western most plot on the corner of St Marks Road was larger, and a wide gap sufficient for a further building was left empty immediately east of the application building. This became a garden area, then later the school playground. Abutting The Lane, at the rear, was stabling for the application building that spanned most of the width of the site prior to the construction of Cedar and Rosery Cottages.
4. In terms of the character of this area the four remaining large late Victorian/early Edwardian houses are similar in scale. They are also all set back from Crescent Road, behind walls or large hedges, and originally only built within the southern half of each plot (the gardens and outbuildings originally covering the remainder of the plots and more recently constructed properties that front The Lane). There are sufficient similarities in the four houses to suggest they were built within a few years of each other, if not as a single development. Built in red brick they are to an asymmetrical design with prominent timber framed or brick built gables. The application building and its neighbour Anglesey Court are built to a matching design but are handed.
5. The application building has no designated parking area on site and there are parking restrictions in the form of zig-zags in front of the site on Crescent Road, however, these are now redundant as



the site is no longer operating as a school and can be removed without need of a Traffic Regulation Order. There are parking bays on the opposite side of the road, in front of Crescent Gardens.

6. The proposal is for the demolition of the application building and the erection of four 2.5 storey, five bedroom dwellings with associated garages and car parking. The proposed dwellings would be sited in pairs, on a staggered arrangement between Anglesey Court to the northwest and 28 Crescent Road to the south east.

7. Originally it was proposed for the dwellings to be set back from Crescent Road by between 9.5m and 10.5m and set off the side boundaries by 1.4m. The original plans showed each pair being 11.5m wide and 15.7m deep and have a dual pitched roof with an eaves height of 7.6m and an overall height of 11.1m. The plans showed forward projecting sections on the front elevations with lower gables and two storey bay windows. Each property was shown to have a centrally positioned 1.4m high chimney and the dwellings would have been constructed of brick with the roof constructed of slate. The plans showed a pedestrian access door in the front elevation of each property and a set of folding doors at the rear. The front and rear elevations were shown to contain windows and small roof terraces over the two storey front bay window, accessed from a bedroom in the roof space. There was to be windows in the side elevations, none of which would serve habitable rooms. The site was shown to be divided into four curtilages with each dwelling having a separate access at the front and a central access way leading to the two garages and further parking spaces at the rear. The rear gardens were shown to each be 5.8m wide and between 9.5m and 10.4m deep.

8. Concerns, however, were raised in respect of the design and detailing of the dwellings and amended plans were received showing an amended design and layout, including the siting of the buildings within 5m of the Crescent Road boundary. Further concerns were raised regarding this layout of the dwellings, the siting of garages and the window detailing. Further amended plans have now been received that show the dwellings being set back from Crescent Road by between 8m and 12m and the re-siting of one of the garages. Each handed pair would be 11.6m wide and 15.5m deep and have a single pitched roof. They would have an eaves height of 7.5m and an overall height of 11.2m. They would have forward projecting sections on the front elevations with lower gables and two storey bay windows. There would be a single chimney on the southern side of each building and the dwellings would be constructed of brick with the roof constructed of slate. There would be a pedestrian access door in the front elevation of Plots 1 and 4 and pedestrian doors in the side of Plots 2 and 3. Each would have a set of folding doors at the rear. The front and rear elevations would contain windows and the plans no longer include the roof terraces over the two storey front bay window, accessed from a bedroom in the roof space. There would also be windows in the side elevations, none of which would serve habitable rooms.

9. The garages are proposed to be sited to the rear of the dwellings and would be 6.2m wide and 6.2m deep with an eaves height of 2.7m and an overall height of 4.9m to the top of the hipped roof. The north eastern garage would now be set off the boundary with Rosery Cottage by 8m. The garages would be constructed of brick and tiled to match the dwellings. Each dwelling would have three designated car parking spaces, consisting of two spaces in the parking area at the rear and one space within the garages. The garages would also contain the long stay cycle storage for the dwellings.

10. The application is supported by a 'Planning, Energy, Heritage, Design & Access Statement', a justification for the loss of a community facility, Ecological and Bat Surveys, a Structural Survey of the existing building and a 'Chartered Building Surveyors Report' that gives estimates of the work required to the building.

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

K2143 - conversion into 4 no. flats & erection of 4 no. garages -permitted 29.04.55

K2442 - conversion into school dormitory - permitted 30.08.56

K3785 - change of use to school - permitted 10.07.61

K5107 - outline application - extension at rear for use as 2 no. classrooms and garage - permitted 17.05.65

K5161 - 2 no. classrooms and cloakroom facilities - permitted 19.07.65

K6416 - erection of a stable - permitted 08.01.69

K6416/1 - outline application - erection of a stable building - permitted 22.09.71

K6416/2 - erection of a stable - permitted 29.01.74

K6416/3 - internal alterations to form classroom accommodation to increase the numbers of pupils to 110 - permitted 07.05.75

K6416/4 - erection of a front boundary wall - permitted 18.07.86

K6416/5 - listed building application - demolish front boundary wall/fence - permitted 18.07.86

K6416/6 - erection of a single storey rear extension to form an activities room - permitted 30.07.87

K6416/7 - retention of an equipment store (amended siting) - permitted 09.11.90

K6416/9 - erection of 1st & 2nd floor extension and fire escape to include dining hall and art room - refused 12.08.91 (appeal dismissed)

K6416/10 - erection of first floor extension to provide new dining hall and art/ technology room - permitted 29.04.92

15/00139/TREE - felling of willow tree (Conservation Area) - permitted 24.04.15

Relating to Ambleside Court and numbers 26, 27, 28 and 31 Crescent Road

K4430 - 41 no. flats and garages - refused 04.06.63

Relating to Ambleside Court and numbers 26 and 27 Crescent Road

K4133 - outline application - develop on land block or blocks of multi-storey flats - permitted 10.08.62

K6483 - erection of 45 no. flats and 7 no. mews houses - permitted 11.06.69

### **Relevant Policies**

Gosport Borough Local Plan, 2011 – 2029:

LP10

Design

LP12

Designated Heritage Assets: Conservation Areas

LP32

Community, Cultural and Built Leisure Facilities

LP23

Layout of Sites and Parking

LP24

Housing

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

National Planning Policy Framework (NPPF), March 2012

### **Consultations**

HCC Ecology

No objection, subject to the development being carried out in accordance with the measures set out within the Ecology Reports.

Local Highway Authority

No objection, subject to conditions to control the provision of access, turning, bin store

	and retention of car parking.
Natural England	The proposal is likely to increase the level of recreational disturbance along the coast, the impact of which will need to be satisfactorily mitigated.
Southern Water	No objection. Formal application for a connection to the public foul sewer is required.
The Gosport Society	Raise objection. The historical value of the building does not appear to have been properly assessed by the applicant and its surveyors, who have sought to consider the building on its own, rather than as one of a significant group of four, which together form part of the history of the development of this Conservation Area. The Gosport Society considers that to remove one of the four and replace with two modern buildings would unbalance the symmetry of this run of buildings and result in an uncomfortable appearance. It fails to meet the requirement under LP12 (Conservation Areas) in that the "form, scale, massing, density layout and external appearance" is not in keeping with the conservation area. Having read the surveyors' reports carefully, the Society are also not convinced by the argument that the building is beyond economic repair. The Society is not entirely comfortable with the proposal to add a fifth building into this run, just because there is a space. The addition of the fifth building in the gap which may have originally been a garden but has been used as a car-park also risks unbalancing the run of buildings. The Society appreciates that the applicant has attempted to respect the line of the run of the buildings but we are concerned that the proposed additional building may destroy the character of this group. It is recognised that the revised style & design of the proposed new building is generally a better fit with the Conservation Area than the previous design.
Building Control	No response received.
Streetscene Waste & Cleansing	Each house would require a 240 litre domestic & 240 litre recycling wheeled bin. Bins would be placed out kerb-side Crescent Road to facilitate collection.

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

2 letters of objection (to original plans)

Issues raised:-

- two houses on site would be more appropriate
- retention of building would be best solution for Conservation Area setting but conversion would not be practical
- no objection to principle of demolition
- overdevelopment of site
- proposed buildings lack quality
- gable ends facing Crescent Road are unattractive and not in keeping with neighbouring houses
- roof should be tiled
- concerns over access
- adequate off street parking provided

1 letter of observation (to original plans)

Issues raised:-

- plans of insufficient detail
- roof should be tiled to match neighbouring properties

4 letters of objection (to amended plans)

Further issues raised:-

- covenants exist that control the building line and use of the land
- no consultation between developer and neighbour over party wall
- houses need to be set back in line with the other buildings
- new development should be in keeping with local character
- parking area between the houses and cottages at the rear would be totally unacceptable
- demolition would have a profound effect on adjacent Care Home in terms of weathering and aesthetics
- building is a significant contribution to the Conservation Area
- every effort should be made to renovate and preserve the current structure before it is too late
- concerns over impact of residents of Care Home
- garage should be moved away from boundary with Rosery Cottage
- concerns over use of tarmac to parking area and access road

### ***Principal Issues***

1. The application forms and plans are of adequate detail and the plans show the relationships between the properties, and, in conjunction with the Officers site visit, are sufficient to enable this application to be considered and determined. The Local Planning Authority is required to consider each application on the basis of the plans and particulars submitted by the applicant. Covenants and the requirements of the Party Wall Act are not matters for the Local Planning Authority to consider in the determination of a planning application. The main issues for consideration in this case, therefore, are the acceptability of the principle of residential development, the loss of the existing building and educational facility, whether the development preserves or enhances the character and appearance of the Conservation Area, the appropriateness of the design of the proposed properties, the impact on the amenities of the occupiers of the neighbouring dwellings, the adequacy of access and parking arrangements and the provision for cycle parking, refuse storage and collection and recreational disturbance.

2. The overall aim of the National Planning Policy Framework (NPPF) and Gosport Borough Local Plan, 2011 - 2029 (GBLP) Policies is to prevent harmful development in inappropriate locations, having regard to the merits of each individual case. The application site is located within the Urban Area Boundary, where the principle of residential development is acceptable, provided that the details accord with the relevant local and national planning policies. The application building, although now vacant, was last used as an educational facility and is, therefore, considered to be a community, cultural and built leisure facility under Policy LP32 of the GBLP. Part 5 of Policy LP32 does not allow for the loss of existing community, cultural, sports and recreation facilities unless it can be demonstrated that the building is surplus to requirement for education purposes, that there is no other viable community, cultural, sports or recreation or built leisure use and that the lost community facilities resulting from the proposed development would be replaced by equivalent or better

provision in terms of quantity and quality in a suitable location. The application has been supported by adequate marketing information to demonstrate that the building is surplus to requirements for educational purposes and as community, cultural, sports and recreation facility and, in this respect, the application complies with Policy LP32 of the Gosport Borough Local Plan, 2011 - 2029.

3. Within the NPPF, a key objective is that Local Planning Authorities continue to make effective use of land by re-using that which has previously been developed. Paragraph 58 of the NPPF states that 'decisions should aim to ensure that developments add to the overall quality of the area, establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live.' The NPPF also makes it clear that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.' In terms of the design of the proposed buildings, the amended plans now show two pairs of semi-detached properties that have the appearance of single volume buildings. The siting, scale, form and detailing of the proposed new building is reflective of the asymmetry of the buildings in the immediate locality and, if the school were to be retained, the design of the new building could be considered acceptable. Details of the external materials, windows, doors and hard landscaping could be controlled, by condition. The loss of the application building, however, would cause significant harm to the character of the Conservation Area due to the positive contribution its presence currently makes on its own, as part of a pair, and as a wider group of four buildings of similar date. The removal of 50% of a pair of matching buildings, and 25% of a group of four of similar date, mass and character would inevitably harm its context and significantly diminish the character of the Conservation Area along the eastern curve to Crescent Road, and in the broader context of Crescent Road and the setting of Crescent Gardens. Furthermore, the quality of the detailing on the application building, and the story the development adds to the sudden expansion and infilling of sites along both Crescent Rd and St Mark's Road around the close of the 19th century, is in itself of interest in defining and completing the prevailing character of the Conservation Area. This character falls into two primary eras: the Regency, and the turn of the 19th-20th Centuries. The loss of buildings of either era, especially where prominently located, would cause significant harm.

4. In the light of the contribution the application building makes to the Conservation Area and its context as part of a prominent group of late Victorian/Edwardian houses the loss of the building would need to be supported by clear evidence. The submitted Structural Survey admits that there are deficiencies in the level of information provided and is of insufficient detail to demonstrate that this historic building is beyond reasonable repair and incapable of being converted into a residential use. Although the application is supported by a Structural Survey and a 'Chartered Building Surveyors Report' that conclude that the retention of the building and its conversion would not be financially viable, there are deficiencies within these reports. For example, the reports both state that the original sash windows are in need of replacement. They are, however, in good condition for their age and only one or two of the bay windows on the south elevation would require replacement. The historic windows (excepting the one or two on the south elevation) appear to only require an overhaul to make them function effectively. The reports overstate the amount of remedial work required and are excessively pessimistic with regard to the condition of the building which, overall, is in good condition and retains a number of historic features. Given the above, therefore, a necessarily robust argument as to the viability of the existing building has not been presented with an appropriate level of supporting evidence. The proposed scheme is not, therefore, acceptable on the basis of the loss of this important historic building, contrary to Policies LP10 and LP12 of the GBLP.

5. The north western building would be sited in a similar location to the existing and would be no higher. The only windows in the north western elevation would serve non-habitable rooms and are shown to be fitted with obscure glazing. Subject to a condition to control the glazing and the opening mechanism of the windows, the proposed dwellings would not have a harmful impact on the amenities of the occupiers of Anglesey Lodge. With regard to 28 Crescent Road to the south east, although the proposed development would introduce a new building adjacent to that property, the proposed building would be set well back from the front elevation and given the orientation of the properties, would not result in harmful overshadowing of the rear garden of number 28. There is a window in the opposing elevation of number 28, however, this window serves a staircase. The

windows in the side elevation of the proposed buildings would not serve habitable rooms and the method of glazing and opening could similarly be controlled by condition. Given the orientation of the properties, therefore, and subject to the above condition, the development would not harm the amenities of the occupiers of that dwelling. With regard to the dwellings at the rear of the site, Cedar Cottage and Rosery Cottage that front The Lane, the opposing rear elevations of the proposed dwellings and those properties would be in excess of 30m, which is greater than the guideline separation distances contained within the Gosport Borough Design SPD. Although there would be additional windows facing onto these properties, the gardens are already overlooked by existing windows and such relationships are common arrangement for residential properties of this type and given the separation distances between the properties, this would not be harmful in this instance. It is not considered that the residential comings and goings and changes in the activity pattern at the site are likely to result in an unacceptable level of disturbance to the existing or prospective occupiers of the residential uses in the immediate locality or harm the character of the Conservation Area. Adequate refuse storage facilities are shown for the proposed residential units, the provision and retention of which could be controlled by condition if the proposal were to be considered acceptable in all other respects. In this regard, the proposal would not, therefore, result in an unacceptable environment for prospective occupiers of the development and adjoining occupiers, in compliance with Policy LP10 of the GBLP.

6. The proposed garages would be constructed of appropriate materials, which could be controlled by condition. Whilst substantial structures, given the location and scale of the neighbouring and proposed properties, the garages would not have a significant impact on the streetscene and would not harm the setting of the Conservation Area. The roofs would slope away from the side and rear boundaries and, given the separation distance between the garages and the neighbouring properties, they would not have a harmful impact upon the amenities of the occupiers of the neighbouring dwellings. The Gosport Borough Council Parking: Supplementary Planning Document requires each dwelling to have three parking spaces and the application proposes to provide the required number in a satisfactory layout together with sufficient space within the garages for the storage of cycles. In functional terms, therefore, the layout and number of parking provision is acceptable, in accordance with Policy LP23 of the GBLP.

7. 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, appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, is required and has been paid. In this respect, the proposal is, therefore, in compliance with Policy LP42 of the GBLP.

### **RECOMMENDATION: Refuse**

For the following reason(s):-

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.



**ITEM NUMBER: 05.**  
**APPLICATION NUMBER: 17/00087/FULL**  
**APPLICANT: Warwick, Lorraine and Lindsey Jacobs**  
**DATE REGISTERED: 07.03.2017**

**ARTICLE 4(2) DIRECTION - ALTERATIONS TO FRONT ELEVATION AND CONVERSION OF DWELLINGHOUSE INTO TWO DWELLINGS WITH EXISTING COACH HOUSE RETAINED AS AN ANNEXE (CONSERVATION AREA) (as amended by plans received 18.04.17)**

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

***The Site and the proposal***

1. The application site comprises the curtilage of number 15 St Marks Road, a substantial two-storey semi-detached property. The site is located on the eastern side of St Marks Road, to the north of its junction with St Marks Close. The site is flanked to the north by the adjoining property number 13 St Marks Road and to the south by number 17 St Marks Road. To the east (the rear) is an adopted service road connecting to Clayhall Road beyond which are numbers 1 to 3 (inclusive) St Marks Close. To the west and on the opposite side of St Marks Road are numbers 20 and 22.
2. The application property has been the subject of previous extensions both to the side and to the rear such that the property currently comprises eight bedrooms across three floors. The site also has a two-storey 'coach house' located at the rear of the garden adjacent to the service road.
3. The site is located within the Anglesey Conservation Area and is covered by an Article 4 (2) Direction removing permitted development rights for alterations to the property frontage. The character of the immediate locality comprises substantial two-storey semi-detached dwellings, a small number of which have been converted to flats. The plot pattern is rectilinear with properties having good sized rear gardens and garages and outbuildings to the rear where rear access is available.
4. This application seeks planning permission for alterations to the front elevation of the property and for the conversion of the existing dwellinghouse into two dwellings with the existing coach house retained as an annexe. The alterations to the front elevation would involve the removal of the existing double garage door and its replacement with a domestic door and windows of a style to match those of the existing property. The existing dwelling would be subdivided such that the original dwelling and rear projection would form a six bedroom dwelling with the existing two-storey side extension and coach house to the rear forming the second dwelling with three bedrooms. The existing accommodation within the coach house which includes a bedroom and living accommodation would not be altered other than the removal of an existing conservatory. Other associated external works would include the demolition of the lean to rear extension to the existing rear projection, the subdivision of the rear garden by the erection of a 1.8 metre timber fence and the erection of cycle storage facilities to the rear of both proposed properties. The site has a large area of hardstanding to the front which is capable of accommodating between four and six vehicles. To the rear of the site, a gated access is served by an adopted rear service road off which is an area of hardstanding adjacent to the coach house that has been and can be used for the parking of cars. The submitted drawings indicate that the existing areas of hardstanding would be utilised to provide three off-street parking spaces for each of the proposed dwellings.

***Relevant Planning History***

4479 - garage - permitted 30/07/1963  
4697 - change of use coach house into dwelling - refused 08/05/1964  
6331 - outline - conversion of house into 2 no separate dwellings and conversion of coach house into 1 no dwelling - refused 26/11/1968  
4697/1 - outline - conversion of coach house into dwelling - refused 08/06/1972



4697/2 - outline - conversion of a coach house into dwelling - refused 19/09/1972 - appeal dismissed 13/03/74  
6331/1 - double garage with 2 no bedrooms and bathroom over - permitted 24/02/1975  
6331/2 - conservation area application - demolish part rear boundary wall to form vehicular access - consented 19/07/1991  
6331/3 - erection of new access gates - permitted 19/07/1991  
16/00562/FULL - alterations to front elevation and conversion of dwellinghouse into three maisonettes - withdrawn 20/01/2017

### **Relevant Policies**

Gosport Borough Local Plan, 2011 – 2029:

LP3  
Spatial Strategy  
LP10  
Design  
LP12  
Designated Heritage Assets: Conservation Areas  
LP23  
Layout of Sites and Parking  
LP24  
Housing  
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**

Natural England	No objection.
The Gosport Society	No objection in principle. Raise concern that a permission could become a precedent for other conversions in the area.
Hampshire Fire And Rescue Service	No response received.
HCC Ecology	No objection.
Local Highway Authority	No objection. Recommends conditions for car parking and cycle storage.
Building Control	No objection.
Streetscene Parks & Horticulture	No response received.
Streetscene Waste & Cleansing	No objection.

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

5 letters of objection

Issues raised:

- increased use of, and potential obstruction of rear service road;
- inadequate and ill considered parking arrangements;
- increased overlooking from coach house;
- concern about potential future use of coach house.

### ***Principal Issues***

1. The main issues to consider in the determination of this application are whether the proposed subdivision is acceptable in principle, whether the proposal would preserve or enhance the character and appearance of the Conservation Area, whether the proposal would adversely affect the amenities of the occupiers of neighbouring properties and whether the proposal would make adequate provision for parking. Other issues to consider relate to cycle storage and ecology.

2. The site is located within the existing urban area where there would be no objection to the principle of the subdivision of a dwelling. The character of this part of the Alverstoke Conservation Area is of large dwellings in good size plots. The application site represents both the largest dwelling and plot in the immediate locality. Its subdivision would provide two family sized dwellings with gardens that would remain generous in comparison to the prevailing urban grain of the area.

3. In terms of their appearance, the proposed alterations to the building would represent an improvement to its appearance and would make a positive contribution to the streetscene. To ensure that the enhancement of the front elevation is carried out in a timely manner it is considered appropriate to impose a condition to secure its completion prior to first occupation. The proposed means of subdividing the garden would be typical of boundary treatments in the locality and as such would be in keeping with the area. The level of activity that could be associated with the proposed use of the site as two dwellings, is not considered to be significantly different than that which could be associated with the occupation of the existing eight bedroom house and as such, would not alter the character or appearance of the Conservation Area. Having regard to the foregoing it is considered that the proposal is acceptable in both heritage and design terms and would comply with Policies LP10 and LP12 of the Local Plan.

4. The proposed external alterations to the main building are such that they would have no significant impact on the living conditions of the occupiers of neighbouring properties. No changes are proposed to the coach house and as such its retention as an annexe, with a condition restricting its occupation, would not alter its existing use. The likely level of activity that could be associated proposed use is not considered to be significantly greater than could be associated with the use of the site as existing. As a result it is considered that the proposal would not harm the residential amenities of the occupiers of neighbouring properties. The use of the coach house as a separate dwelling would require a separate application to be made seeking express planning permission for such a use.

5. The proposed dwellings would both be generous in size and benefit from good sized gardens. The relationship of the gardens to the proposed subdivision would be appropriate and would not result in an undue degree of overlooking. All habitable rooms would have an appropriate outlook such that they would provide a suitable standard of accommodation for future occupiers. The proposal is considered acceptable in amenity terms and in accordance with Policy LP10 of the Local Plan.

6. The proposed car parking arrangements would comply with the requirements of the car parking SPD. The submitted drawings indicate provision being made for the storage of cycles for each proposed dwelling that would be acceptable. The provision of these facilities can be secured through the imposition of suitably worded planning conditions. The proposal would therefore comply with Policy LP23 of the Local Plan in these regards.

7. The rear service road is adopted and forms part of the public highway. The site has an existing access onto the service road with there being no planning restriction on its use. It is considered that, given the amount of off-street parking available to the front of the site, the proposal would be unlikely to generate such an increase in traffic using the service road that it would prejudice the safety or convenience of other users of the highway. The proposal is acceptable in highway terms and would comply with Policy LP23 of the Local Plan. Any obstruction of the public highway would be a matter for the police.

8. The submitted drawings also indicate provision being made for facilities for the storage and collection of refuse and recyclable materials. These facilities are considered acceptable and can be secured through the imposition of a suitably worded planning condition to accord with Policy LP10 of the Local Plan.

9. The proposal would result in the creation of an additional dwelling which is likely to result in increased recreational activity on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. To address this impact, a contribution towards appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, is required. The applicant has provided mitigation in accordance with the Protocol such that the proposal complies with Policies LP42 and LP44 of the Local Plan. There is no evidence of protected species being present within the site. The development, therefore, complies with Policy LP44 of the Local Plan.

### **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:

Site Location Plan; Block Plan; 250117-1A3; 080217-2A1; 170317-2A1; 161116-3A1.

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 existing 'coach house' shall, as shown on the approved drawings, only be used as an annexe to, or as ancillary accommodation for 'Unit 2' and at no time shall be used or occupied as a separate dwellinghouse.

Reason - To control of the use of the site in the interests of the residential amenities of the occupiers of neighbouring properties and the safety and convenience of users of the rear service road in accordance with policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029.

4. Before either of the dwellings hereby permitted are first occupied, the alterations to the front elevation shall be completed in accordance with a detailed scheme (to include sections and elevations at 1:20 and materials and finishes) that shall be submitted to an approved in writing by the Local Planning Authority.

Reason - To ensure that the development preserves or enhances the character and appearance of the Alverstoke Conservation Area in accordance with Policies LP10 and LP12 of the Gosport Borough Local Plan 2011-2029.

5. The areas shown on the approved drawings for the off-street parking of cars shall be provided prior to the first occupation of the dwellings hereby permitted and shall thereafter be retained.

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Reason - To ensure that adequate on-site car parking provision is provided and retained in accordance with Policy LP23 of the Gosport Borough Local Plan 2011-2029 and the Car Parking SPD.

6. The development hereby permitted shall not be occupied until facilities for the long and short stay storage of cycles have been provided in accordance with a detailed scheme that shall be submitted and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained.

Reason - To ensure that suitable facilities are provided to encourage healthy and sustainable modes of transport are provided in accordance with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029.

7. The development hereby permitted shall not be occupied until the facilities shown on the approved plans for the storage of refuse and recyclable materials have been provided. The approved facilities shall thereafter be retained.

Reason - To ensure that suitable facilities are provided to protect the amenities of the area of and neighbouring residents in accordance with Policy LP10 of the Gosport Borough Local Plan 2011-2029.



**ITEM NUMBER: 06.**  
**APPLICATION NUMBER: 17/00208/FULL**  
**APPLICANT: Stephen and Linda McCallan**  
**DATE REGISTERED: 23.05.2017**

**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**

***The Site and the proposal***

1. The application property is a detached two storey dwelling at the west end of Amersham Close within an established residential estate. It is built in brick and has been extended in the past. It is on a larger than average plot for the vicinity and is separated from an existing public footpath to the north by a 2.0-2.5m wide verge which has two trees on it. This footpath is not only for access through the estate but is the main and only access for two residential properties, 4 and 6 Amersham Close. The front portion of the site is delineated by 1.8m high feather board fencing which follows the northern boundary, to the south of the trees, verge and footpath, and turned through 90 degrees to join with the western elevation of an outbuilding adjacent to the western elevation of the application property. This fencing was built under permitted development between May 2005 and May 2009 and the western section has since been removed in conjunction with the implementation of the current proposal.
2. The application site is a piece of land to the west of the application property measuring approximately 20m (east to west) by 17m (north to south) with the north-west corner boundary angled along an existing public footpath. Public footpaths are also along the north and west boundaries of the application site. The southern boundary of the application site is shared with 29 Gomer Lane and is delineated by a wall approximately 1.8m high and a hedge approximately 1.5m high. Along the full length eastern boundary of the application site a 7m wide area has been enclosed with 1.8m high fencing. The fence extends from the north-west corner of the previously built fence to the north by approximately 2m; then turns through 90 degrees to follow the southern edge of the existing public footpath for 7m; then turns through a second 90 degrees and returns parallel to the western elevation of the application property to the boundary with 29 Gomer Lane. This enclosed section has been covered in hardstanding to extend the drive / parking area of the application property around the main building and the western section of the fence built under permitted development (as referred to in paragraph 2 of this section) has been removed to allow access. These works had been implemented as some point between September 2015 and April 2016.
3. The applicant has previously sought planning permission, reference 16/00146/FULL, to retain these changes as well as incorporate the rest of the application site into the residential curtilage of the application property by enclosing with more fencing and the retention and completion of an outbuilding towards the north - east corner of the application site. This application was refused by the Regulatory Board in January 2017. Since the refusal an Enforcement Notice has been issued to take effect on the 17th July 2017 in relation to the already built fence, hardstanding and change of use. The applicant has indicated his intention to appeal this notice but no start date has yet been received from the Planning Inspectorate.
4. This application proposes to retain the section of fencing and hard standing already built within the application site and therefore regularise the change of use of the enclosed land. The works have extended the parking at the application property from six to nine cars and allow the storage and manoeuvring of a touring caravan.

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

16/00146/FULL - Change of use of land into residential curtilage, the retention of extended driveway, 1.8m high fence and outbuilding, and the erection of an additional 1.8 metre high fence - refused 19.01.17

Land at 27 Gomer Lane

15/00398/FULL - Continued use of land as garden and retention of 1.8 metre high boundary fence/gate - permitted 12.10.15. This application was considered acceptable as the section of land referred to was in line with the already existing curtilages of 27 Gomer Lane and 6 Amersham Close. Therefore the enclosure of the land would have maintained the curved boundary line created by these properties along the northern edge of the footpath.

Land at 11 Monroe Close

16/00457/FULL - Change of use of land to garden - permitted 06.06.17. This application was approved with conditions removing permitted development for fences and ensuring that no landscaping or domestic paraphernalia placed on the land should be over 0.6m in height.

K15568/1 - Change of use of land to extend garden and erection of 1.8 metre high wall - refused - appeal allowed 13.09.13

### ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

LP10

Design

LP23

Layout of Sites and Parking

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***

Local Highway Authority

Objection. The land is subject to highway rights and is therefore under the control of the Highway Authority. On this basis no development, including fences, barriers and surface treatments would be permitted by the Highway Authority until such times as a highways rights have been extinguished. There is no guarantee that as application submitted to the Local Highway Authority to extinguish such rights would be successful. The Highway Authority has contacted the applicant concerning this but no response had been received.

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

11 letters of objection

Issues raised:-

- driveway and fence is unattractive and a disproportionately large addition to the property

- affects the appearance of one of the large green spaces which break up the surrounding residential estate and part of its distinctive attractive aesthetic
- outlook from 4 and 6 Amersham Close have been compromised, ruined and reduced from once open vistas for the sake of the manoeuvring of a caravan
- impact on the privacy of adjacent properties
- the footpath is now enclosed and resemble an alleyway
- creates an enclosed environment and reduces indivisibility between the large number of vehicles manoeuvring at 19 Amersham Close and users of the footpath
- the footpath from Amersham Close to Gomer Lane is heavily used by school children, dog walkers and pedestrians and their safety will be affected
- impact on local drains with increased water runoff from the hard standing
- potential to impact on the maintenance of the verge and footpath
- the applicant is using personal circumstances to justify the need for the proposal
- why does the application property need nine car parking spaces, will they be running a business from the property?
- a large mature tree has already been felled which was on this piece of land
- devaluing of nearby property values
- why live in a well-established, open plan friendly community if you want to create higher levels of privacy?
- why can then applicant reapply when they received a refusal after an lengthy process of nearly 18 months?
- have councillors been out to view the site, if not it is recommended that the do

### ***Principal Issues***

1. Planning legislation allows for planning applications to be submitted retrospectively and the Local Planning Authority is required to consider all submissions. Enforcement action has begun against the unauthorised development and change of use and the associated legislation allows for a process of appeal. In this case enforcement action is being run in tandem to the processing of this application. Councillors are able to view sites at any point to ensure they have a full understanding of the planning application. The effects of the development on the potential value of nearby properties or the personal circumstances of the applicant are not material planning considerations. The tree that has been felled on the application site was not protected by a Tree Preservation Order, nor was it within a designated Conservation Area, therefore notification to, or consent from the Council was not required for its removal. It is not a material planning consideration as to why the applicant requires nine parking spaces but a separate planning permission would be required if a business were to be run from the application property in the future. The maintenance of the verge and footpath would be an undertaking of the land owner and if part of the public highway, the Local Highway Authority, and is not a planning matter. The erection of a fence of this nature may, in some cases, be considered permitted development however in this case the act of erecting the fence has change the nature of the use of the land enclosed and so would require planning permission. 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 safety of the highway and public footpath.

2. Amersham Close is part of a specifically designed residential estate whose main layout features include:

- properties that are set back with open frontages and low or no fencing or boundary treatments between individual properties;
- areas of open space at highway junctions and road bends;
- pedestrian permeability with footpaths creating direct access to properties as well as permeability through the estate from the schools to the east and Gomer Lane to the west; and
- four distinct open green spaces spread along the length of Gomer Lane and linked into the estate creating visual breaks to the development along this section of the road.

3. This has created an estate with a verdant character and an appropriate balance between the built development and open spaces. Although in the past sections of the various open spaces have been



permitted to be enclosed this has been in locations where the extent or scale has not been considered to impact on the character or the locality.

4. The area of hardstanding and the fencing along the western edge of the hard standing is set back from Gomer Lane and, visually from the west, does not look dissimilar to the original fencing around the application property. It reduces the physical size of the open space but it is considered that the public amenity aspect of the space would not be significantly harmed. However the section of fencing along the northern edge of the hardstanding abuts the edge of the public footpath and this creates a narrowing of the space from approximately 4.5m to 2m. This introduces an enclosed element in an otherwise open plan estate which detrimentally alters the character of the area. The height of the fence reduces the ability to see along the footpath which in turn reduces the safety for users of this busy pedestrian route in terms of being able to see other oncoming users, or persons entering / exiting 4 and 6 Amersham Close, as well as vehicle movement within the application site and Amersham Close in general. The proposal does not respect the character of the distinctive residential environment of which the application site is part; it is not required in order to provide acceptable levels of off road parking for the occupants of the application property and would harm the safe movement of users along the footpath, therefore, it does not comply with Policy LP10 and LP23 of the Gosport Borough Local Plan 2011-2029 and the Council's Design Supplementary Planning Document.

5. The fencing along the edge of the footpath would also impact on personal safety. The fencing would reduce the potential for passive surveillance from nearby residential properties which is prevalent throughout the estate and is important in creating the perception of a safe environment. Although the proposed change of use and fence is not considered to harm the physical access to light or privacy of the adjacent properties, the outlook from 6 Amersham Close would be significantly altered. The front of no.6 has already suffered some enclosure from a 1.8m high fence to the west, however still partially maintains the open frontage of the estate design by a low wall boundary between it and the application site. Accordingly, the proposed fencing would remove this relationship thus creating a visually enclosed frontage which is at odds with all other properties along Amersham Close. The proposal does not comply with this aspect of Policy LP10 of the Gosport Borough Local Plan 2011-2029.

### **RECOMMENDATION: Refuse**

For the following reason(s):-

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.

**ITEM NUMBER: 07.**  
**APPLICATION NUMBER: 17/00146/FULL**  
**APPLICANT: Mrs Bliss Greenwood**  
**DATE REGISTERED: 15.05.2017**

**RETENTION OF AND FURTHER WORKS FOR THE ERECTION OF A SINGLE STOREY  
REAR EXTENSION**  
**7 Vernon Close Gosport Hampshire PO12 3NU**

***The Site and the proposal***

1. This application is being referred to the Regulatory Board for decision as the applicant is related to Borough Councillors.
2. The application property is a mid-terrace two storey residential dwelling finished in white paint / render, brickwork and concrete tiles. It is on the north side of Vernon Close with off road parking to the front and a garden to the rear (north) approximately 16m in length. There is an outbuilding / garage at the northern end of the rear garden which is accessible from the service road that runs along the rear of the terrace row. The application property previously had an approximately 3.5m - 4m deep conservatory on the rear elevation however this has recently been removed.
3. The surrounding area is residential with a strong terraced character. The majority of the properties in the vicinity have had some form of single storey rear extension. The 5 other properties within the terrace row have all had rear extensions averaging between 3.5m - 4m in depth and four of them are full width; the majority also have outbuildings at the end of their gardens accessible from the service road. The application property's rear garden is separated from those of the attached properties on either side by walls approximately 1.2m high which step up to meet the side elevations of the various rear extensions. The properties in the terrace row to the north of the application property have similar length rear gardens and also include a variety of rear extensions and outbuildings. The distance between the rear elevations of the application property and the row to the north is in excess of 30m.
4. The applicant was intending to build a rear extension in accordance with permitted development rights; however, during ground works it became evident that they needed to extend the depth of the extension to protect an existing drain. The proposal is therefore the part retention and part erection of a full width, single storey, mono-pitch rear extension. It would be 3.6m deep and have an overall height of 3.5m. It would be finished in matching materials to the application property and would have two roof lights and a door and window in the north elevation.

***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**

Nil

### **Principal Issues**

1. The main issues 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 rear extension is similar to the dimensions of other extensions in the locality. It would be of a form which would maintain a subservient relationship with the application property. The use of matching materials would ensure the proposal is in keeping with the property and the terrace row as a whole. The proposal includes a window and a door which would look out over the application property's rear garden and due to the low level boundary treatments would look over the rear gardens of the properties on either side as well. However, it is not considered that this would increase the mutual overlooking above that which already exists between the properties in the terrace row and therefore the proposal would not harm the amenity of the occupants of those properties in terms of privacy. Due to the orientation of the terrace row, location of the proposal and rear extensions on the properties on either side it is not considered that the proposal would harm the amenity of the occupants of the neighbouring properties in terms of loss of outlook or light. In consideration of the above reasons the proposal would comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

### **RECOMMENDATION: Grant Permission**

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
'Floor Plan'; 'Proposed Back Elevation'; and both 'Proposed Side Views'  
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.
2. The materials to be used shall match in type, colour and texture, those on the existing dwelling unless otherwise agreed, in writing, with the Local Planning Authority.  
Reason - To ensure satisfactory visual relationship of the new development to the existing, and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

**ITEM NUMBER: 08.**  
**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)**  
**Land South Of Netherton Road Gosport Hampshire**

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

1. The application site comprises an area of L-shaped undeveloped land 6m by 13m to the north of the terraced properties along Avery Lane, namely 17, 19, 21 and 23. It is accessible from the southern end of Netherton Road. and also allows access to a row of garages further to the east which are in the ownership of the applicant. The undeveloped land is informally used for vehicle parking by local residents and the occupants of 17, 19 and 21 Avery Lane have used it as access the rear of their properties for a number of years.

2. To the north of the site is a substation which is surrounded by approximately 1.6m high fencing and to the west is a breeze block wall approximately 2m high. The surrounding area is residential in character with the application site forming part of an infill area between residential streets which has a row of residentially scaled garages along the north edge which are also owned by the applicant. The area is also used for accessing the rear gardens and garages / outbuildings of nearby properties, and informal parking. To the west of the site is a section of 28 Netherton Road's garden, with the dwelling positioned to the north of the substation over 11m from the nearest corner of the undeveloped land. To the south the closest of the rear elevations of 17 - 21 Avery Lane are approximately 10.5m away from the application site with various outbuildings and garages built within the rear garden spaces. The boundaries between the three properties on Avery Lane and the application site vary. No. 17 has approximately 1.8m high solid fencing; no. 19 has removed the majority of theirs to allow access for their van to be parked within their garden but do also have a narrow outbuilding abutting it; and no. 21 has a single detached garage and metal pedestrian gate accessing into the rest of their garden area.

3. The proposal was originally for the erection of a double garage on the site measuring 5.1m by 7m with a maximum height of 4.1m; however amended plans were submitted reducing the overall height to 3.25m. It would be brick in construction with a flat felt roof sloped down towards the west and a 4.2m wide by 3m high door in the eastern elevation. it would be positioned 1m from the boundary with the properties on Avery Lane and 0.25m both from the boundary wall to the west and the substation fence to the north.

### ***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. 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 to 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 blank side elevation stretching along nearly the full width of the rear boundaries of 17 and 19 Avery Lane, however it would be set 1m to the north and the 3.25m - 3.1m height would not be dissimilar to the existing buildings at the rear of the properties. 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 length, 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 edge of the garden, would only be impacted in the early morning and is not an area of garden directly next to the dwelling or the dwelling itself. 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 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: 09.**  
**APPLICATION NUMBER: 17/00224/FULL**  
**APPLICANT: Mr & Mrs Pack**  
**DATE REGISTERED: 11.05.2017**

**ERECTION OF SINGLE STOREY REAR EXTENSION, FIRST FLOOR REAR EXTENSION  
AND FRONT CANOPY PORCH AND BAY WINDOW**  
**11 North Close Gosport Hampshire PO12 2PH**

***The Site and the proposal***

1. The application property is a semi-detached two storey residential dwelling on the southern side of North Close, set back from the road by approximately 4.2m behind one off road parking space and a front garden. The property has a projection with cat slide roof on the western side of the rear (south) elevation, and the space between this and the site boundary is infilled with a single storey conservatory with a low angled mono-pitch roof. The rear projection and conservatory extend beyond the main rear elevation by 3.5m. To the south of the property is the rear garden which is just short of 14m in length and slightly narrower than 7.5m. It is enclosed by approximately 1.8m high fencing and there is a detached single garage / outbuilding along part of the western boundary. The garage is accessible by an approximately 2.1m wide drive between the side elevation of the property and the western boundary of the site, is separated from the neighbouring property by 1.8m high fence and is gated at the front.

2. North Close is residential in character and the properties are all similar in age and design to the application property, including the rear cat slide projection, but with a wide variety of single storey front and rear extensions and some examples of two storey side and rear extensions. The attached property, 9 North Close, has had the cat slide projection replaced with a single storey mono-pitch extension which wraps around the eastern side of the property and there is conservatory between this and the shared boundary with the application property. These elements extend from the original rear elevation by approximately 2.6m. 13 North Close is set away from the shared boundary by approximately 2.3m and has an approximately 10m long garage out/building parallel to that of the application property and extending beyond it, to the south.

3. The proposal is for an extension to both the front and rear of the property. The proposed front extension is a 0.95m deep single storey mono-pitch canopy across the full width of the application property to facilitate the replacing of the ground floor bow window with a bay window and to create a porch over the front door. The proposed rear extension would replace the existing cat slide projection and conservatory with a two storey full width hipped roof extension 2.7m deep with an additional single storey mono-pitched extension along the resulting south elevation 1.95m deep. The ground floor will extend a total of 4.65m from the existing rear elevation. The proposed two storey element would have eaves at 5.2m high with the ridge positioned 0.9m below the existing ridge. The proposed mono pitched, single storey element would have an eave height of 2.2m with a maximum height of 3.2m. The proposal would have two first floor windows and ground floor bi-fold doors in the southern elevation; two roof lights in the mono pitch roof; a high level ground floor window in the east elevation; and a ground floor door in the west elevation as existing. It would be completed in matching materials and the proposal would allow the reorientation of the ground floor living space, extend one of the existing bedrooms and create space for an ensuite bathroom.

***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**

1 letter of objection

Issues raised:-

- impact on the access to light and natural heating of 9 North Close due to southerly orientation
- impact on the quality of family life and would not protect our property in accordance with article 8 and the 1st protocol of the Human Rights Act
- impact on the value of 9 North Close
- impact on view from the rear of 9 North Close

**Principal Issues**

1. The Human Rights Act 1998 makes it unlawful, subject to certain exceptions, for a public authority to act in a way which is incompatible with a Convention right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and the Council's decision-making takes into account this balance. It is not considered that there are sufficiently exceptional circumstances in this case that the Article 8 rights of the occupiers of the neighbouring property to private and family life, home and correspondence are sufficiently affected to justify refusing planning permission, particularly as the affected individuals have the opportunity to make representations to a democratic body within the planning system (in this case the Regulatory Board).

2. The impact on solar heating and heating costs, the value of properties and the right to a view are not material planning considerations. 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.

3. The proposed front extension would be similar to other such extensions along North Close and it would be set back from the highway. It is, therefore, not considered to harm the appearance of the application property or the character of the residential area, nor would it impact on the existing off road parking provision. Due to the relationship, orientation and location of the proposed front extension it is not considered that it would impact on the amenity of the occupants of the nearby properties. The proposed front extension would therefore comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

4. The proposed rear extension would match the materials used on the existing property and would be of a form and style which would be sympathetic and subservient to the application property. It would be entirely to the rear of the property and due to the relationship with the neighbouring properties and front garden / parking area, would not impact on the overall character of the street scene. The proposed rear extension would therefore comply with this aspect of Policy LP10 of the Gosport Borough Local Plan 2011-2029.

5. Due to the orientation, existing boundary treatments and distance between the application property and 13 North Close and the properties to the rear, it is not considered that the proposed rear extension would harm the amenity of the occupiers of those properties. The positioning of the proposed windows within the southern elevation is not considered to harm the amenity of the

occupiers of 9 North Close as they would have oblique views overlooking similar areas of the garden as the current windows. There is a high level ground floor window directly facing the conservatory of no. 9 and although this would be replacing a larger sized plain glass window within the existing conservatory it is considered that it would improve the privacy of the occupiers of no. 9 further if this window were to be obscurely glazed, and this is proposed to be controlled by a planning condition. The two storey element of the proposed rear extension would create additional shadow which would have an impact on the light available to the conservatory of no. 9, however, due to the southerly orientation of the rear of the properties and their gardens and the limited depth of the second storey element of the proposal, this would be limited to the later afternoon and would not be to such a level as to harm the amenity of the occupiers of 9 North Close. Taking this all into consideration it is therefore considered that the proposed rear extension would comply with 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 plans:

Sheet 1 of 2 and Sheet 2 of 2

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 materials to be used shall match in type, colour and texture, those on the existing dwelling unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - To ensure satisfactory visual relationship of the new development to the existing, and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

4. The ground floor high level window within the eastern elevation of the rear extension shall be installed with obscure glass (minimum of level 3) and shall be retained in that condition thereafter.

Reason - To preserve the amenity of the neighbouring property, and to comply with Policy LP10 of the Gosport Borough Local Plan, 2011 - 2029.



**ITEM NUMBER: 10.**  
**APPLICATION NUMBER: 16/00446/FULL**  
**APPLICANT: Haslar Developments Ltd**  
**DATE REGISTERED: 21.12.2016**

**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**

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

1. The former Haslar hospital site, dating from the mid-18th Century, covers 24 hectares and, despite having been the subject of a number of additions and alterations, is of significant national historic and archaeological importance, being the first purpose-built naval hospital in England. It is within the Haslar Peninsula Conservation Area and contains 13 Listings covering over 70 buildings or structures Listed directly or as curtilage (i.e. pre dating 1948 and having a direct historic and ancillary relationship with the primary Listed Buildings). The main hospital building and St Luke's Church are Grade II\* Listed and the remaining Listed buildings Grade II. The site is also a Grade II Listed Historic Park and contains several thousand burials dating from the mid-18th to mid-19th Century.
2. The use of the site as a hospital ceased in July 2009 and it was purchased from the MoD by the applicants in November 2009. An application for Outline Consent, with all matters reserved, for the hospital site as a whole, reference 12/00591/OUT, was considered by the Regulatory Board on 15 July 2014 where it was resolved to grant Outline Consent, subject to completion of a Section 106 Agreement and various conditions to control the form and timing of the development. The Section 106 Agreement was completed on 25 September 2014 and the Outline Consent was issued on 26 September 2014, concurrently with the related Listed Building Consent. Under the Outline Consent, the principle of a mixed use development was approved, with some demolition and the conversion and erection of new buildings, to provide a Continuing Care Retirement Community, comprising a 60 bed care home and 244 Class C2 units of accommodation, together with 286 residential units (Class C3), offices and business units (Class B1), a health centre (Class D1), hotel (Class C1), tea rooms and restaurant bar (Class A3/4), convenience store (Class A1), church, public hall and heritage centre (Class D1) along with access details, open space and landscaping and parking. With the exception of one Zymotic ward building and a few of the Zymotic hospital outbuildings, the Outline proposals included the proposed repair and refurbishment of all the Listed Buildings on the site.
3. There have been several consents issued in the intervening period to facilitate the occupation of 15 former dwellings on the site for residential purposes. The Reserved Matters submission details are being brought forward in stages; RM1 for the conversion of the main hospital building was approved on 23 October 2015; RM2 for the conversion of Canada and G Blocks and the erection of two buildings for dwellings, retirement units, and the care home was approved on 17 December 2015. The reserved matters RM3 submissions for the Zymotic Hospital area of the site is currently under consideration.
4. This full application relates to the waterfront walkway south of the boundary wall to the main former Royal Haslar Hospital site. The works are to re-provide a flood defence wall on the line of the existing sea wall that marks the southern boundary of the Haslar site, to improve the hard and soft landscaping areas of the waterfront walkway and provide street furniture within this public realm strip between the Haslar site and the coastline. The proposals will provide connectivity between the waterfront and the areas of the site to be developed as RM2 and RM3 as well as providing links from the waterfront to the rest of the former hospital site. The existing railway lines along the

waterfront that are currently covered over would be exposed and retained within the new hard landscaping along the waterfront.

5. The developer has also been engaged in ongoing pre-application discussions on the remaining detailed development phases of the proposal and on the discharge of pre-commencement planning conditions required by the Outline and the earlier Reserved Matters approvals.

6. The main access to the site is from Haslar Road which links the site to the town centre to the north via Haslar Bridge and Alverstoke to the south west. Within the Gosport Borough Local Plan 2011-2029, the site is allocated for mixed use, with medical, health and care facilities noted as the primary uses. Fort Blockhouse lies to the north-east, Blockhouse 3 and QinetiQ and the Listed Gun Boat Sheds are to the west, on the opposite side of Haslar Road, and to the south west is 19th and 20th century housing. The Immigration Centre lies immediately to the south of the site, accessed from Dolphin Way.

7. The central airing grounds are designated a Site of Importance for Nature Conservation (SINC) and contain a significant population of Autumn Lady's Tresses orchids. These orchids have also populated other open parts of the site. The site also contains bat roosts and a number of badger setts with evidence of associated activity. The site is within approximately 200m of the nationally and internationally important habitats within Portsmouth Harbour which is designated as a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar Site due to its importance for nature conservation, principally with regard to overwintering birds. To the west is the Solent and Southampton Water SPA and Ramsar site which are of international importance for wading birds. This stretch of coastline is also designated an SSSI and includes the beach at Lee-on-the-Solent on the basis of its geological importance, particularly in terms of fossil records.

8. In support of the application is a Design and Access Statement, a Flood Risk Assessment, an Ecological Appraisal, and a Heritage Statement.

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

13/00455/FULL - Partial demolition of boundary wall and installation of double gates between existing brick piers (Listed Building in a Conservation Area) - permitted 13.02.14

14/00005/LBA - Listed Building Application - Partial demolition of boundary wall and installation of double gates between existing brick piers (Conservation Area) - permitted 14.02.14

12/00591/OUT - EIA - Outline application with all matters reserved - mixed use development including demolition and part demolition of listed buildings and buildings within a conservation area and conversion of existing buildings and erection of new buildings to comprise 286no. residential units (Class C3); a continuing care retirement community containing a 60no. bed care home, communal facilities and 244no. self-contained retirement units (Class C2); offices and business units (Class B1); a health centre (Class D1); hotel (Class C1); tearooms and restaurant/bar (Class A3/A4); convenience store (Class A1); church, public hall and heritage centre (Class D1) together with alterations to existing vehicle and pedestrian access arrangements, open space provision and landscaping and parking (Listed Buildings And Listed Park In Conservation Area) (as amplified by email dated 4.7.13 and amplified and amended by letters dated 19.12.13, 10.02.14, 17.3.14 and 7.7.14, emails dated 3.3.14, 19.3.14 and 24.6.14 and plans and information received 12.02.14, 3.3.14, 18.3.14 and 12.5.14) - permitted 26.09.14

12/00592/LBA - Listed Building application - demolition and partial demolition of various buildings and walls (Listed Park and Conservation Area) (as amplified and amended by letters dated 10.02.14 and 17.3.14, email dated 3.3.14 and plans and information received 12.02.14, 3.3.14 and 18.3.14) - permitted 26.09.14

15/00142/FULL - demolition of 8 no. buildings (Conservation Area) - permitted 26.06.15

14/00491/DETS - Details pursuant to Outline application 12/00591/OUT - Details of access, layout, appearance, scale and landscaping for Phase 1 - demolition of crosslink and Galley Store attachment and conversion and repair and refurbishment of main hospital building and reinstatement of 2no pavilion buildings to provide 136no. retirement units (Class C2) with ancillary support facilities within continuing care retirement community centre and health facility and construction of underground car park, surface car parking and landscaping (as amended and amplified by plans and information received 12.05.15, 30.07.15, 6.08.15, 10.08.15 and 28.08.15) - permitted 23.10.15

14/00492/LBA - Listed Building Application - Demolition, partial demolition, extensions and internal and external alterations to facilitate conversion to retirement apartments (Class C2) with communal facilities and health centre (Class D1) and construction of underground car park (Listed Park and Conservation Area) - permitted 26.10.15

15/00117/DETS - Details pursuant to 12/00591/OUT - details of access, appearance, landscaping, layout and scale for phase 2 - demolition of 3no buildings and conversion of Canada block and the erection of 2no. Buildings to provide 93no. Retirement apartments (class c2), conversion of g block to provide 8no. Residential units (class c3) and the erection of a 60no. Bed care home (class c2) with ancillary leisure facilities and associated works to include car and cycle parking, refuse storage and landscaping (listed buildings and listed park in conservation area) (as amplified and amended by plans and information received 2.10.15, 7.10.15, 27.10.15, 17.11.15, 19.11.15 & 24.11.15) - permitted 17.12.15

15/00127/LBA - Listed Building Application - demolition of Galley and General Stores, Albert Block and 3no substations and parts of boundary wall and internal and external alterations to facilitate the conversion of Canada Block to provide 36no. retirement apartments (Class C2) and conversion of G Block to provide 8no residential units (Class C3) (as amplified and amended by plans and information received 7.10.15, 17.11.15 and 19.11.15) - permitted 17.12.15

15/00683/DETS - details pursuant to 12/00591/OUT - details of access, appearance, landscaping, layout and scale for phase 3 - demolition of kitchen block 42, Zymotic block 39 and other buildings and conversion of Zymotic wards east and west and admin block 41 (in part) and erection of 5 no. buildings to create 120 no. dwellings (Class C3), partial conversion of admin block 41 to form tearoom (Class Aa3) and alterations to listed walls (listed building and listed garden in a conservation area) - application under consideration.

15/00684/LBA - Listed Building Application - demolition of kitchen block 42, Zymotic block 39 and other buildings and conversion of Zymotic wards east and west and admin block 41 to provide 17no. residential units (Class C3) and tearoom (Class A3) and alterations to listed walls - application under consideration.

### ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

LP1

Sustainable Development

LP2

Infrastructure

LP3

Spatial Strategy

LP6

Haslar Peninsula

LP10

Design

LP11

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

LP12

Designated Heritage Assets: Conservation Areas

LP15

Safeguarded Areas

LP21

Improving Transport Infrastructure

LP22

Accessibility to New Development

LP23

Layout of Sites and Parking

LP32

Community, Cultural and Built Leisure Facilities

LP34

Provision of New Open Space and Improvement to Existing Open Space

LP41

Green Infrastructure

LP43

Locally Designated Nature Conservation Sites

LP44

Protecting Species and Other Features of Nature Conservation Importance

LP45

Flood Risk and Coastal Erosion

LP46

Pollution Control

LP47

Contamination and Unstable Land

LP42

International and Nationally Important Habitats

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

**Consultations**

Streetscene Leisure & Play

No response received.

Environmental Health

No adverse comments in respect of this application.

The Gosport Society

The Gosport Society has no objection to these proposals in principle which we believe will be of benefit to the site. We would like to make the following comments:

We welcome the design elements which acknowledge the presence of the former rail lines along the waterfront. If any of the original rails remain and can be made visible, that would be most welcome.

We would like to ensure that the style of lighting proposed for the waterfront is sufficient to keep the waterfront well lit, in a style appropriate for the context and in keeping with the lighting design for the whole of the Haslar Hospital site.

## HCC Landscape Planning & Heritage

The site lies outside the Haslar Hospital within a zone that has clearly been subject to considerable engineering works related to coastal defence. The proposed works are described as simple cosmetic and resurfacing work. The archaeological concerns are consequently limited. However the Heritage Statement submitted with the application does indicate that walkway was used as a track bed to a railway / tramway serving the hospital. The Heritage Statement indicates that the proposal will include some Heritage interpretation (para 7.2) of the use of the walkway as a rail/tram way. This is welcomed. To inform this it is proposed that ground penetrating radar (GPR) will be used to located whether any rails survive below the surface and whether they will be exposed by the works.

The use of a geophysical technique to establish the presence of the rail is welcomed. However, would wish to see some provision made to secure the archaeological recording of the rails and associated infrastructure if it is still present and if exposed by the works. Accordingly I would recommend that an archaeological condition is attached to any planning permission which might be issued. This should secure archaeological recording of the track/tramway as exposed by the works. Such provision might not be needed if the GPR results indicate that the rail was previously removed, although this would need to await the GPR results.

## HCC Ecology

The application is accompanied by a Technical Note (ECOSA, November 2016) which provides a generally sound appraisal of the sites ecological value. The existing promenade is essentially unvegetated, with only very small areas of colonising ruderal vegetation and sapling growth present. In summary, the potential for impacts to vegetation and protected species arising from the proposals is minimal.

Some wintering bird surveys were carried out in advance of the initial application and it is not expected that there will be any impacts to bird species associated with the nearby SPA and Ramsar sites.

The works will clearly have potential to result in construction-phase impacts to marine habitats and therefore a suitably-detailed



CEMP will be required in order that proposed pollution prevention measures can be assessed. The proposed planting list for the maritime vegetation along the promenade is welcome and includes a range of species likely to be encountered along the Solent coastline. I would certainly encourage the use of native coastal species as opposed to ornamental non-natives.

Overall, I have no overriding concerns in relation to the proposals.

#### Historic England

It would appear that some of the stonework to the sea wall dates from the 18th century and although not designated in its own right (but perhaps falls within the Haslar Conservation Area boundary, this is unclear) it is of undoubted historical interest. Therefore it should be carefully repaired where necessary using a specification agreed with your conservation officer.

The treatment of the space behind the flood defence wall is ambiguous. This is an area of shingle which would have a metal fence along the top of the shingle bank. I am not sure that the profile of the bank is accurately depicted. In any case I suggest that the railings are positioned forward of the top of the bank (i.e. nearer the wall) to allow those within the site to use the bank as a viewing area.

The representation of the tram tracks within the surface treatment is welcome. It is important, however, that these are accurately located so that this is a meaningful interpretation of the historic layout.

Historic England supports the application on heritage grounds.

#### Environment Agency (Hants & IOW)

Following the submission of additional information we are satisfied to remove our previous objection dated 11 January 2017. However, we request that the following planning conditions be attached to any planning permission granted in order to make the development acceptable. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk

Assessment (FRA) (Ref: H022, November 2016) and the following mitigation measures detailed within the FRA:

1. As stated in section 2.0 of the FRA, the improvement/protection and maintenance of existing flood defences must be provided.
2. As stated in section 2.0 of the FRA, an Emergency Flood Evacuation Plan must be implemented.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason**

To ensure the structural integrity of existing and proposed flood defences thereby reducing the risk of flooding in line with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and Policy LP45: Flood Risk and Coastal Erosion of the Gosport Borough Council Local Plan 2011 - 2029.

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

Nil

### ***Principal Issues***

1. This proposal relates to the waterfront walkway between the coastline and the southern boundary of the former Royal Hospital Haslar. The main issues in this case are whether the proposed flood defence alterations works, hard and soft landscaping, public realm furniture and lighting are acceptable having regard to the impact on the special historic and architectural character and appearance of the adjacent Listed Buildings and their settings; whether the proposal will preserve or enhance the character and appearance of the Conservation Area and the Listed Historic Park; whether the impact on the amenity of existing, prospective and nearby occupiers is acceptable, and if the impact on the interests of archaeology, nature conservation and public safety is acceptable.

2. The waterfront walkway would be accessed from Dolphin Way to the south-west and access would also be made available through the former Royal Hospital Haslar site directly north of the waterfront walkway via five gated access points spread along the waterfront and which would link to the pedestrian and cycle infrastructure to be provided within the wider Haslar development. It is hoped that at some stage in the future access would also be made available from the Fort Blockhouse approach road / Haslar Jetty Road to the north-east, however this does not form part of the current proposals.

3. Securing public access along the waterfront walkway is an underpinning aspect of the masterplan for the wider Haslar site. The supporting information submitted with this application identifies key objectives from the masterplan. These include promoting pedestrian and cycle movement along the coast, providing a focus for community activities, promoting integration with the Haslar site, providing formal and informal seating areas, visually improving the appearance of the retained castellated sea wall (augment with railings), using robust surface materials and public realm furniture, the restoration of the historic rail lines, improved lighting and art work along the length of the waterfront to animate and enliven the space for visitors.

4. The Outline Planning Permission for the wider Haslar site (reference 12/00591/OUT dated 26 September 2014) made provision within the associated Section 106 Agreement, Clause 9.13 to 9.19 and 9.23 to 9.24 for public access to be available and not otherwise be withheld to the waterfront walkway from Dolphin Way and the main Haslar site. Public access to the waterfront walkway was therefore secured from 25 September 2014. The improvement works the subject of the current planning application would not alter this public access requirement, but make the waterfront walkway a more attractive and welcoming esplanade promenade for public use. The proposal would therefore accord with Policy LP6 of the Local Plan.

5. The flood defence alterations proposed would maintain the existing staggered sea wall and augment this with a new flood defence wall of textured concrete. The new flood defence wall would be 6.52m above Ordinance Datum, which is shown on the submitted drawings as being 1m above the adjacent waterfront walkway. On top of but set back 1m from the wall would be a metallic horizontal bar estate fence. The proposed sea and flood defences are considered acceptable as a mechanism to prevent flooding of the wider site in accordance with Policy LP45 of the Local Plan.

6. Within the proposed flood defence wall would be five gateways to enable and allow access to and from the walkway and the main Haslar site. The steel flood barrier gates would be lowered onto the ground to allow pedestrian access and only be raised in time of flood to protect the wider Haslar site. The metal work would be inscribed with decorative imagery to complement that proposed to be applied to the flood defence wall. The details of the imagery of the inscriptions will be secured through the imposition of a suitably worded planning condition.

7. Other drainage mechanisms for surface water are indicated as not being subject to change as the works proposed are primarily cosmetic. All surfaces will, as now, drain to the adjacent open coastal water areas.

8. The proposal will incorporate new finished treatments to both hard and soft landscaping along the waterfront walkway, incorporating new areas for seating. The public realm furniture and lighting would be designed to reflect the historic ambiance of the main site which will be the backdrop setting to the waterfront walkway. Details of the lighting can be secured through the imposition of a suitably worded planning condition. Subject to this it is considered that the proposals would accord with Policy LP10 of the Local Plan.

9. The proposed works would assist in rejuvenating and making the waterfront area more attractive and appealing to users. As a result the proposal would enhance the character and appearance of the Conservation Area and improve the setting of the Listed hospital in accordance with Policies LP11 and LP12 of the Local Plan.

10. The proposal would have a beneficial impact on the general amenity of the locality. The waterfront walkway would be overlooked, albeit at a distance, from the proposed residential units to be provided on the main Haslar site within refurbished existing buildings and in new build accommodation and improve landward views. The policy would therefore accord with Policy LP10 of the Local Plan.

11. The most significant archaeology interest along the waterfront relates to the former railway line track which ran along the waterfront walkway and into the Haslar site. The route of this track has over time been covered over within the grassed verge area and partly with tarmacadam walkway surface and is therefore hidden from view. As part of the refurbishment proposals, the railway track would be uncovered and incorporated into the final surface treatment of the waterfront walkway and interpretive details provided. The details of the excavations, the interface with the new hardsurfacing and interpretive display can be secured through the imposition of suitably worded planning conditions.

12. In nature conservation terms the proposal would introduce a range of landscaping that would assist and widen the biodiversity potential of the site. The soft landscaping would utilise species appropriate to a maritime environment. The proposals would cause no harm to protected species or

to the environmental designations, however given the ecological sensitivities of the locality a Construction and Environmental Management Plan should be secured through the imposition of a suitably worded planning condition. Subject to this the proposals would accord with Policies LP42 and LP44 of the Local Plan.

13. The profile of the coastal strip would not significantly alter from the current situation. The risks to public safety from an unfenced slope to the water level would be no worse than at present. With the improved treatment to the hard and soft landscaping area with clear areas for walking it may be considered to be a modest improvement in public safety terms.

14. For the above reasons and subject to the following conditions, it is considered that the proposed works to the waterfront walkway to the south of the former Royal Hospital Haslar development are acceptable. The proposals demonstrate a high standard and quality of design and refurbishment works that will enhance the special historic and architectural features of the adjacent buildings and their setting and the setting of adjacent Listed Buildings and the Listed Park. The proposals will enhance the historic and architectural character and appearance of the Haslar Conservation Area and the wider visual appearance of the area. The proposals will enhance connectivity and public access between the waterfront and wider Haslar site and would not prejudice the implementation of the remainder of the development or harm the amenities of the occupiers of existing, prospective or neighbouring occupiers or be detrimental to highway safety in compliance with Policies LP1, LP2, LP3, LP6, LP10, LP11, LP12, LP15, LP21, LP22, LP23, LP32, LP34, LP41, LP42, LP43, LP44, LP45, LP46 and LP47 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. Development shall not commence until details of any phasing of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved phasing, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the improvements to the public realm and sea defences are delivered in an appropriate timeframe to protect the features of special historic and architectural interest of the Listed Buildings and the setting of the adjacent Listed Buildings and Park and the appearance of the development and to preserve the character and appearance of the Conservation Area and to comply with Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan, 2011-2029.

3. Development shall not commence until details, including samples, of the all external facing materials to be used for ground surfaces and all means of enclosure together with details of inscriptions, artwork, public seating, waste bins and interpretation or public information boards for any phase of the development have been submitted to, and approved in writing, by the Local Planning Authority. The development or any phase shall, unless otherwise agreed in writing with the Local Planning Authority, thereafter be carried out in accordance with the approved details.

Reason - To protect the features of special historic and architectural interest of the Listed Buildings and the setting of the adjacent Listed Buildings and Park and the appearance of the development and to preserve the character and appearance of the Conservation Area and to comply with Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan, 2011-2029.

4. Notwithstanding Condition 3 of this planning permission, no works to the sea defence flooding wall, gated access points and flood defence barriers along the boundary of the former Royal Haslar Hospital grounds shall commence until a sample materials panel (of at least 1m by 1m, clearly illustrating the type of construction and finishing, has been provided on the site in a location where it can be seen in full natural light,) has been provided and approved in writing by the Local Planning

Authority. The sea defence flooding wall, gated access points and flood defence barriers shall thereafter be carried out in accordance with the approved sample panel.

Reason - To protect the setting of the adjacent Listed Buildings and Park and the appearance of the development and to preserve the character of the Conservation Area and to comply with Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan, 2011-2029.

5. No phase of the development hereby permitted shall commence until details of the historic alignment of the railway lines and its interpretation and integration within the new hard surfaces and soft landscaping have been submitted and approved in writing by the Local Planning Authority. The alignment of the railway lines shall thereafter be expressed in the finished ground surface in accordance with the approved details as each phase is completed and brought into use.

Reason - To ensure that the historic alignment of the railway lines is expressed and accurately represented in the development hereby permitted in accordance with Policies LP10, LP12 and LP13 of the Gosport Borough Local Plan, 2011-2029.

6. No development shall start on site until and unless details of the soft landscaping works for the waterfront development phase shall be submitted to and approved, in writing, by the Local Planning Authority. These details should include a planting scheme showing species, numbers, densities, heights and a future maintenance scheme. The approved soft landscaping shall be completed by the end of the planting season following the completion of each phase of the development and any trees or plants which die, are removed or become seriously damaged or diseased during the first five years after planting, shall be replaced with others of identical species (or as may otherwise be agreed in writing with the Local Planning Authority) during the next planting season.

Reason - To protect the setting of the Listed Buildings and Park and the appearance of the development and to preserve the character and appearance of the Conservation Area and to comply with Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan, 2011-2029.

7. The lighting details shown on Drawing No. 14-17-16-03 Rev.A shall be provided prior to the completion of each phase of the development hereby permitted and thereafter retained.

Reason - To protect the features of special historic and architectural interest of the Listed Buildings and Park their settings and the appearance of the development and to preserve the character and appearance of the Conservation Area and to comply with Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan, 2011-2029.

8. The development hereby permitted shall, unless otherwise agreed in writing by the Local Planning Authority, only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: H022, November 2016) and the following mitigation measures detailed within the section 2.0 of the FRA: the improvement/protection and maintenance of existing flood defences. The mitigation measures shall be fully implemented prior to the first occupation of any residential development built pursuant to outline planning permission 12/00591/OUT or within any other period as may subsequently be agreed in writing, by the Local Planning Authority.

Reason - To ensure the structural integrity of existing and proposed flood defences thereby reducing the risk of flooding in line with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and Policy LP45: Flood Risk and Coastal Erosion of the Gosport Borough Council Local Plan 2011 - 2029.

9. No phase of the development hereby permitted, shall take place until the applicant has undertaken a programme of archaeological evaluation in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority. The WSI shall include a methodology to secure archaeological recording of the track / tramway as exposed by the works.

Reason - To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets and to comply with Policy LP12 and LP13 of the Gosport Borough Local Plan, 2011-2029.

10. No phase of the development hereby permitted, shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the

Planning Authority. The works shall thereafter be carried out in accordance with the approved Scheme.

Reason - To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations and to comply with Policy LP12 and LP13 of the Gosport Borough Local Plan, 2011-2029.

11. Within six months of the completion of archaeological works associated with the development hereby permission, or such extended period as may be agreed in writing by the Local Planning Authority, a report shall be produced in accordance with an approved programme including, where appropriate, post-excavation assessment, specialist analysis and reports, publication and public engagement and shall be deposited with the Local Planning Authority, the Heritage Environment Record and the HCC Archivist.

Reason - To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available and to comply with Policy LP12 and LP13 of the Gosport Borough Local Plan, 2011-2029.

12. No development shall start on site until a Marine Environment Construction Method Statement (MECMS) has been submitted to and approved in writing by the Local Planning Authority, which shall include:

- (a) A programme of and phasing of demolition (if any) and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods of waste and debris removal from the site;
- (e) Access and egress for plant and machinery;
- (f) Hours of construction on site (including materials delivery times);
- (g) Location of temporary site buildings, compounds, construction material and plant storage areas;
- (h) Protection and provision of pedestrian and cycle routes during construction.

Ground work, demolition work and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Local Planning Authority can properly consider the effect of the works on the amenity of the locality given that the works will clearly have potential to result in construction-phase impacts to marine habitats and therefore will require proposed pollution prevention measures to be assessed.

13. The development hereby permitted shall be carried out in accordance with the following approved plans, documents and method statements:

- Design and Access Statement (Sept 2016)
- Landscape Response (Nov 2016)
- Heritage Statement for Waterfront Walkway (June 2016)
- Flood Risk Assessment Statement (Nov 2016)
- Ecology Appraisal Statement for Waterfront Enhancement (Nov 2016)
- Site Location Plan PLAN 1
- Site Location and Boundary Details 15456-2-102
- Waterfront Layout and Masterplan 15456-2-103 Rev.B
- Flood Gate Wall Details 15456-2-103.1
- Lighting Plan 14-07-06-03A,AG Rev.A

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan 2011-2029.