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10 January 2017

S U M M O N S

MEETING: Regulatory Board
DATE: 18 January 2017
TIME: 6.00 pm
PLACE: Council Chamber, Town Hall, Gosport
Democratic Services contact: Vicki Stone

MICHAEL LAWThER
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

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

Councillor Jessop (Chairman)
Councillor Allen (Vice Chairman)

Councillor Mrs Batty	Councillor Farr
Councillor Beavis	Councillor Foster-Reed
Councillor Bergin	Councillor Hicks
Councillor Carter	Councillor Raffaelli
Councillor Ms Diffey	Councillor Ronayne
Councillor Earle	Councillor Wright

INFORMATION FOR MEMBERS OF THE PUBLIC

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

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

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

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

IMPORTANT NOTICE:

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

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

Regulatory Board
18 January 2017

AGENDA

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST
All Members are required to disclose, at this point in the meeting or as soon as possible thereafter, any disclosable pecuniary interest or personal interest in any item(s) being considered at this meeting.
3. MINUTES OF THE MEETING OF THE REGULATORY BOARD HELD ON 7 DECEMBER 2016
4. DEPUTATIONS – STANDING ORDER 3.4
(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Monday 16th January 2017. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).
5. PUBLIC QUESTIONS – STANDING ORDER 3.5
(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Monday 16th January 2017).
6. REPORT OF THE HEAD OF PLANNING SERVICES
*Schedule of planning applications with recommendations.
(grey sheets pages 1-51/1)*
7. ANY OTHER ITEMS
Which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.

PART II
Contact Officer:
Debbie Gore
Ext: 5455

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 7 DECEMBER 2016 AT 6PM**

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

It was reported that in accordance with Standing Order 2.3.6, Councillors Hook and Burgess had been nominated to replace Councillors Beavis and Bergin respectively for this meeting.

66. APOLOGIES

Apologies for inability to attend the meeting were received from The Mayor and Councillors Beavis and Bergin.

67. DECLARATIONS OF INTEREST

- In respect of Item 1 of the grey pages of the report of the Head of Planning Services, Councillor Allen stated that he had been a member of the Licensing Sub-Board that had granted the original premises licence for the building but that he did not consider this to affect his ability to make a decision on planning grounds.
- In respect of Item 1 of the grey pages of the report of the Head of Planning Services, Councillors Mrs Batty and Wright declared that they had sat on the Licensing Sub-Board that had recently approved a variation to the premises license for the building but they did not consider this to affect their ability to make a decision on planning grounds.
- In respect of Item 1 of the grey pages of the report of the Head of Planning Services, Councillor Ronayne stated that he was the Ward Councillor.
- In respect of Item 4 of the grey pages of the report of the Head of Planning Services, Councillor Mrs Batty stated that she was the Ward Councillor.

68. MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 19 October 2016 be approved and signed by the Chairman as a true and correct record.

69. DEPUTATIONS

Deputations had been received on the following items:

- Item 1 of the grey pages 16/00423/FULL – Unit B1 Granary And Bakery, Weevil Lane, Gosport
- Item 3 of the grey pages 16/00146/FULL – 19 Amersham Close, Gosport
- Item 4 of the grey pages 16/00352/OUT – Land Adjacent to 2C Perth, Road Gosport

70. PUBLIC QUESTION

There were no public questions

PART II

71. 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:

**72. 16/00423/FULL – RETENTION OF AND FURTHER WORKS FOR THE
ERECTION OF FREE STANDING TABLES AND CHAIRS (ADJACENT TO
LISTED BUILDING IN A CONSERVATION AREA) (as amended by plan
received 18.11.16)
UNIT B1 Granary and Bakery Weevil Lane Gosport**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00423/FULL.

Mrs Philippa Dickinson was invited to address the Board.

Members were advised by the Planning Officer that since the publication of the report one further letter of support had been received. Members were advised that no additional issues had been raised in the letter and therefore there was no change to the Officer's recommendation.

Mrs Dickinson advised the Board that she was a resident at Royal Clarence Yard and also one of the volunteer organisers of events and other activities there.

Mrs Dickinson advised the Board that the residents' aim was to bring visitors to a beautiful part of Gosport's history and showcase its potential for businesses to be successful.

Mrs Dickinson advised the Board that one of the key factors that brought visitors to Royal Clarence Yard was the history of the place and the number and quality of heritage buildings that remained. She further advised that residents were fortunate that Gosport's Local Planning Policies were strong on the need to protect these buildings and the requirement for high quality design especially within Conservation areas like Royal Clarence Yard.

Mrs Dickinson referred Members to Policies LP4, 10, 11 and 12 of the Local Plan that protected, conserved and together with local tourism & commercial objectives, allowed for the sensitive, coherent development and exploitation of the buildings at Royal Clarence Yard.

Mrs Dickinson advised the Board that residents were not opposing the proposals and welcomed the fact that The Victualler had re-opened the Bakery as a restaurant. She went on to advise that the newly designed interior was stylish and welcoming, while leaving the heritage of the building pretty much intact and visible however she stated that unfortunately the same could not be said of the exterior furniture.

Mrs Dickinson explained to the Board that the Planning Officer's report outlined the issues with the design, materials and scale and advised Members that some brief observations and context should be considered when determining the application, these were;

- 1) Over 30 small or medium enterprise businesses were already operating at Royal Clarence Yard. Several of these had been based there for years with many thriving and creating jobs. These businesses respected the fact that it was in a Conservation Area (even though this brought constraints).

Mrs Dickinson advised that it had only been on the Waterfront that there had been a problem realising the commercial potential, but felt that was changing as there were now two restaurants and a café there and increasing interest from others.

- 2) There were 29 letters of support for this application, but only four from people or businesses located at Royal Clarence Yard. Support had been solicited through a social media campaign conducted by The Victualler.

Mrs Dickinson advised that there were 22 objections – 15 from Royal Clarence Yard residents which had included the CEO of internationally renowned Clipper Ventures. Many residents were

supportive of the restaurant, just objected to the exterior furniture. Mrs Dickinson added that there was no campaign organised against the furniture.

- 3) There is a suggestion that the restaurant cannot now afford to remove the exterior furniture, and that its retention is vital for the success of the fledgling business.

Mrs Dickinson stated that, in her experience, restaurants succeeded or failed based on the quality of their food, customer service, pricing and marketing and had never heard a restaurant argue before that their exterior furniture was a critical element.

Mrs Dickinson advised Members that she felt that the situation was a problem of the applicant's own making. She added that they had chosen not to seek planning advice or permission before starting construction and, when advised that they would need permission and that there were concerns, ignored this and carried on building regardless and only when receiving an enforcement notice did they submit an application retrospectively.

Mrs Dickinson felt that Berkeley Homes could have advised their tenant better and stopped the construction as it was their land and their property.

Mrs Dickinson said that she was sorry that it might cost the restaurant a chunk of money to remove the pallet furniture and replace it with more appropriate tables and chairs but perhaps the applicants could look to Berkeley Homes to bear some responsibility for having allowed the situation to arise.

Mrs Dickinson further stated that she had heard a possible cost of a few thousand pounds mentioned and added that this could seem a lot for a new business, but this would not be much money to the extremely profitable Berkeley Homes, and reflected the equivalent of a couple of hours of corporate entertaining in a swanky hotel or a couple of seconds of Chairman Tony Pidgley's time.

- 4) Fire risk: Mrs Dickinson expressed surprise to read that the fire risks raised by the fire officer were not relevant in planning.

Mrs Dickinson advised Members that the residents living in the Bakery considered the fire risks to be extremely relevant and asked whether the Board had ever approved a planning application with significant fire risk concerns left unresolved for so long.

- 5) In recent weeks, a long strip of lighting had been attached to the exterior of the Bakery. Mrs Dickinson felt that this almost certainly would require planning permission, however, none has been sought, nor any advice given, with Berkeley Homes saying that it was not an issue for them

Mrs Dickinson asked Members to consider what message would it send to the applicant, to Berkeley Homes and to all the other current and future businesses at Royal Clarence Yard if they were to disagree with the views of the Planning, Conservation, Environmental Health and Fire departments and allow the proposed application, adding that it would give the impression that it would be acceptable to ignore planning considerations and just put stuff up and then plead poverty as a reason to be allowed to keep it. Mrs Dickinson also asked whether a commercial decision by a business should be allowed to outweigh the strong and considered policies of the Council. Mrs Dickinson further stated that she thought that the approval of the application would not be good for the future prosperity of Royal Clarence Yard nor for Gosport.

In conclusion, Mrs Dickinson felt that it was for all the reasons highlighted, plus the potential for additional noise and nuisance outside of restaurant hours, that she hoped Members would support the recommendation to refuse the application.

Mr Bartrip was invited to address the Board and advised that he was the applicant and owner of the harbour side bar and had owned a residential property in Royal Clarence Yard since 2007.

Mr Bartrip advised the Board that full use of the outside seating area was crucial for his business to survive. Mr Bartrip further advised Members that previous owners of the premises had not been required to apply for planning permission for outside seating.

Mr Bartrip advised the Board that he employed 14 full time staff and that the seating area was essential to cope with the service demands and to ensure enjoyment of the harbour views. Mr Bartrip added that his business used local stock and suppliers and invested back into the community.

Mr Bartrip advised the Board that he had used his life savings for refurbishment of the building and had spent a large sum of money on the outside furniture. He advised that there was no additional budget to replace the furniture and felt that if no seating was provided outside the premises the business would simply not thrive.

Mr Bartrip advised the Board that the outside furniture had been put in during the summer and that the bar had opened a few weeks ago. He reported that the premises had been very busy every weekend since then and no complaints had been received.

Mr Bartrip advised the Board that licensing conditions were in place to ensure customers did not disturb local residents with noise nuisance and he felt that the seating area was in keeping with the surrounding area. Mr Bartrip further advised that amended plans submitted allowed for disabled access to the raised area adjacent to the harbour wall.

A Member asked the applicant if he would be willing to reduce the scale of seating outside the premises and the applicant advised that this was something that could be considered.

Clarification was sought by a Member in relation to the furniture remaining permanently outside the premises and asked if this could be stored inside the premises. The applicant advised that there was no space inside the venue to store the large volume of furniture. He also advised that he was in discussion with Hampshire Fire and Rescue to get the wooden furniture fire-proofed.

Councillor Philpott was invited to address the Board. He advised that, whilst he was not speaking on behalf of the Economic Development Board, of which he was Chairman, he was speaking within his remit of economic development and prosperity.

Councillor Philpott advised the Board that he felt the report for consideration did not take into account all the Local Planning Policies relevant to Royal Clarence Yard.

He advised the Board that he understood that the applicant had a right to make a retrospective application however he believed that the applicant should have sought the opinion of the Council's Conservation Officer due to the premises being a Listed Building within a Conservation Area.

Councillor Philpott advised the Board that Royal Clarence Yard had always been considered as a mixed use development with ground floor frontages being identified to provide leisure facilities and restaurants and protected for commercial benefit.

Councillor Philpott acknowledged that fire safety was not a material planning consideration and that rules were in place by the Hampshire Fire and Rescue Service to ensure that premises complied with fire regulations.

Councillor Philpott advised the Board that the main issue of objection focused on the design of the furniture outside of the premises however he believed, that the design was a matter of opinion and that the benefits the business would bring outweighed the planning policies.

A Member asked for clarification on what was deemed as acceptable furniture as he felt that the wood orientated pallets that had been implemented were in keeping with the previous use of the area and time period. He further added that from an economic point of view the application should be approved as he felt that the seating would enhance a designated heritage asset and provide a

positive contribution to the area. He further added that Policies LP13 and LP31 of the Local Plan gave Members the right to approve the application and overturn the Officer's recommendation.

It was therefore proposed and seconded that the application be approved under LP11, LP13 and LP31 of the Local Plan.

Following further discussions, Members recognised the concerns regarding the scale of the outdoor seating area adjacent to the Marina and, in light of the applicant indicating a willingness to reduce the number of seats, felt that this would alleviate some of the concerns raised.

The motion to approve the application was withdrawn.

It was proposed, seconded and agreed that the application be deferred to allow officers to carry out further negotiations with the applicant and return application to the next available Board.

RESOLVED: That planning application 16/00423/FULL be deferred pending further negotiations

- 73. 16/00312/FULL – CHANGE OF USE FROM CAR SALES TO CAR WASH AND VALETING AND ERECTION OF NEW 2.4M HIGH ACOUSTIC FENCE/SPRAY SCREEN ADJACENT TO SOUTHERN BOUNDARY (as amended by plans and additional information received 09.09.16)
Finsbury Cars Privett Road Gosport**

Members of the Board were advised that planning application 16/00377/FULL had been withdrawn.

- 74. 16/00146/FULL – CHANGE OF USE OF LAND INTO RESIDENTIAL CURTILAGE, THE RETENTION OF EXTENDED DRIVEWAY, 1.8 METRE HIGH FENCE AND OUTBUILDING, AND THE ERECTION OF AN ADDITIONAL 1.8 METRE HIGH FENCE
19 Amersham Close Gosport**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00146/FULL.

Members were advised that there were no updates.

Mr Barrie Smith was invited to address the Board. He advised Members that he had lived at number 20 Gomer Lane, opposite the application site, for over 30 years.

Mr Smith advised the Board that he felt the applicants had shown a blatant disregard to the planning process by commencing works prior to submitting an application and had removed a large tree without consultation with the residents or planning department which he felt was a great loss to the area and environment.

Mr Smith advised the Board that he was representing a fairly large number of objectors who were concerned for the safety aspects of the proposal. In particular he advised that since the erection of the fence residents had witnessed four instances of near misses due to poor visibility manoeuvring in and out of the property.

Mr Smith advised the Board that the plans submitted claimed that a 1.8 metre fence was proposed however the fence that had been erected was up to 2.1 metres tall.

Mr Smith advised the Board that objectors were concerned with the proposal to enclose the pathway which would result in the loss of light to Amersham Close and Gomer Lane and put residents' personal safety at risk when using the path during dark hours. Mr Smith stated that there had been no indication that lighting would be provided and that the enclosing of this space could potentially attract criminal activity.

Mr Smith questioned the need to have parking for nine cars when the applicants already had parking for six cars and felt that this would have a poor effect on the environment if such a large part of the grassed area was replaced with concrete.

In conclusion, Mr Smith asked Members to support the Officer's recommendation for refusal and ensure that the area be retained for open green space that had originally been agreed for the Gomer Estate.

The applicant Mr McCallan was invited to address the Board. He advised Members that he had applied to purchase the land from the developer before it had gone to auction and stated that he believed someone would buy the land and build a property.

Mr McCallan advised that he had extended his driveway to enable his touring caravan to fit alongside his property. Mr McCallan advised Members that 2 years ago he had been involved in a motorcycle accident and that the extension to his driveway enabled him to move the caravan around freely without causing a nuisance to neighbours. He further advised that when he purchased the land no one had complained.

Mr McCallan also advised the Board that number 27 Gomer Lane had purchased a similar parcel of land and erected a fence which had been granted planning permission in 2015.

Mr McCallan advised Members that the fence running along the northern boundary which projected 5 metres from the original boundary had been in place for 11.5 years and had received no complaints or problems with accidents or near misses. He advised the Board that he and his wife were members of the Institute of Advanced Motorists and always used safe manoeuvring practices when exiting their property. Mr McCallan further stated that his wife had sought advice from the Planning Department in respect to the fence next to the footpath and had received a letter from Mr Kenneth Cast dated 25th May 2005 advising that as the footpath was not directly on to a vehicular access way planning permission was not needed at that time.

A Member asked Mr McCallan if he had a copy of the letter from the Planning Department but he could not locate this.

A Member sought clarification from the Planning Officer regarding the fence and how long it had been in place. The Planning Officer confirmed that there was no record of when the fence was erected however if it was more than 10 years ago and the applicant could demonstrate this, they could be advised to apply for a lawful development certificate. The Planning Officer further added that there were two elements of the application; one being the piece of land where the garden had been extended and enclosed, and the other the proposal to enclose the remainder of the land.

Following further discussions, Members felt that further clarification was required regarding the fencing.

It was therefore proposed, seconded and subsequently agreed that the application be deferred to allow for further investigation.

RESOLVED: That planning application 16/00146/FULL be deferred to allow further investigation.

Councillor Mark Hook left the meeting.

**75. 16/00352/OUT – OUTLINE APPLICATION – ERECTION OF DETACHED DWELLING WITH ACCESS FROM PERTH ROAD AND NEW ACCESS TO BALMORAL CLOSE (additional plans 18.08.2016)
Land Adjacent to 2C Perth Road Gosport**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00352/OUT.

Members were advised that since the publication of the report, a further letter of objection had been received which had raised no additional issues. Therefore, the Officer's recommendation remained unchanged.

Mr and Mrs Dunlop were invited to address the Board. Mrs Dunlop advised the Board that she and her husband were the owners of number 5 Balmoral Close and were speaking on behalf of the other residents in Balmoral Close.

Mrs Dunlop advised the Board that they would like to point out that the planning application contradicted the drawings supplied and was factually incorrect.

Mrs Dunlop advised the Board that they were not against the building of the single detached dwelling however their concern was regarding the strip of land where it was proposed to add a dropped kerb. Mrs Dunlop advised Members that she believed the applicant did not own this land and that the original builder of the properties on Balmoral Close had retained ownership of this strip.

Mrs Dunlop advised that the proposed dropped kerb would remove on-street parking for Balmoral Close and questioned why this dropped kerb was required when vehicular access to the site was established from Perth Road.

Mrs Dunlop advised that she had only seen Mrs Rolls maintain the strip of land once and that had been about 2 weeks ago. Furthermore Mrs Dunlop added that the trees on the site had been cut down earlier this year in preparation for the application and at no point had the applicant sought the views of neighbours before this work was carried out. Mrs Dunlop reported that since the cutting down of these trees the strip of land had not been maintained and was overgrown with weeds.

In conclusion, Mrs Dunlop advised that the application was vague and misleading and therefore should be refused.

The agent Mr Ayles was invited to address the Board. He advised Members that the application in front of them for consideration was an outline application that sought consent for the principle of the erection of a detached dwelling.

Mr Ayles advised Members that the application was supported by the Planning Officers and that the main objections from residents involved the proposed dropped kerb.

Mr Ayles advised that the existing private access road served four dwellings. He advised that the roads around Balmoral Close were blocked by cars parking on the kerbs and had resulted in restricted access to emergency vehicles.

Mr Ayles advised the Board that his client had owned her property for over 50 years and that there was no strip of land between the site and the adopted highway. Mr Ayles clarified that the strip of land in question extended to the boundary of the property but was not included in the application.

Mr Ayles advised the Board that there would only be a loss of one parking space and this would not be detrimental to the surrounding area. He added that on-street parking was available for nine cars for six dwellings.

In conclusion, Mr Ayles advised that there would be no overlooking or loss of privacy should the application be approved and stated that no design plans had been submitted to date however indicative plans had demonstrated compliance with the supplementary planning design guidelines.

A Member asked for clarification on the land ownership issue, in response to which the Planning Officer advised that the applicant had signed Certificate A on the application forms which meant that they were claiming that all the land within the application site (including the narrow approx. 2ft wide strip of land between the private concrete track and Balmoral Close) was within their ownership.

The Planning Officer also indicated that the planning department would not be get involved in issues of land ownership, which would be a private civil matter.

Following a Member asking if planning permission was required for the proposed dropped kerb, the Planning Officer confirmed that planning permission would not be required to provide a dropped kerb from Balmoral Close onto the applicant's site where it was intended to give access to an existing hardstanding. The Planning Officer also advised that as the public highway at this point was not a classified road, the applicant would only require a licence from the Highway Authority to provide a dropped kerb.

RESOLVED: That planning application 16/00352/OUT be approved subject to the conditions set out in the report of the Head of Planning Services.

**76. 16/00356/FULL – ERECTION OF DETACHED SINGLE STOREY STORAGE BUILDING
Huhtamaki (UK) Ltd Grange Road Gosport**

Consideration was given to the report of Head of Planning Services requesting that consideration be given to planning application 16/00356/FULL.

Members were advised that there were no updates.

RESOLVED: That planning application 16/00356/FULL be approved subject to the conditions of the report of the Head of Planning Services.

77. ANY OTHER BUSINESS

The Chairman thanked everyone for their hard work over the year and wished everyone a Merry Christmas and a Happy New Year.

The meeting concluded at 19:20

CHAIRMAN

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

18th January 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.

<u>Item</u>	<u>Page No</u>	<u>Appl. No.</u>	INDEX		<u>Recommendation</u>
			<u>Address</u>		
01.	03-08	16/00146/FULL	19 Amersham Close Gosport Hampshire PO12 2RU		Refuse
02.	09- 24/1	16/00396/FULL	8-17 High Street Gosport PO12 1BX		Grant Permission subject to Conditions
03.	25- 38/1	16/00481/FULL	Cordite Building No.2 Britannia Way Gosport Hampshire PO12 4GD		Refuse
04.	39- 44/1	16/00322/FULL	The Middlecroft Middlecroft Lane Gosport Hampshire PO12 3DH		Grant Permission subject to Conditions
05.	45-48	16/00497/FULL	20 Springcroft Gosport Hampshire PO13 0YW		Grant Permission subject to Conditions
06.	49-52	16/00577/FULL	28 Brockhurst Road Gosport Hampshire PO12 3DE		Refuse

ITEM NUMBER: 01.
APPLICATION NUMBER: 16/00146/FULL
APPLICANT: Mr Stephen and Linda McCallan
DATE REGISTERED: 30.09.2016

CHANGE OF USE OF LAND INTO RESIDENTIAL CURTILAGE, THE RETENTION OF EXTENDED DRIVEWAY, 1.8 METRE HIGH FENCE AND OUTBUILDING, AND THE ERECTION OF AN ADDITIONAL 1.8 METRE HIGH FENCE
19 Amersham Close Gosport Hampshire PO12 2RU

The Site and the proposal

1. The application was considered by the Regulatory Board on 7 December 2016 when Members resolved to defer it for additional investigation into the history of the fencing on site.
2. 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 partial implementation of the current proposal.
3. 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.
4. The proposal has been partially implemented as some point between September 2015 and April 2016 with a 7m wide strip along the eastern boundary of the application site having already been enclosed by a 1.8m high fence. This 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 Road. This enclosed section has been covered in hardstanding to extend the drive / parking area of the application property 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. On the north-east corner of the hard-standing a wooden outbuilding has started to be erected which measures 2.6m long (east to west) by 2m wide (north to south) and is 2.4m high and the rear elevation forms part of the fence along the southern boundary of the public footpath.
5. The application also proposes to enclose the remaining open section of the application site with 1.8m high fencing to match that erected and to regulate the change of the use of the whole application site (retrospective in part) into residential curtilage. The application form states the alterations would increase the parking available for the application property from six to nine spaces and the outbuilding would be used for storing a mobility scooter.
6. On the 15 December 2016 the applicant submitted a copy of prior correspondence with the planning department notifying them of the applicant's intention to erect the fencing around the front garden referred to in paragraph 2 of this section of the report. The response from the planning department, dated 25 May 2005, stated that not enough information had been submitted to

determine if planning permission was required. However the applicant has noted that a conversation took place in the Council Offices with a Planning Enforcement Officer who confirmed that the fencing would not require planning permission as the adjacent footpath was not used for vehicles.

Relevant Planning History

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

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

National Planning Policy Framework (NPPF), March 2012

Consultations

Local Highway Authority

Object. The enclosure of the land is not acceptable to the Highway Authority as it would prohibit the access over the land which the existing rights allow.

Response to Public Advertisement

17 letters of objection

Issues raised:-

- effect on the appearance of the surrounding area - the estate has been designed to be spread out amongst open spaces, trees and green corridors
- the footpath from Amersham Close to Gomer Lane is heavily used by school children, dog walkers and pedestrians
- the proposed fencing would make the footpath into an alleyway stopping views around the corner and potentially increasing accidents
- the height of the fence would mean the users of the footpath cannot see vehicles moving in and out of 19 Amersham Close
- the fencing would box in the front of 6 and 4 Amersham Close, the path is the only access to these properties and the lack of wider views of their frontages could be a security risk
- the fencing would impact on the outlook and access to light for occupants of 6 and 4 Amersham Close

- height of the proposed fencing is too tall a better solution could be a lower fence softened with shrubs, conifers etc.
- work has already started before the planning application has been considered
- this application could set a precedent for other such enclosures on the Privett Estate
- the impact of the enclosure of the open space would affect the value of nearby properties
- a large mature tree has already been felled which was on this piece of land
- why does the application property need nine car parking spaces, will they be running a business from the property?
- the Council has been maintaining the land over the summer, will the applicant be reimbursing the Council for the work if it is determined that Highways do not have a right of access over the land
- neighbouring properties deeds state that no high fences should be built and the open plan character should be maintained - likely the application property's deeds do too

Principal Issues

1. Planning legislation allows for planning applications to be submitted retrospectively and each planning application must be considered on its own merits in the context of local and national planning policy. An individual decision does not, therefore, necessarily set a precedent for future developments. The effect of a development on the potential value of nearby properties is not a material planning consideration. 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 it is likely that separate planning permission would be required if a business were to be run from the application property in the future. The contents of deeds, the determination of Highway access over the land, and maintenance costs are beyond the remit of planning legislation. This application does not include the section of fencing built between the dates of May 2005 to May 2009 (as described in paragraph 2 of the Site and Proposal section of this report), as this has been erected under permitted development. The main issues, therefore, are the appropriateness of the proposal (as set out in paragraphs 4 and 5 of the Site and Proposal section of this report), 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 not been to the extent or scale of this proposal or in such a visually dominant location. The application site represents the majority of one of the four green spaces adjacent to Gomer Lane and therefore any form of enclosure or change of use could significantly alter the character of the area.

4. The area of hardstanding and fencing that has already been built 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 the public amenity aspect of the space would not be significantly harmed. However the section of new fencing along the northern boundary of the application site abuts the edge of the public footpath and the position of the outbuilding along 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 and outbuilding 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 on Amersham Close.

5. The outbuilding is of a design which is considered appropriate for such a use and is subservient to the main dwelling in stature. However the location to the front of the application property, directly along the edge of the footpath and forward of the original fence line along the northern boundary unnecessarily draws attention to it and increases its visual impact in relation to the built hierarchy of the application property and site. It is clearly visible and prominent within the wider context of the site which is at odds with other outbuildings within the locality which are to the rear or side of the main dwellings and are not so visually prominent.

6. The proposed enclosure of the rest of the application site would significantly alter the visual impact from Gomer Lane and almost entirely remove the natural break in the built development along it that this space creates.

7. The application is in two parts, the retention of the already implemented enclosed driveway extension and the proposed separate area of fenced open space. It is not clear how the fenced in open space would be used in relation to the application property and why it is necessary to be incorporated as residential curtilage. It would also be physically separated from the application property with no clear means of access either from the application property itself, through the enclosed driveway or from the surrounding footpaths.

8. The proposed fencing and that already built and proposed to be retained (as set out in paragraph 4 of the Site and Proposal section of this report), which runs along the northern boundary of the application site, closely follow the edges of the existing public footpaths at a height of 1.8m. Prior to the enclosure of the driveway extension the narrowest section of the footpath was between the boundary of the application property and 4 Amersham Close and was approximately 4.5m wide, including a treed verge. The proposal would extend the fencing along the southern edge of footpath to a total depth of 18.8m and reduce the separation width to approximately 2m. Although this would clearly delineate the path ensuring it is recognisable as a route the fence itself would reduce the ability to see around the curve of the path along the north-west corner and when considered against the existing boundaries to the north of the footpath would create an enclosed and narrow space with reduced visibility at either end. As a busy thoroughfare it is therefore considered that the proposed additional fence would exacerbate the impact of the already constructed fence, the subject of this application, and would further reduce intervisibility between users of the footpath.

9. A further unintentional outcome of the fencing along the edge of the footpath would be that of the impact on personal safety. The fencing would significantly reduce the potential of 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, including the wall of the outbuilding, 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. The proposed fencing would remove this relationship so creating a visually enclosed frontage which is at odds with all other properties along Amersham Close.

10. The proposal does not respect the character of the distinctive residential environment of which the application site is part; and it is not required in order to provide acceptable levels of amenity space for the occupants of the application property or for off-road parking. Further to this, it is also considered that the proposal would harm the safe movement of users along the footpath. As such the proposal does not comply with Policies LP10 or LP23 of the Gosport Borough Local Plan 2011-2029 and the Council's Design Supplementary Planning Document.

RECOMMENDATION: Refuse

For the following reason(s):-

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

2. The existing and proposed fencing and existing outbuilding, by reason of their height and proximity to the edge of the public footpath to the north, would create an enclosed environment reducing intervisibility along the whole length of that 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: 02.
APPLICATION NUMBER: 16/00396/FULL
APPLICANT: Mr Hunter Maritime Capital
DATE REGISTERED: 11.08.2016

ERECTION OF ADDITIONAL STOREY, EXTERNAL ALTERATIONS AND CHANGE OF USE OF EXISTING BUILDING TO PROVIDE A 54 BEDROOM HOTEL (CLASS C1), WITH ASSOCIATED PARKING, STORAGE AND SERVICING (CONSERVATION AREA) (amended description and plans received 14.11.2016, 12.12.16, 13.12.16 and 20.12.2016)
8-17 High Street Gosport PO12 1BX

The Site and the proposal

1. The application site is located to the north side of the High Street. The town centre area has a mixed character of retail and commercial properties with residential flats to the outer periphery of the central area and above some of the commercial premises. The red-line application site comprises nos.8 to 17 High Street, and in particular the development and change of use of the upper floor accommodation between nos.9A and 17 High Street, together with the service yard area to the rear and the service road. The rear service yard off North Loading Road is accessed from Clarence Road to the west. The southern portion of the service road adjacent to the service yard area is in the applicant's ownership, the northern part of the service road alongside the public car parking spaces is in the Council's ownership. The publicly maintainable and adopted highway ends at the western end of the service road where the site starts.
2. To the north of the site is Burnhams Walk, a residential flats development within landscaped areas and with car parking courtyards accessed off the North Loading Road service road. There is a public footpath that runs along the southern boundary of Burnhams Walk from the North Cross Street to the east to the service road junction with Clarence Road to the west. South of this footpath are short stay public car parking spaces which are directly accessed from the service road, Northern Loading Road.
3. The proposal involves the change of use of the first and second floor offices above nos. 9A/10 to 16 High Street, the infilling of the void between no.16 and 17, the construction of a partial second storey above the western portion of no.17A, and an additional third floor over the whole enlarged building. The three upper floors formed would be used as a 54 bedroom hotel with an entrance located between nos.16 and 17 on the High Street and through to the rear onto the re-designed servicing and car parking area. The overall height of the new building would be 13.6m compared to the existing building height of 9.7m.
4. The accommodation to be provided would comprise of an entrance foyer with check-in / check-out desk, staff office, staff rest room, laundry store and a breakfast preparation area (for pre-packed meals for guests). A stair well and two lifts give access to the upper floors. The first floor would provide a linen store and 20 guest rooms (12 double rooms at min 15sqm, 7 standard rooms at min 21sqm and 1 accessible room for wheelchair use at 30sqm), the second floor shows a linen store and 20 guest rooms (12 double rooms at min 15sqm, 7 standard rooms at min 21sqm and 1 accessible room for wheelchair use at 31sqm), and the third floor would offer a linen store and 14 guest rooms (1 double room at min 15sqm, 3 "squeeze" rooms (narrow elongated guest rooms) at 18.6sqm, 9 standard rooms at 21sqm and 1 accessible room for wheelchair use at 21.6sqm).
5. The building would be re-faced to both the High Street and the service yard elevations. The first and second floor over nos.9A and 10 would be finished in a 'duck-egg' coloured board and the upper two floors above no.11 would have a rendered finish. The existing bay formations above nos.12 to 15 would be clad in a contemporary timber style boards with a mixture of mixed-wood, rhinestone oak, carbon oak and ceramic oak rock panel finishes. The infill building at no.16 and the third floor would be treated with silver grey rock panel. To the rear the elevational finishes would

comprise a mixture of render and silver grey coloured rock panel. The windows to the bedrooms would be uniform in size and have a dark grey powder coated finish to the aluminium frame.

6. The existing service yard is an open concrete surfaced area bounded by the service road kerb sets. The alignment of the 6.5m width service road runs to the northern edge of the red-line application site. The service yard has an informal arrangement for car parking and for delivery vehicle turning and manoeuvring, which can involve larger vehicles using the service road to carry out these manoeuvres. The proposal shows a revised and formal layout across the site for car parking, building servicing and lorry turning.

7. The service yard is frequently used as an informal pedestrian route from North Cross Street, to the short term public car parking spaces to the north of the service road. The yard is also used for informal parking and for the use of delivery lorries and refuse waste collection vehicles in an ad-hoc manner as circumstances dictate.

8. Submitted in support of the application are a Planning Statement, a Design and Access Statement, a Transport Statement with appendix, a Heritage Statement and Historic Environment Desk Based Assessment, a Structural Engineer's Report, a Surface Water Drainage Strategy, a Phase 1 Bat Survey Report, a Biodiversity Checklist and a Statement of Community Engagement. There is no landscape plan or framework statement, these matters would need to be secured and considered under a planning condition should the proposal be otherwise acceptable.

Relevant Planning History

8 - 11 High Street

52/01810/PA - Demolition of existing and re-building of 4no. shops together with storage accommodation - Outline Permission 07.08.1952

58/03605/PA - Erection of shops with storage accommodation & flats - Permitted 17.07.1958

60/04743/PA - Use of site for supermarket and small shop - Outline Permission 05.10.1960

60/04744/PA - Supermarket and conversion of access to small shop - Permitted 02.12.1960

Land Rear of 8 - 17 High Street

79/00006/PA - construction of extension to rear service road and a car park - Permitted 04.09.1979

9 High Street (Vape Shop)

66/07774/PA - conversion hairdressing salon to butchers shop with cold room extension at rear - Permitted 17.01.1966

67/08931/PA - Extension to existing cold room - Permitted 07.11.1967

10 High Street (Estate Agents)

74/06134/PA - Erection of a single storey rear extension - Permitted 18.10.1974

86/21164/PA - Change of Use of second floor flat (10B) to office - Permitted 01.09.1986

88/22446/PA - Change of Use retail (A1) to office (A2) - Refused 26.05.1988 Appeal Allowed: PG T/APP/J1725/A/88/93865/P2 - 08.12.88

96/00198/FULL - Change of Use of 2nd floor office (10B) to residential flat (Conservation Area) (as amplified by letter dated 01.04.96) - Permitted 23.09.1996

11 High Street (Estate Agents)

79/04992/PA - Change of Use from retail to a hot food shop - Permitted 09.01.1979

12 High Street (Hair Salon)

71/00007/PA - demolition of existing premises and erection of supermarket with offices over - Permitted 19.01.1971

72/12445/PA - shops with offices/storage above at 12-16 High Street - Permitted 17.04.1972

74/14631/PA - use ground floor as frozen food shop and first floor as restaurant - Permitted 09.10.1974

13 High Street (Betting Shop)

04/00279/FULL - Change of Use of ground floor premises from shop (Class A1) to financial and professional services (Class A2) (Conservation Area) - Permitted 27.05.2004

14 High Street (Newsagents)

74/07053/PA - 3-storey building to include ground floor shop - Permitted 19.02.1974

15 High Street (Store 21)

78/16775/PA - first floor showroom extension - Permitted 19.07.1978

16 High Street (upper floor offices)

59/00008/PA - Erection of a shop at 16 High Street - Permitted 03.03.1959

69/00030/PA - outline application for the re-development of 7, 7A and 8 North Cross Street with shops and offices over and development of 16 High Street as retail shop with offices over - Permitted 21.10.1969

81/19071/PA - change of use from offices to bingo hall - Permitted 07.07.1981

96/00203/FULL - Change of Use from office (Class B1(a)) to office and computer skills training centre - Permitted 21.02.1997

17B High Street (Bonmarche)

57/00024/PA - erection of two storey building for use as an office with flat over at 16-17 High Street - Permitted 28.06.1957

57/00038/PA - Erection of two-storey building as office with flat over at 17-18 High Street - Permitted 03.01.1958

58/03742/PA - Two storey building for use as office with flat over at 17-18 High Street (TSB) - Permitted 04.07.1058

91/14635/PA - Erection of single storey rear extension to form plant room - Permitted 21.11.1991

17A High Street (pool hall at first floor)

77/14633/PA - Change of Use first floor to billiard and snooker centre - Permitted 15.11.1977

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

LP4

The Gosport Waterfront and Town Centre

LP10

Design

LP12

Designated Heritage Assets: Conservation Areas

LP16

Employment Land

LP18

Tourism

LP22
Accessibility to New Development
LP23
Layout of Sites and Parking
LP27
Principal, District and Neighbourhood Centres
LP28
Uses in Centres
LP46
Pollution Control
LP47
Contamination and Unstable Land

Supplementary Planning Documents:

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

Gosport Borough Council Parking: Supplementary Planning Document: February 2014

National Planning Policy Framework (NPPF), March 2012

Consultations

Local Highway Authority

The applicant has submitted a further revised layout for the scheme following previous comments from the Highway Authority and the Local Planning Authority. The revised layout is shown on drawing 15-110_03 Rev F which incorporates recommended changes to the car parking area to the rear of the site. Whilst the layout does not represent a perfect arrangement and the shown parking provision is below the standards set out within GBC Parking SPD, in this situation in the town centre, the shown layout has been considered to address the likely requirements of the development proposal and therefore is acceptable. Having regard to the above the Highway Authority would recommend: No objection subject to conditions.

No objection subject to following conditions

Transport & Traffic

Following our recent visit to the site and measurements taken it would appear that the revised plan has depicted the existing features correctly, save for the orange dotted line "Existing Kerb Line". From our site visit the black dotted line appears to be consistent with the line of the existing kerb line.

The revised layout of the site as shown on Drawing 15-110_03 (Revision G) has now overcome the issues raised previously regarding the layout of the car parking spaces, and their impact on the swept path of the articulated lorry, and the effective

removal of direct servicing opportunities for No. 17 (Bonmarche).

As discussed previously the central delivery bay should be made available to all users of the service road as there are no other opportunities to turn goods vehicles - controls will be necessary to prevent this area from being used for general parking maintaining its availability for loading/unloading/turning.

With reference to the proposed path this is no longer shown to be extending beyond the existing kerb line into the carriageway, and although it will result in the appearance of a reduced, inconsistent width this is a compromise that acceptable. The layout retains the full width of the road which given the nature of the road should not be altered, with the present alignment retained, and any footways or paths provided behind the existing carriageway edge. This is particularly important to segregate pedestrians from the carriageway (and give them a clear/continuous facility across the site) and to maintain the functionality of a number of the public car parking spaces to the north of the road, and access to the gates for the Market Compound.

The plan would appear to indicate 6m between the end of the public car parking spaces to the north of the road and the edge of the pathway (the minimum required aisle width for manoeuvring into a car parking space), however I note that there are no footways in front of these spaces and the margin between the spaces and the edge of the carriageway means that people accessing their cars do not need to walk in the road - similarly this should also be achieved on the application site, with the footway provided south of the existing carriageway edge, thereby maintaining the existing road width as is and providing a footway distinctly separate from the existing road.

With regards to cycle parking, the vertical cycle storage system does not appear to be very practical to use, requiring a bicycle to be swung onto its back wheel only and lifted onto a rack, all within a store a little over 2m deep. Some of the Sheffield stands appear to conflict with routes to the backs of the ground floor units and two spaces are shown directly behind the delivery bay - which

would restrict the tail lift of the vehicle shown etc. Additionally there does not appear to be any cycle parking conveniently located adjacent to the Hotel entrance. These should be altered by conditioning agreement of these facilities.

Historic England

We do not wish to comment in detail, but offer the following general observations.

The Heritage Statement describes how the conservation area has overall maintained the legibility of the historic plot widths, that there is a vertical emphasis to the built form of the High Street, a variety of building materials has been used and there is a consistent height to the built form of around three storeys. As a consequence, although there has been considerable change over time in the High Street area, there is an overall uniformity and coherence to development. The existing buildings on this site would appear to have no historic interest and I do not object to the principle of redeveloping the site.

While I can appreciate that the design of the hotel has partly addressed the historical character and context of the conservation area by, for example, seeking to retain a vertical emphasis to the High Street elevation, I believe that more could be done to ensure that the new building would have a more comfortable relationship to the general street scape. The design of the hotel could be improved by:

- Further use of differing materials to break up the façade and better capture the rhythm of the historic grain - the plot widths;
- Setting back the 3rd floor/4th storey to lessen the perceived height of the building in the street scene. This may offer the opportunity to create balconies for some hotel rooms.
- The articulation of the front façade should be carried up through the full height of the building otherwise a monolithic lid is created.
- The south-east corner of the building (the entrance corner) has an overly dominating presence in the views along the High Street looking westwards. This could be reduced by setting back the top floor.
- The fascia feature over the shop fronts is heavy and accentuates the horizontality of the frontage at street level. This could be lighter and more varied to

better reflect the plot widths.

It will be very important that detailed attention is given to the choice of building materials, should consent be granted, so that they complement the character of the conservation area through the appropriate selection of textures and colours. Samples should be submitted for approval.

The Gosport Society

No objection.

Natural England

Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application.

Southern Water

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the waste water sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows. Should the Local Planning Authority be minded to approve the application, Southern Water would like a condition to be attached to any permission.

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

result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning

Authority should:

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

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

HCC Landscape Planning & Heritage

I would broadly endorse the desk based assessment and its conclusions. The site lies within the historic core of the medieval town of Gosport and the archaeological potential associated with this was underplayed appearing to show it was open ground. Gosport is a planned town and it is most likely that within the defences street frontages would have been valued and occupied and the plots behind them in use. I therefore feel that the archaeological potential for the medieval period is higher than the submitted desk based assessment has allowed.

However I do note that the impact is lower than I had anticipated at the pre application stage. The desk based assessment indicates that the existing buildings will effectively bear a change of use and the extension of the foundation footprint will be limited/marginal. It also indicates that we should anticipate that the upper levels will have been truncated. But the report is clear that the degree of truncation/damage is not known (para 9.3).

On balance I would agree that the archaeological potential is lower due to modern events (but not as low as argued in the DBA) and that the scale of impact is limited. Therefore I would agree that no

	<p>archaeological mitigation is merited or required (para 11.8). The amended plans (as of 14/11/2016) do not add any additional archaeological considerations. I would not raise any archaeological issues.</p>
HCC Local Lead Flood Authority	<p>In this case, we are not obliged to comment on the application.</p>
HCC Ecology	<p>This application is supported by a Phase 1 Bat Survey Report (HDA, May 2016). This provides the results of a preliminary bat survey of the buildings to be impacted as part of these proposals. It concludes that the buildings have negligible potential for supporting roosting bats and therefore no further work regarding bats is required. The report also states that no trees with potential to support roosting bats will be affected by the redevelopment proposals.</p> <p>The report does not address the potential for nesting birds. Again, you may wish to clarify this with the applicant, or attach an informative. The report does propose enhancements in relation to bat potential in the developed site. I would recommend that a condition is applied.</p>
Crime Prevention & Design	<p>A cycle store is shown to the west of the development for use by hotel staff. In this position the store is isolated with very little natural surveillance which increases its vulnerability to crime. To reduce this vulnerability I recommend that the cycle store is moved so as to be visible from the hotel entrance.</p> <p>Lighting throughout the development should conform to the relevant sections of BS 5489:2013.</p>
Hampshire Fire And Rescue Service	<p>Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations and the Hampshire Act 1983 Sect.12. Premises occupiers have a duty to prevent and mitigate damage to the water environment from 'fire water run off' and other spillages.</p>
Economic Prosperity	<p>New investment in the town's High Street and visitor economy We support this proposed investment that will both help</p>

diversify the High Street offer and increase the hotel bed space provision for our visitor economy. With regard to the latter, the proximity of its location to our major heritage attractions i.e. Explosion and the RN Submarine Museum is also welcomed. We also recognise that this increase in hotel bed space will improve our business market offer e.g. for corporate and contractor use.

Jobs created during construction and by the hotel operator. Whilst the development does not exceed the threshold for an Employment and Training Plan (LP17) we welcome the positive statements about the majority of 25 jobs created during the construction of the hotel being filled by people from the local area/region. We obviously hope that the opportunities for Gosport residents to benefit will be maximised i.e. jobs and work experience and can assist the construction contractor(s) and the hotel operator with this.

Environmental Health

I would recommend a noise assessment, in accordance with BS 4142:2014, is undertaken that looks at both the impact of the hotel when in use on existing and proposed residents and also the existing commercial uses in the high street on the proposed residents. A report should be submitted as part of a planning condition that makes recommendations to mitigate potential adverse noise disturbance, e.g. from mechanical plant. Deliveries to and refuse collections from the hotel should not be permitted early morning or during the night-time.

If any cooking is undertaken in the Breakfast Prep room there must be adequate ventilation and/or suitable extraction system to reduce cooking smells and prevent nuisance odour. The application should give consideration to the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005).

Streetscene Waste & Cleansing

Adequate storage for bin requirements (4 x 1100 litre wheeled bins) shown for residential dwellings, flush threshold to bin store required.

Building Control

Requires Building Regulation Approval. Existing structure will need to be assessed. Ground strata will need to be assessed. Existing - drainage will require assessment-increased capacity. Internal stair lobby-

should not be a through route.

Response to Public Advertisement

7 letters of objection

Issues raised:-

- disturbance along the single access road from increase traffic generated by the hotel
- noise pollution from deliveries and service traffic to the hotel
- noise and disturbance from hotel guests arriving and leaving at unsocial hours
- air quality issues from increased traffic
- lack of sufficient parking to serve the hotel
- loss of existing parking for businesses which will have to find spaces elsewhere
- building out of character
- overlooking concern from fourth floor rooms to residential flats to the north
- loss of staff and delivery parking to rear of units due to restricted parking arrangements
- remote communal bin store from rear service doors of ground floor businesses
- construction noise, dust and disturbance affecting adjacent noise sensitive business
- scaffolding and screening during construction would impact on business operation

Principal Issues

1. The main issues for consideration are whether the principal of the proposal is acceptable and an appropriate addition within the town centre; if the design and appearance of the proposal, including the proposed alterations and additions to enable a change of use for a hotel in the upper stories of the enlarged building is acceptable within the Town Centre Conservation Area; whether it would have a detrimental impact on the occupiers of adjoining properties; if the access, the parking and the servicing arrangements are acceptable for users of the service road and meet the needs of the ground floor commercial uses on the rest of the site; that suitable provision is made for pedestrian safety, cycle storage and refuse / recycling bin storage facilities; and if the landscaping as indicated is appropriate to a commercial centre.

2. Concern of anti-social behaviour from visitors leaving the hotel is not a planning matter. The view expressed as to the disturbance to business during the construction period from scaffolding, noise, dust, screening etc. is a site management issue and likely to be of short term inconvenience being part of any development proposal and is not matters for control through the planning process. Any statutory nuisance would be addressed through Environmental Health legislation.

3. This is a town centre location. The proposals would introduce additional tourism accommodation to meet the needs of the town centre and the wider Borough. The accommodation would be located close to a range of tourism related services (visitor sites, yacht marinas, retail shops, restaurants, refreshment outlets, etc.) and in this respect is in a sustainable location. As such the provision of an hotel is considered to be an appropriate use in this location. The proposal would, therefore, comply with Policies LP4, LP16 and LP18 of the Gosport Borough Local Plan, 2011-2029.

4. The appearance of the building is functional and would be improved aesthetically from the re-cladding treatment proposed. The creation of a new entrance link which enables passage from both the High Street and from the rear car parking areas would complete the frontage of the buildings in this part of the High Street. Together with the new third floor and adoption of a common window detail across the whole building, the proposal is viewed as reflecting more of a historically vertical character within the High Street than the fragmented appearance and horizontal emphasis of the existing structure. A condition requiring details of the proposed external materials is considered appropriate. The proposal would, therefore, comply with Policies LP10 and LP12 of the Gosport Borough Local Plan, 2011-2029.

5. The proposal would introduce new and additional activity to the town centre. This would involve the arrival and departure of visitors and travel to visit local attractions and facilities. The use would be accessed via the pedestrianised High Street and from the rear parking area to be formed. Access by car to this location would be from Clarence Road and along

the North Loading service road. This service road (which is un-adopted to the eastern half of its length) currently enables access to public car parking spaces adjacent to Burnhams Walk as well as the servicing and parking available to the site itself.

6. The consequential potential impact from increased traffic generation from the hotel use would be disturbance that may be caused to nearby residential properties off Clarence Road and bordering the North Loading service road. However it must be noted that given the roads existing use to access public car parking spaces and for deliveries and staff / visitor parking to the rear of the ground floor retail and commercial businesses fronting the High Street, the increase in traffic movement over any day would be spasmodic and would be unlikely to be distinguished from current traffic movements over this route. The change in character and likely increase in traffic movements to the site for the proposed hotel use is not considered to result in a harmful change in the nature or use of the existing road leading up to the site or harm to residential properties that lie on the route.

7. The impact of the proposed hotel on the existing neighbouring uses, the majority of which are of a commercial nature, is unlikely to result in any demonstrable harm. The activity associated with a hotel would be similar to the activity of an office or retail use in this location and therefore would not be considered harmful. The use of the site as an hotel will not therefore interfere with the everyday functions of adjoining uses and as such, the development complies with Policies LP22 and LP23 of the Gosport Borough Local Plan 2011-2029.

8. The closest residential properties to the hotel proposal are the flats to the east at 18 High Street (access off North Cross Street) and opposite the site to the north of the service road at Burnhams Walk. The existing building and the additional third floor as proposed would have guest bedrooms facing south over the High Street and north over the car parking and service road area. Burnhams Walk properties are at least 50m north of the site and are partially screened by landscape and tree cover within the grounds of the flatted development. Crown Mews to the north-west is at least 60m from the site. The hotel proposal is considered not to have a detrimental impact on adjoining occupiers in terms of loss of light, outlook, or privacy. The proposed use would be unlikely to result in noise being audible from outside of the site however a noise assessment should be undertaken to identify any issues and mitigation measures provided for installation into the construction design. Considering the above matters and subject to conditions, there would not be a significant issue of disturbance to occupiers of adjoining properties. The proposal would, therefore, comply with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

9. The hotel use would introduce additional servicing requirements and therefore control of delivery times is required to avoid unsocial hours, given that the only vehicular access to the site passes by residential flats at Crown Mews to the west and Burnhams Walk to the north. Environmental Heath has suggested a delivery-hours restriction which can be secured through a suitably worded planning condition for the hotel.

10. The proposed hotel would have a pedestrian access to the rear to enable access for guests to the car parking area. Pedestrian movement would therefore be a concern given the potential conflict with other commercial traffic using this route to service existing commercial and retail businesses. In addition the rear service yard / parking area and the North Loading Road are already frequently used as a direct but informal pedestrian route from North Cross Street at the east of the site, to Burnhams Walk, Clarence Road and to the short term public car parking spaces to the north of the service road. Access to the rear of the site will still be possible with the hotel proposal and therefore it is important that pedestrian safety is built into the parking layout. The amended plans propose a marked out walkway to the edge of the parking area and the service road which would be an improvement on the existing situation on the ground. The proposal is therefore considered to comply with Policies LP10, LP22 and LP23 of the Gosport Borough Local Plan, 2011-2029.

11. The service yard has been used in the past for car parking by the occupiers of the ground floor retail and commercial units fronting the High Street. Informal surveys have been carried out identifying up to 28 cars observed parking on this land in an informal parking arrangement and allowing for delivery vehicle access to the rear of the various commercial units on the site, and some adjacent sites. Recently in May 2016 and prior to the application submission, the availability

for such car parking had been restricted by the applicant as landowners. The level of current car parking usage has therefore significantly dropped. The submitted layout plan shows a formal parking arrangement for the site with 34 marked car parking bays and service / delivery vehicle turning space. The plans indicate the provision of 2 disabled accessible parking spaces included within the provision of 26 spaces to be allocated for the use of the proposed hotel. The remaining 8 spaces would be re-provided for the remaining ground floor retail and commercial users on the site.

12. Advice in the Council's Parking: Supplementary Planning Document (Feb 2014) is for one off-street allocated car parking space per hotel bedroom. This would amount to a requirement for 54 car parking spaces to service the hotel, notwithstanding the provision of any car parking spaces to service the other retail and commercial users on the site. The application site obviously cannot provide the standard requirement for the proposed hotel let alone any residual parking provision for the existing ground floor retail and commercial uses (the proposal cannot be used to address any shortfalls in parking for the existing uses on the site). The proposed provision of 26 allocated car parking spaces for the hotel does not comply with the adopted Parking SPD in terms of the increased floor area resulting from the hotel change of use and extension and lack of sufficient car parking within the site for retained existing ground floor retail and commercial uses.

13. However, the application site is located in a town centre location with good links to public transport and ample car parking in Walpole Park public car park and other nearby public parking facilities. Whilst it is a long established and sound principle that any development should make adequate provision to cater for its own generated parking needs, the site limitations in this case and the availability of nearby public car parking together with the operation and character of the transport needs of the hotel use (being of a transient nature and generally for short durations of stay) are considered to enable a more flexible view of the parking standard requirement in this particular case.

14. The number of vehicular movements associated with the proposed hotel use will be staggered throughout the day due to the flexible start and end time periods of visitor guests.

15. Commercial delivery and service vehicles will serve the existing ground floor retail and commercial units as well as the proposed hotel (laundry, house-keeping materials, etc.). During the consideration of this application observations made have noted a range of delivery and service vehicles visiting the site for the existing users on the site as well as some for adjacent commercial outlets accessed from North Loading Road for these purposes. The submitted layout has provided for a turning and manoeuvring area to the rear of nos.13 and 14 High Street and for delivery access routes to the rear of nos.10 and 10B High Street and no.17 High Street. All the delivery / refuse / service access points to the ground floor units will be able to utilise the indicated delivery turning / parking areas either on the red-line site or if using the service road.

16. In considering the above, the proposed change of use will not have a detrimental impact on highway or pedestrian safety or parking and traffic conditions in the locality. The development therefore complies with Policy LP10, LP22 and LP23 of the Gosport Borough Local Plan 2011—2019.

17. The proposal indicates space allocated for refuse / recycle bins and for bicycle storage. The locations of these facilities need to be conveniently positioned to be useful to the intended users across the site. The details as shown on the amended plans are not considered to adequately serve the users of the site although there is sufficient space and locations across the site to address this issue. It is therefore considered that this matter of cycle and refuse / recycle bin stores can be secured by condition.

18. The applicants have provided no detailed landscaping proposals for the site. The indication of possible tree / shrubbery planting have been questioned in relation to the use of the service yard for parking, turning and manoeuvring of vehicles and the transfer of refuse bins from the ground floor unit service doors to the service vehicle collection / parking areas. The illustrative landscaping indicated to the roof top of no.17 High Street has been questioned in terms of practicality and maintenance. Details of hard surface treatments and of soft landscaping can be achieved by the

application of suitable conditions. Subject to this form of control the proposed landscaping complies 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 and documents:

- 15-110-01 location plan and site plan (showing red-line application site boundary)
- 15-110-03 Rev G ground floor plan (red-line shows ownership area not application site)
- 15-110-04 first floor plan
- 15-110-05 second floor plan
- 15-110-06 third floor plan
- 15-110-07 front elevation
- 15-110-08 rear elevation
- 15-110-09 sections

2015-2868-008 J turning movement middle bays

2015-2868-016 turning movement west bays

Design and Access Statement (dated July 2016)

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy LP1 of the Gosport Borough Local Plan 2011-2029 (October 2015).

3. No development shall take place until details, including samples, of all external facing materials, including the window reveals, brick bond, and mortar and the roofing materials, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that the external appearance of the development is satisfactory, within the Conservation Area and to comply with Policies LP10 and LP12 of the Gosport Borough Local Plan 2011-2029 (October 2015).

4. The development hereby permitted shall not be brought into use until the areas shown on the approved plan for the parking of vehicles (including 26 spaces allocated to the hotel and 8 spaces allocated to the ground floor commercial uses) shall have been surfaced, marked out and made available for parking, and these areas shall be retained for that purpose at all times.

Reason - In the interests of pedestrian safety and to ensure adequate parking is provided and retained and to comply with Policy LP10, LP22 and LP23 of the Gosport Borough Local Plan 2011-2029 (October 2015).

5. No development shall take place until full details of the hard surfacing landscaping works at ground and roof top areas including all means of enclosure, ground level details (particularly by the gated compound to the east of the site), car parking layout markings, turning area markings, service and delivery zone markings, pedestrian access and circulation areas, and lighting details have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the first use and occupation of the hotel premises. All marking positioning as shown on the approved plan shall be taken with starting measurement locations from the rear of the existing ground floor commercial buildings on the site.

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 (October 2015).

6. No development shall take place until full details of the soft landscaping works at ground level and roof top areas including planting location plans, planting container details, written specifications, schedules of plants, noting species, plant sizes and proposed number/densities and an implementation programme have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within 6 months or within the first available planting season of the first use and occupation of the hotel premises 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 (October 2015).

7. Before the development hereby permitted is first brought into use and notwithstanding the submitted information on the approved ground floor plan, details of cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority and the cycle storage facilities as subsequently approved shall be provided and thereafter retained prior to the first use and occupation of the hotel premises.

Reason - In order to ensure that adequate cycle storage is provided in compliance with Policy LP10 and LP23 of the Gosport Borough Local Plan 2011-2029 (October 2015).

8. Before the development hereby permitted is first brought into use and notwithstanding the submitted information on the approved ground floor plan, details of refuse and recycling bin storage facilities for users of the site shall be submitted to and approved in writing by the Local Planning Authority and the refuse and recycling bin storage facilities as subsequently approved shall be provided prior to the first use and occupation of the hotel premises and thereafter retained.

Reason - In order to ensure that adequate bin storage is provided in compliance with Policy LP10 and LP23 of the Gosport Borough Local Plan 2011-2029 (October 2015).

9. Notwithstanding the submitted information, no development shall be commenced until a drainage strategy detailing the proposed means of surface water and foul water sewerage disposal, a timetable for its implementation and its future maintenance, has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out and maintained in accordance with the agreed strategy.

Reason - To ensure adequate provision of infrastructure for the development and to reduce flood risk and to comply with Policies LP2, LP39 and LP45 of the Gosport Borough Local Plan 2011-2029.

10. No development shall be commenced until a noise assessment, in accordance with BS 4142:2014, is undertaken that considers the impact of the hotel when in use on existing residential properties within 30m of the site boundary and the impact on the existing commercial uses in the High Street within 30m of the site boundary. The noise assessment results and findings, including recommendations to mitigate potential adverse noise disturbance, e.g. from mechanical plant, shall be submitted as a report to the Local Planning Authority for consideration. An agreed report and the identified findings shall then be implemented as per the agreed report within a timescale as detailed in the report.

Reason - To protect the residential amenities of occupiers of adjacent dwellings and users of adjacent commercial operations and to comply with Policy LP46 of the Gosport Borough Local Plan 2011-2029 (October 2015)

11. No deliveries to the hotel as hereby approved shall be made outside of the hours of
07.00 - 20.00 Mondays to Saturdays and
09.00 - 16.00 on Sundays and Bank Holidays.

Reason - To protect the residential amenities of the occupiers of the adjacent dwellings during the late evening / night time period, and to comply with Policy LP46 of the Gosport Borough Local Plan 2011-2029 (October 2015).

12. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that order), the landscaped roof areas as shown on the first floor plan shall only be used for landscape screening and fire escape emergency access / egress and shall at no time be used for any other purpose whatsoever.

Reason - In the interest of the amenity of the area and highway safety and to comply with Policies LP10 and LP46 of the Gosport Borough Local Plan 2011-2029 (October 2015).

13. No development shall take place until a biodiversity enhancements plan, in line with the measures set out in section 5 of the Phase 1 Bat Survey Report (HDA, May 2016) shall be submitted to and approved in writing by the Local Planning Authority. This enhancements plan may also consider provision of measures suitable for bird nesting and shall include a schedule and timetable for implementation. Thereafter the works shall proceed in line with the approved enhancements plan, unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to secure biodiversity enhancements in line with Policies LP41 and LP44 of the Gosport Borough Local Plan 2011-2029 (October 2015).

14. Before development is commenced, a written car park management plan and service vehicle manoeuvring operational plan shall be submitted to, and approved in writing by the Local Planning Authority. At all times thereafter the car park shall be managed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority and the service vehicle turning area suitable for use by commercial servicing and delivery vehicles within the application site shall be defined as shown on the approved plans and retained for such use thereafter and shall be operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure appropriate use of the on-site car parking provision and discourage parking on the adjoining highway in the interests of highway safety and the amenity of nearby residential properties and to comply with Policies LP22 and LP23 of the Gosport Borough Local Plan 2011-2029 (October 2015).

15. Notwithstanding the submitted information, the Breakfast Prep room as shown on the ground floor plans shall not be used for the cooking of hot food (other than using a microwave cooker) without prior details of adequate ventilation and / or suitable extraction system equipment designed and made to reduce cooking smells and prevent nuisance odour being submitted to and approved in writing by the Local Planning Authority as part of a separate Section 74 planning application for such works. The application should give consideration to the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005) in such details.

Reason - To protect the residential amenities of occupiers of adjacent dwellings and users of adjacent commercial operations and to comply with Policies LP10 and LP46 of the Gosport Borough Local Plan 2011-2029 (October 2015).

16. No development shall start on site until a construction method statement has been submitted to and approved in writing by the 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 and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas; and,
- (h) Lorry Routing Plan

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.

ITEM NUMBER: 03.
APPLICATION NUMBER: 16/00481/FULL
APPLICANT: Mr Alan Dawes Kenzington
DATE REGISTERED: 22.11.2016

EXTERNAL ALTERATIONS AND ERECTION OF ROOF EXTENSION TO AND CONVERSION OF FORMER CORDITE MAGAZINE (NUMBER TWO) TO DWELLING TOGETHER WITH ASSOCIATED ACCESS ALTERATIONS, LANDSCAPING AND ERECTION OF FENCING (as amended by plans received 15.11.2016)
Cordite Building No.2 Britannia Way Gosport Hampshire PO12 4GD

The Site and the proposal

1. The application site is located on the south side of Britannia Way and comprises the cordite magazine (number 2) store building, a narrow access track to the east of the store running south from Britannia Way, and the surrounding land which includes a circular continuous earth embankment / bund of about 4.7m height and a boomerang shaped moat area. The red-line application site area is 0.65ha.
2. The existing access into the application site is from Britannia Way and is marked by a double gate within the existing fence that defines the site along the highway and a small area of local amenity land to Lichfield Drive. The access gate leads down a gentle slope to the narrow hard surface track (2m wide) at a lower level (approx. 0.5m). The access track is about 70m long and ends in a small concrete apron. About 40m along the track there is a concrete tunnel to the west under the embankment that allows access to the building.
3. The cordite magazine (number 2) store building is a single storey rectangular structure, approximately 14m long, 12.5m wide and 4.2m high. This brick construction building was formerly used as a munitions store. It has four windows on its north and south (side) elevations with three windows on the west (rear) elevation. On the east (front) elevation there is a single storey projection lower than the main building, being 3m wide, 1.8 deep and 2.7m high with a double doorway (without a door) located centrally. There is one window on either side of the projection. There are no notable internal features within this building.
4. Outside of the building but adjacent to it, is a raised concrete / metal platform / walkway that extends around the north, west and south elevations of the building. The western half of the southern run of the platform is obstructed by earth piled against the building evidently resulting from slippages and soil movement from the surrounding embankment / bund caused by badger tunneling. Beyond this platform is a tree covered embankment / bund surrounding the building of approx.4.6m height.
5. The application site and the wider surrounds originally formed part of the Priddy's Hard Royal Navy Armament and Ordnance Depot. Following the closure of Priddy's Hard the Ministry of Defence applied for Outline Planning Permission for up to 700 houses under planning reference 98/26230/GD (K14026) which was approved on 24 February 1998. In approving that application The Secretary of State for Defence and Gosport Borough Council entered into an Agreement under Section 299A of The Town and Country Planning Act 1990 securing a 'Management Plan Relating to Environmental Protection', providing mitigation to the housing development approved and setting out matters to be included within the management plan. A Nature Conservation Management Plan was subsequently approved by the Borough Council in July 1999 and the residential scheme was then developed around and apart from this acknowledged area of nature conservation importance. Details of the fencing surrounding the nature conservation area were approved under application reference 00/00220/DETS (K15490) approved on 7 November 2001.
6. The application site forms part of a wider area designated as a Site of Importance for Nature Conservation (SINC), in view of the presence of an outstanding assemblage of species, including protected and notable flora and fauna, with a number of amphibian and reptile species. This is

reflected within the Gosport Borough Local Plan 2011-2029, albeit the building itself, located in the centre of this part of the SINC, is excluded from the designation.

7. The site, the SINC and land to the southeast are also designated as existing open space within the Gosport Borough Local Plan 2011-2029.

8. The wider area of the site consists of existing embankments, woodland, and ponds/moats which make up the western arm of the natural habitat making up the SINC, all of which is surrounded by a 2m high metal fence. Also within this fenced SINC area to the east on associated land but outside the application site is a further magazine building (No.1) store, the subject of two refused applications for residential change of use under references 14/00320/FULL and 15/00165/FULL both of which were subsequently dismissed at appeal. The remaining boundaries of the SINC are bordered by the 2m high metal fence to the open recreational space to the east, Britannia Way to the north and by a 1.8m high close boarded timber fence to the residential properties along Lichfield Road and Grafton Close that back on to the site. The closest residential properties are within Grafton Close to the South, approximately 5m from the southern edge of the application site and in excess of 27m from the cordite store building itself.

9. The proposal is for the conversion of the existing building to a single dwelling house. Entry into the building would be via the existing doors on the east facing elevation from the tunnel in the surrounding embankment. Structural works other than the general repairs and refurbishment / replacement of timber windows and doors within the existing openings with metal fittings, would involve the removal of the central section of the flat roof and the construction of a raised glazed atrium feature with a mezzanine open air semi-enclosed external terrace patio area. The semi-enclosed terrace patio would be 2.9m from the ground and the new atrium roof 5.8m in height.

10. Internally the building would be formed on three different levels. On entry from the lobby there would be steps up to a landing level with access to three bedrooms (one with an en-suite bathroom), and a family bathroom. The landing would then step down to an open plan kitchen, dining and living area on the current floor of the building. The agent has advised that storage areas accessed from the lower level to space under the landing level would be made available as well as serving as conduits for service pipework and cabling.

11. To the southern side of the landing would be a new staircase up to a new mezzanine level and open air semi-enclosed terrace patio above the dining area on the lower floor. This mezzanine would break through the existing building roof to create a glass walled atrium to allow daylight to penetrate the main accommodation below and provide a semi-enclosed open area to the building.

12. The existing access onto Britannia Way would be used for pedestrians and vehicles. The hard surface track that currently runs from the access southwards would be used for vehicles with a turning area at its most southerly point.

13. The application is supported by a Planning Statement incorporating ecology, conservation, heritage and design & access considerations (September 2016); an ecological constraints, mitigation and enhancement plan (September 2015), and a legal opinion relating to the earlier refusal on the site (20 April 2016).

Relevant Planning History

15/00499/FULL - Change of use of former cordite magazine (number two) to 1 no. three bedroom dwelling - refused 09.12.15

98/26230/GD (K14026) - outline - erection of up to 700 residential units - permitted 24.02.98

00/00220/DETS (K15490) - details pursuant to K14026 - construction of cycleways / footpaths, and laying out and landscaping of open space and nature conservation areas - permitted 07.11.01

Relevant applications on adjacent site within applicants control.

14/00320/FULL - Change of use of former cordite magazine (number 1) to three bedroom dwelling together with part demolition of existing building, alteration to existing and insertion of new windows with associated hard landscaping, access, car and cycle parking - refused 11.12.14 - Appeal dismissed 30.01.15

15/00165/FULL - Change of use of former cordite magazine (number 1) to three bedroom dwelling, alteration to existing and insertion of new windows with associated hard landscaping, access, and integral car and cycle parking (amendment to application 14/00320/full) - refused 24.07.15 - Appeal dismissed 31.12.15

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

- LP1
Sustainable Development
- LP2
Infrastructure
- LP10
Design
- LP13
Locally Important Heritage Assets
- LP15
Safeguarded Areas
- LP23
Layout of Sites and Parking
- LP24
Housing
- LP35
Protection of Existing Open Space
- LP42
International and Nationally Important Habitats
- LP43
Locally Designated Nature Conservation Sites
- LP44
Protecting Species and Other Features of Nature Conservation Importance
- LP47
Contamination and Unstable Land
- LP3
Spatial Strategy

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

Streetscene Waste & Cleansing

The distance between the dwelling and the likely collection point on Britannia Way exceeds the 30m maximum that would be expected. Granite sets will hinder smooth passage of wheeled bins

Environmental Health

No objection, subject to conditions in respect

	of a desk top study and remedial measures.
Building Control	Requires Building Regulation Approval. Access for the Fire Authority Appliance to be within 45m and note the existing tunnel. The road should be capable of carrying 12.5tonnes. Road width of 3.7m including any overhangs may be required for refuse vehicles and waste storage needs. All Windows are to be means of escape windows. Access for Refuse vehicles to be within 25m of refuse point. Water supply and drainage connection to existing services needs further consideration. Ground contamination needs assessing.
Defence Infrastructure Organisation	No safeguarding objection.
Natural England	<p>The application site is within or in close proximity to a European designated site and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within 5.6km of Portsmouth Harbour Special Protection Area (SPA) and Portsmouth Harbour Special Area of Conservation (SAC) which is a European site. The site is also listed as Portsmouth Harbour Ramsar site¹ and also notified at a national level as Portsmouth Harbour Site of Special Scientific Interest (SSSI).</p> <p>No objection, subject to mitigation being provided in respect of recreational disturbance. The site is located within the SINC which are of countrywide importance and recommend your retained ecologist should be consulted in relation to any potential impacts.</p>
HCC Ecology	<p>The application is accompanied by an Ecological Constraints, Mitigation and Enhancement Plan (The Ecology Partnership, September 2016). This document is dated 2015 and seeks to address the comments made by the Appeal Inspector in January 2015 in relation to the previous iteration of the application. The ecological assessment should be amended to reflect the track area within the SINC designation.</p> <p>SINC The SINC boundary does not exclude the</p>

access track, only the building is outside the SINC designation. The proposals would result in the loss (estimated at 30sqm) of SINC habitat. The Appeal Inspector's comments in relation to the SINC correctly stated that the SINC designation covers, in addition to the four notable plant species, great crested newt (GCN) and the assemblage of reptile species: these species were added to the SINC designation criteria in August 2015. With the incorrect assumption that the SINC does not include the access track there is presumably a need to revisit the impact assessment in respect of the SINC.

The ecology report states that the existing access is only to be widened, this is queried as being realistic, and is the existing driveway surface suitable for accommodating construction plant as well as future residents vehicles? The submitted photo shows a very narrow driveway, fringed by dense vegetation. The estimated 30sqm of habitat to be affected appears very small and is questioned. HCC Highways have stated that the proposed access is not suitable and are suggesting a more westerly route. The access track is to be coated with a bonded gravel substrate: presumably this will require some degree of excavation, considering that the existing track is not a simple flat surface.

Natura 2000 sites

The limited scale of the proposals are unlikely to result in impacts to the nearby coastal SPA/Ramsar. There will however be a requirement to contribute towards the Solent Recreation Mitigation Partnership scheme.

GCN

Priddys Hard supports the only known population of GCN in Gosport Borough therefore, even though the population is small, it is of very high conservation significance in the local context. There will clearly be locally-significant disruption associated with this proposal with vehicles, contractors, scaffold, other plant and materials, fuels etc. All these have the potential to impact upon probable GCN terrestrial habitat.

The applicant's ecologist now considers that the proposed works could result in disturbance to GCN and their habitat and that a European Protected Species

Mitigation (EPSM) licence is required. Disturbance will/may occur during the vegetation removal for the access, fence installation, trench digging and spoil removal. The driveway repairs may be another source of potential impact. A mitigation strategy is proposed and this is in accordance with published guidance. There may be post-development impacts to GCN habitat: is it realistic to presume that there will be no pressure for habitat removal in the future? There will be human access to the moat (although dry it is still GCN habitat) and surrounding area. There is concern if future residents have cats, or undertake vegetation clearance. The potential post-development impacts must be considered.

Bats

I am content to agree that the building is not currently used by bats: there is no empirical evidence to demonstrate the opposite.

Badgers

The report states that no evidence of badgers, such as setts was identified within the site, although it is known that a sizeable active badger sett is present immediately to the north, with some activity in immediate proximity to the building walls. Technically there are no badger entrances within the site but they are most certainly within the zone of influence of development works. It would seem inevitable therefore that impacts may occur. Scenarios whereby contractors, scaffold, plant and materials may impact the sett over what would be a build time of at least several months.

There is unease about the realities of a badger sett situated within a construction site and whether the ecologist is on hand to ensure compliance with the submitted mitigation strategy for the duration of the works. One might also query how realistic it is to expect new residents to co-habit a fairly restricted site (a part-subterranean dwelling with essentially no private greenspace bar the roof) with a large active badger sett. Scenarios where badgers become a nuisance to residents and there is pressure to move them on. There is concern if future residents kept dogs.

Reptiles

The SINC and adjacent areas are likely to support common reptile species (slow-worm and common lizard being recorded) and so

impacts are possible. Reptiles (like GCN) are potentially to be found within any grassland/herbage as well as within spoil, rubble and woody debris and removal of these may result in harm. Precautionary mitigation measures are proposed and these are generally sound, although there may be some implications for GCN.

Local Highway Authority

Object. While the access proposals have been slightly amended, the Highway Authority are still concerned with the proposal as presented. Whilst there is an existing access it is understood that this had limited use operating as an access for maintenance purposes. The change of use will intensify the use and the access point is directly opposite a build out/road narrowing. The restricted width of carriageway will make manoeuvring in and out of the site difficult to achieve. The proposal would result in an unacceptable increase in vehicular traffic using this sub-standard access resulting in undue interference with the safety and convenience of other highway users.

HCC Landscape Planning & Heritage

The site is of considerable historical interest and although the building is not designated, it should be viewed within the wider historical context of the Priddy's Hard complex as a whole. A report/assessment should have been submitted with the application, with evidence the design had been informed by the assessment. However, would defer to the Conservation Officer to consider the appropriateness of the design and sufficiency of the submission.

Conditions relating to a Written Scheme of Investigation for both archaeological work and building recording and the preparation of a report following completion of archaeological fieldwork, should be imposed if permission is considered.

Hampshire & Isle Of Wight Wildlife Trust

Object. The proposal involves the development of part of a site that has been identified at county level (SINC) for its nature conservation value, and was set aside as a nature reserve following the re-development of the former MOD site. Policy LP43 of the Local Plan states that development should only be permitted in exceptional circumstances, and in those circumstances adverse impacts are mitigated, or as a last resort compensated. The proposals seek to

convert a derelict building to residential within an area that has become a sanctuary for wildlife within a largely developed landscape.

There is no additional information to justify the development of this site. The supporting ecological surveys have highlighted the high biodiversity value of the site, and it is considered that the proposals will have an adverse impact on the protected species and habitats present. The site is located within the wider SINC and there is no overriding public need for the development. The proposal would cause conflict with existing Badger population with the sett so close to the building. Potential for impact on protected species needs to be considered. Protection of these species should take precedent over this unnecessary development.

Hampshire Fire And Rescue Service

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations and the Hampshire Act 1983 Sect.12. Premises occupiers have a duty to prevent and mitigate damage to the water environment from 'fire water run off' and other spillages.

Response to Public Advertisement

27 letters of objection

Issues raised:

- when the SINC was designated it was not envisaged that it would ever be developed
- residential use within the SINC is wholly inconsistent with the sites wildlife haven status
- this green space should be protected from development and be preserved for future generations
- plans have already been turned down before and developer should accept that it is against what local people want
- applications and appeals have been refused on this SINC already and nothing has changed to require a different outcome
- refusal reasons previously applied to this and the adjacent store no.1 proposal for residential use have not been addressed
- there are more appropriate brownfield sites in Gosport such as the recently released HMS Sultan that could be developed for housing before the need to build in a SINC
- development and use would result in devastation to the habitat of animals and birds and irreversible damage to wildlife and flora
- the access track lies within the SINC and no credible case for works in the SINC have been made
- red line of application site will not prevent occupants from disturbing / damaging the remainder of the SINC surrounding the site, including the access track
- there is no suitable access road which would mean additional works which would impact on the fauna and flora
- fencing off the access track reduces further the SINC wildlife area available to animals
- the proposed access is only currently used for maintenance and was not positioned for regular access which will impact on pedestrian and cyclist safety
- health risk from land contamination from former toxic materials stored on site, possibly including Cordite, TNT, depleted uranium, as well as building asbestos etc.

- lack of preservation of historic building through alteration in design of to enable conversion to house
- lack of natural light to building would lead to removal of trees and impact on wildlife and appearance of site
- overlooking from elevated observation deck to surrounding houses
- light and sound pollution generated would impact on wildlife and nearby residents
- fire safety of timber framed internal works
- access and track are inadequate access for fire appliances which need 6m wide route
- effect of the use of the access junction on highway safety of pedestrians and cycleway users
- impact of access to junction with traffic calming measure on Britannia Way
- future occupiers in this sensitive site cannot be guaranteed to respect the nature conservation values
- it would be difficult to see what is happening within the site should occupiers want to expand outside uses
- the site access and track has been strimmed clear contrary to the applicants ecologist advice and without a required licence from Natural England being issued
- ecology report submitted is inadequate and do not relate to this site, being written for the previous application
- construction work traffic and vehicles accessing the site would have impacts on wildlife and neighbour amenity
- route of and depth of sewer and other service trenching would impact on wildlife foraging area and unearth land contamination
- applicants legal advice regarding no requirement to retain boundary fence to SINC is counter to need to keep site secure from unauthorised access
- lack of site maintenance and no support of SINC wardens by the current owner
- ownership certificates not completed and served correctly
- lack of on-site car parking details and inadequate space for waste bin storage and collection point
- no justification for applicant using as retirement home when similar argument made for residential use of store no.1
- more dwellings means more traffic congestion on the Gosport peninsula
- potential for development creep on site

1 letter of support

Issues raised:

- occupation of the site will prevent vandalism and further decay
- an inspiring and imaginative development bringing the building back to use
- the wildlife can be looked after and encouraged to prosper

Principal Issues

1. Notwithstanding the previous refusals of planning permission and appeal dismissals on the adjacent land for similar development, each application must be considered on its own planning merits. For this application the extent of the red line application site encompasses the building the subject of the change of use proposal as well as the circling, surrounding natural environment up to the fenced boundary of the land.

2. In general, ground and scrub clearance works do not normally require planning permission, and in the case of land with special designation such as a SINC, any activities undertaken that could harm any protected species in contravention of any wildlife legislation would be a matter for investigation by the Police. No trees are indicated to be lost or adversely affected by the proposals. Issues relating to access into the building by the Fire Service would generally be dealt with under the Building Regulations, though the access route to the building is a matter which would be considered as part of the planning and highways assessment. The current management and security of the land is a matter for the owner and falls outside the scope of this planning application. The Local Planning Authority is satisfied that the correct ownership certificate has been completed and the correct notices have now been served.

3. The main issues for consideration in this case are, therefore, whether the proposals are acceptable in principle, whether it is appropriate within the Site of Importance for Nature Conservation (SINC) and would have an adverse impact on protected species, whether it is appropriate within a designated Open Space, whether it would have a detrimental impact on historic assets, whether the alterations to the building are of an appropriate design and can be accommodated on the site without harming the character or visual amenity of the locality, whether it would have a harmful impact on the amenities of the adjoining or prospective occupiers, if it would have a detrimental impact on highway or pedestrian safety, whether it would result in an unacceptable risk from contamination, what arrangements have been made to provide or improve infrastructure, services and/or facilities and whether it would address issues of recreational disturbance.

4. The application site is located within the urban area boundary and consequently the principle of residential development is initially considered as acceptable providing that the details accord with the criteria outlined in other policies of the Local Plan and other relevant national advice and guidance. The character of the building design and placement is linked to the immediate setting of protective earth embankment / bund and the surrounding undeveloped natural environment. Within this context the proposed use as a residential dwelling is not readily obvious or conducive to the restricted surroundings and more importantly is out-of-keeping with the area character that has been nurtured from the low activity use that the former magazine store required and which the long vacated site currently displays.

5. It is also of note that the Appeal Inspector when determining the appeal relating to the former munitions (no.1) store on the land to the east which is in a similar position to the current proposal site, considered the quality of a living environment to be created was in question. "... the embankment is lined by maturing trees and even when considerable defoliation has taken place, such as had occurred when I visited, the trees combined with the embankment were dominating and oppressive in their effects on the building, obstructing light. ...understandable pressure would almost certainly arise from future residents for lopping or even felling them as they grow so as to improve their living conditions, likely adding to the disturbance of the surroundings and affecting its character." (APP/J1725/W/15/3130206 dated 31 December 2015 para 21). Taking these concerns into assessment the proposal would therefore be contrary to Policy LP3 and LP10 of the Gosport Local Plan 2011-2029 (October 2015).

6. The site is designated as a SINC which, although not statutorily protected, is an important consideration in the determination of this application. Policy LP43 of Gosport Borough Local Plan 2011-2029, confirms that planning permission will not be granted on locally designated sites unless it can be clearly demonstrated that the benefits of the proposal outweigh the need to protect the nature conservation value of the site. The applicant has sought to justify the scheme as having an overriding public interest primarily for maintenance and enhancement of the SINC. However this justification as to the benefits to the wider SINC proposal is limited given the size of the application site which is only a small part of the larger SINC, which falls largely outside the scope and control of this application and the applicant.

7. Whilst any management of the SINC and associated ecological enhancements would be a positive step, the proposed measures are not considered to be sufficient to warrant a new house within this sensitive location. In this case it has not been clearly demonstrated that there is any benefit from this residential proposal that outweighs the need to protect the value of the site for nature conservation as a whole, nor is there any evidence that this would be the case. As it has not been demonstrated that the benefits of the proposal outweigh the need to protect the nature conservation value of the site the proposal is contrary to Policy LP43 Gosport Borough Local Plan 2011-2029 and is unacceptable in principle as the site also continues to be required as mitigation for the original housing scheme.

8. Under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981, species such as Great Crested Newts and their breeding and resting places are protected. Badgers are also protected by separate legislation.

9. The proximity of the badger sett in such close proximity to the building and the on-site evidence of earth having been disturbed in the mound abutting the building indicates that the proposals could have an impact on the badgers on site. Policy LP44 of Gosport Borough Local Plan 2011-2029 confirms that where there is an adverse impact on a habitat supporting a protected species, development will not be permitted unless it can be clearly demonstrated that there is an overriding need for that development. The applicant seeks to justify the residential use in terms of the future owners having a vested interest in the land and that this would then benefit the long term maintenance of the land for nature conservation. There is no evidence of any overriding need for the development and, therefore, the proposal is not considered acceptable in this respect.

10. Concerning protected species, whilst the applicant has indicated new lines of fencing along the access track within the site to discourage movement onto the surrounding areas of the SINC, it would be difficult to enforce such constraints on the future owners of the dwelling or any domesticated pets they may have. Furthermore the activity along the access track introduced by domestic occupation is going to be far greater than this site originally had or currently has. Given the building is surrounded by a SINC designation, any increase in activity would add to the disturbance level to protected species within the surrounding fenced off land. This adds further weight to the concerns over the impact of any residential use on the SINC.

11. It should be noted that the Inspector on the recent appeal (APP/J1725/W/15/3130206 dated 31 December 2015) on the former munitions (no.1) store on the land to the east of this site, which is in a similar situation to the current proposal, commented - "It is inevitable that the introduction of a residential use into this currently sheltered site would materially increase levels of activity, noise and disturbance around the building and materially impact upon the existing character of the area. The building to be restored is closely enclosed by a high embankment, initially formed to mitigate the effects of an accidental and unexpected blast from the former munitions store, and would have minimal external amenity space. Residents, particularly children and possibly pets, would be tempted or allowed to roam well beyond the confines of the building itself into an area designated for its ecological value, causing disturbance, particularly to protected fauna."(para.20).

12. The submitted ecological justification provided is a re-issued report from September 2015 following the dismissal of the first appeal on the adjacent area of land. Whilst there are mitigation measures promoted, such as the fence running along the access track and an underground badger tunnel beneath the access track to link either side of the site, there remains a lack of significant detail in respect of mitigation for the species on site. Furthermore despite the legal advice obtained by the applicant that there is no obligation to retain the site boundary fence and limited requirements for protection measures for badgers in this area, it is considered that the applicant has failed to establish sufficient information to demonstrate that the proposals would not have an adverse impact on the SINC, or not have an adverse impact on the protected species or their habitats and the proposals would therefore be contrary to Policy LP44 of the Gosport Borough Local Plan 2011-2029.

13. This site and the wider SINC, along with the land further to the east are designated as existing open space within the Gosport Borough Local Plan 2011-2029, to which Policy LP35 seeking the protection of open space refers. This Policy states planning permission will not be granted on existing open space, as identified within the Local Plan, except where it is for recreation and/or community facilities, or alternative provision is made available of equivalent or greater community benefit.

14. An objection was received from the applicant, through Kenzington Ltd, in respect of the then emerging Local Plan and specifically relating to the provision of and improvement to open space as dealt with under Policy LP34. That objection was heard at the Examination of the Local Plan and within the Inspector's report (September 2015) on the Gosport Borough Local Plan 2011-2029 he provides his view on the appropriateness of the Policy specifically in relation to this site. He agreed that its designation was rational and sound, and whilst acknowledging that there are buildings within the site that have some historic value and that are undergoing a process of deterioration as these buildings are neither locally or nationally listed their presence does not prejudice the designations. The Local Plan was adopted without alteration to this Policy.

15. The Appeal Inspector in the last appeal (APP/J1725/W/15/3130206 dated 31 December 2015) on the former munitions (no.1) store on the land to the east also considered his predecessor's view on the earlier appeal (APP/J1725/W/14/2227762 dated 30 January 2015) on that site and that of the Inspector at the Examination of the Local Plan. The Appeal Inspector agreed with the view that the designations as open space and as a SINC respectively were functionally intertwined and that in the circumstances both designations were logical, rational and sound. Open space is described as an integral part of people's quality of life, covering a range of public and private spaces, and performing a variety of functions including providing important habitats for flora and fauna.

16. This proposal does not relate to recreation or community facilities, nor does it make alternative provision required by Policy LP35. The proposals would alter the character of the existing open space, with the introduction of a residential use and its associated activities and as such the proposal would result in an incompatible use within the existing open space contrary to Policy LP35 of the Gosport Borough Local Plan 2011-2029.

17. The building within the site is not a Listed Building, it is not on the list of locally important buildings, nor is it within a designated Conservation Area, however, it is considered to be an undesignated heritage asset in view of its historic connection within Priddy's Hard. The proposal does not include the introduction of any additional openings within the walls, retaining the existing fenestration layout. The proposed alterations to the building are internal in the creation of separate rooms and to the roof area in the creation of a glazed atrium feature with semi-enclosed outdoor terrace patio area. These changes are considered to be acceptable in terms of the alteration to the historic structure. The proposals would, therefore, be in accordance with Policies LP10 and LP13 of the Gosport Borough Local Plan 2011-2029 in this respect.

18. In design terms the changes proposed would create an innovative, if unusual dwelling. The character of the building would generally remain with a sensitively designed roof arrangement to enable light into the internal areas and a limited amount of enclosed outdoor open space in the form of the elevated roof terrace patio. The shadow (literally) in the design ethos approach is the inextricable impact of the tree lined elevated surroundings to the proposed residential use. As mentioned in the Appeal Inspector's comments above, the residential amenity of the building, no matter how well adapted to preserve the key aspects of the historic integrity, within this setting would be harmed from a loss of light due to tree shading.

19. The impact on neighbourhood amenity is significantly limited by the existing tree lined earth embankment / bund (approx.4.6m high) that surrounds the 4.2m high cordite store building and screening it from outside of the site. Even with the roof alteration shown as part of the proposal, raising the new atrium roof area to 5.8m high, the proposed use of the building as a dwelling house would be unlikely to have a direct detrimental impact on the amenities of the occupiers of adjoining properties in terms of loss of light, impact on privacy, or to their existing outlook. That said the roof alterations, creating an external terrace patio amenity area to a fully glazed atrium walled feature would be subject to some internal light spillage out from the inner open plan areas of the building that may be viewed at near the top height of the surrounding earth work bunds or above. In addition the use of the semi-enclosed terrace patio area as the occupiers' sole accepted open amenity space would be subject to concentrated use and the activity resulting would generate a level of noise and general disturbance at an elevated level that could impact on surrounding neighbouring properties within the immediate area.

20. The proposal has very limited on-site amenity space for any future occupiers of the proposed dwelling of this size through the mezzanine semi-enclosed terrace patio area proposed. The usability of this elevated terrace patio space for anything other than sitting out, particularly having regard to the imposing and enclosed nature of the building and surrounding embankment, is restricted in respect of the activities usually associated with a residential dwelling, such as gardening, vegetable plots, children's active play (ball kicking etc.). In addition the use of the site (in part) as a dwelling with access drive and on-site turning area, removes an element of open space character that the site has. It will result in an increased demand on the surrounding areas from occupants of the dwelling for outside activity and recreation.

21. Britannia Way narrows directly opposite the gated entrance due to an existing traffic calming pinch-point build out. This restricted carriageway width will make manoeuvring in and out of the site difficult to achieve. The proposal with a Y- shaped access either side of the road build-out would result in an unacceptable increase in vehicular traffic using this sub-standard access and undue interference with the safety and convenience of other highway users, contrary to Policy LP23 of the Gosport Borough Local Plan 2011-2029.

22. Notwithstanding the principal objections to the scheme, the provision of a new engineered access point and widened access road to serve a dwelling would result in more activity from Britannia Way and of turning vehicles close to the properties backing onto the site within Grafton Close. However, such activities would be unlikely to result in a harmful impact on the occupiers of adjoining properties in terms of, noise and disturbance. The applicant refers to the level of activity being low in comparison to other uses, but no planning applications have been submitted for alternative infrequently accessed alternative uses on this site for consideration.

23. The requirement within the Council's Parking Supplementary Planning Document for a three bedroom house is two car parking spaces and three cycle spaces. The application proposal has scope (although not shown) to make acceptable provision for the required cycle storage within the building and whilst not specifically identified there would be space within the hard surfaced area for the two car parking spaces required. The proposed access to the site would be from a newly formed access arrangement off Britannia Way and along the existing narrow hard surfaces track leading to the cordite store building. Concerns relate to the increased use of this access for a residential property which would be over and above that of any incidental and low frequency maintenance access of the site. However the provision of the parking facilities, turning areas and cycle storage could be secured through the imposition of conditions, if the development were considered acceptable in other respects.

24. With regard to the issue of archaeology, it would be appropriate to secure further work, as suggested by the County Archaeologist, in the form of a Written Scheme of Investigation for both archaeological work and building recording and the preparation of a report following completion of archaeological fieldwork, which could be secured by planning condition if the development were considered acceptable in other respects. However such works that involve digging into the open grounds would obviously have a potentially harmful impact on the ecology aspects of the site, thereby making such suggestions inappropriate, or at the least questionable in this location. Other than this ecology protection dichotomy the proposals would be possible, subject to conditions, to accord with Policy LP13 of the Gosport Borough Local Plan 2011-2029 in this respect.

25. The application lacks sufficient detail in the submitted documents making no explicit reference to the proposed construction working methods or exact area of impact on the site and does not adequately demonstrate that the proposals would be acceptable in this respect. The issue of contamination, whilst not specified in the application form, is acknowledged in the supporting documents. This issue has not been fully addressed within the application submission and there is potential for contamination to be present on site. In accordance with the comments from Environmental Health, it would be possible to control measures to assess the possible contamination risks, site investigations and remediation, through the imposition of conditions if the development were considered acceptable in other respects. Issues relating to asbestos would be picked up though such a process, or would be matters for any construction management plan for the site. The proposals would therefore be able to accord with Policy LP47 of the Gosport Borough Local Plan 2011-2029 in this respect.

26. The applicant has provided very limited information on the external works proposed. Regarding the condition of the existing access track it is inevitable that this will need to be re-laid/re-surfaced to take the passage of vehicle traffic to serve a dwelling. Any activities associated with the external works, along with other works such as soil disturbance, machine plant movements, construction material storage and service line excavations are likely to cause disturbance to and have an adverse impact on protected species such as in this SINC area.

27. Whilst the travel distances from the refuse storage area to collection from Britannia Way are significantly over those recommended, there is space for a single bin to be positioned on the south side of Britannia Way on collection days, without causing an obstruction to the footpath or access. The surface and foul drainage would primarily be dealt with under the Building Regulations; however, such works could be conditioned to ensure that the details of such works are appropriate in this sensitive location. Again such works would have to be trenched in the ground, raising concerns as to the potential harm being caused to the SINC.

28. The proposal will introduce an additional dwelling which is likely to result in increased recreational activity on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. To address this impact, appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, is required. The applicant is aware of this requirement and has indicated (planning statement page 6) that they would be prepared to make the required contribution but has as yet failed to put in place measures to secure mitigation towards recreational disturbance. The proposal would, therefore, be contrary to the aims and objectives of the NPPF and Policies LP34, LP42 and LP44 of the Gosport Borough Local Plan 2011 - 2029.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposed residential development would result in an incompatible use within this designated Site of Nature Conservation Importance (SINC), where there is no overriding need and where it would not provide any benefits to outweigh the need to protect the nature conservation value of the site, contrary to Policies LP43 and LP44 of the Gosport Borough Local Plan 2011-2029.
2. Insufficient information has been submitted to enable the impacts of the proposals on the wildlife interests of the site to be fully assessed, including those on protected species, and the proposals, therefore, fail to demonstrate that the proposals would not result in harm to protected species living on, or utilising the site, contrary to Policy LP44 of the Gosport Borough Local Plan 2011-2029.
3. The proposed residential development is an incompatible and unacceptable use within the Existing Open Space, contrary to Policy LP35 of the Gosport Borough Local Plan 2011-2029.
4. The proposal would result in an unacceptable increase in vehicular traffic using this sub-standard access either side of a traffic calming pinch-point resulting in undue interference with the safety and convenience of other highway users, contrary to Policy LP23 of the Gosport Borough Local Plan 2011-2029
5. Adequate provision has not been made for mitigation against the harmful impacts of recreational disturbance in the Portsmouth Harbour and Solent and Southampton Water SSSI/SPA/Ramsar sites detrimental to the protected and other species for which these areas are designated and contrary to Policies LP2 and LP42 of the Gosport Borough Local Plan 2011-2029

ITEM NUMBER: 04.
APPLICATION NUMBER: 16/00322/FULL
APPLICANT: Mr David Brace Starvale Developments
DATE REGISTERED: 26.07.2016

CONVERSION OF PUBLIC HOUSE AND OUTBUILDINGS TO FORM 5 NO. TWO BEDROOMED FLATS AND 3 NO. THREE BEDROOMED FLATS WITH ASSOCIATED CAR PARKING AND BIN AND CYCLE STORAGE (as amended by plans received 10.10.16, 13.12.16 and 21.12.16)

The Middlecroft Middlecroft Lane Gosport Hampshire PO12 3DH

The Site and the proposal

1. The application site is located on the junction of Middlecroft Lane and Kingston Road, facing onto Grange Crescent. The application site contains a vacant Public House, 'The Middlecroft'. The surrounding area is characterised, for the most part, by pairs of semi-detached bungalows, set on rectangular plots. The vast majority of the properties are set back from the road by approximately 7m, with the space in front of the dwelling often used for the parking of vehicles. There are a variety of external finishes, including brick, smooth render and pebble dash rendering. Whilst bungalows predominate, there are examples of two storey dwellings in the immediate locality of the application site, including numbers 62, 64, 86, 88, 90 Middlecroft Lane. Numbers 86, 88 and 90 Middlecroft Lane are a row of two storey, hipped roof, terraced properties, each with a two storey, bay window on the front elevation.
2. The Middlecroft Public House was constructed in the 1930's and is contemporary with the surrounding dwellings. It is of two storey scale and constructed of red brick, under a hipped, tiled roof with single storey, flat roofed side projections. It is set back from Middlecroft Lane to the north and from Kingston Road by 5.5m. The car parking areas to the north and east are hard surfaced and are of sufficient area to accommodate approximately 10 cars in the current layout. There are three vehicular accesses to the site (one each from Middlecroft Lane and Kingston Road and one on the corner). The site is bound by a low fence. The area to the west of the pub, however, is currently fenced off and was formerly used as the beer garden. There is a single storey, detached beer cellar/bin store building located alongside the southern boundary. Internally, the building has a main entrance on the northern elevation that leads into two bar areas and a games room. The first floor is used as ancillary accommodation and servicing of the Public House. There are windows in all elevations of the building and three dormer windows in the rear (southern) roof slope.
3. The adjacent dwelling to the south, number 55 Kingston Road, is a detached bungalow. There are no openings in the northern elevation of this property. To the west of the site is an adopted rear service road with Council-owned allotments beyond. Beyond the highway to the north are numbers 86, 88 and 90 Middlecroft Lane and to the east are bungalows. There are double yellow lines along Middlecroft Lane on both sides of the highway that extend south onto Kingston Road and north onto Grange Crescent.
4. The proposal is for conversion of the public house and outbuildings to form 5 no. two bedroomed flats and 3 no. three bedroomed flats with associated car parking and bin and cycle storage. Originally, it was proposed for the detached beer cellar/bin store to be converted into a five bedroomed unit (for a total of nine dwellings) and for there to be open cycle and bin storage on the site. Concerns, however, were raised regarding the appropriateness of the conversion of the cellar/bin store, the standard of the bin and cycle storage and also the function of the proposed car parking layout. Amended plans have now been received that show the main public house being converted into eight units and the detached beer cellar/bin store to be used for bin and cycle storage. Further plans have been submitted to make minor amendments to the wall position and internal layouts of the flats to avoid conflict with windows. Externally, the main public house building would be retained, as existing, with the exception of the insertion of three roof lights in the front roof slope and four into the rear and a new door in the first floor, eastern elevation. Alterations are

proposed to the detached beer cellar/bin store with the widening of a doorway and the infilling of another.

5. Internally, the main entrance in the northern elevation would lead to four flats on the ground floor (2x 2 bed at the front and 2x3 bed at the rear). There would be a staircase leading to a further four flats at first floor level (3x2 bed and 1x3 bed), three of which (Units 6, 7 and 8) would also make use of rooms in the roof. The easternmost flat, Unit 8, would have access to the flat roofed side projection which is shown to be a balcony, accessed via the new door in the eastern elevation.

6. The amended layout shows a total of 16 car parking spaces. There would be five spaces on the western side of the public house, accessed from the rear service road, six spaces in front of the public house, accessed from Middlecroft Lane and five spaces on the eastern side, accessed from Kingston Road. The retained beer cellar/bin store would be utilised for the storage of four 1100l bins and for up to 20 long stay cycle spaces. The plans also show the provision of visitor cycle storage facilities on the eastern side of the public house and landscaped areas and footpaths around the building and the provision of an approximately 125m² area of shared amenity space in the south western corner of the site.

Relevant Planning History

Nil

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

LP10

Design

LP23

Layout of Sites and Parking

LP24

Housing

LP42

International and Nationally Important Habitats

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

Streetscene Waste & Cleansing	Communal bin requirements would be 2x1100 litre domestic and 2x1100 litre recycling bins.
Environmental Health	No objection.
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.
HCC Education Office	No objection. Requires a Building Regulations application.

Building Control	Means of escape windows will be required.
Eastern Solent Coastal Partnership	No objection.
Crime Prevention & Design	Lighting and natural surveillance is needed at the rear of the building. Secure cycle and bin storage is required. Car parking areas should be lit.
Local Highway Authority	No objection. Previously, the Highway Authority were concerned with the proposed parking layout and subsequently recommended refusal on these grounds. An updated parking layout has been received and reviewed. It is also noted that the number of proposed residential units has been reduced to 8. The revised arrangement presents an improved arrangement when compared to what has been proposed previously. The revised arrangement allows for parking for 16 vehicles arranged to the north, east and west of the building and cycle parking for 20 cycles to the south (covered) and east (visitor - uncovered). The level of vehicle parking shown and the design of these spaces appear in accordance with GBC Parking SPD and the vehicle parking provision is, therefore, considered appropriate. The arrangement will require vehicles to reverse onto the highway when leaving the spaces (if parked nose in) but this is not dissimilar to the arrangement found at many of the surrounding residential dwellings and, therefore, an objection on these grounds is not considered appropriate. The Parking SPD requires the applicant to provide 19 long stay cycle spaces which must be covered, lit, secure and convenient for residents in order to encourage use. The details of this provision can be secured via condition.

Response to Public Advertisement

8 letters of objection (to original plans)

Issues raised:-

- not all neighbours received notification of development
- concerns over fire egress
- development will affect drainage and water pressure in the locality
- beer cellar building would be better as a cycle/bin store
- concerns over boundary wall with number 55 Kingston Road
- concerns over size and tenure of flats
- building should be retained as a Public House
- no objection in principle of conversion to residential
- support principle of keeping the building
- five bedroom unit at the rear is excessive
- five bedroom unit would overlook open bin storage

- flats are not in keeping with locality
- building is of insufficient size for number of units proposed
- density is too high
- issues over additional traffic
- insufficient parking proposed
- development will exacerbate existing parking issues
- double yellow lines should be extended
- parking spaces on western side of building will affect access to allotments and service road
- insufficient amenity space for prospective occupiers
- bins should be stored within a building
- noise disturbance from prospective occupiers

Principal Issues

1. The application has been publicly advertised in accordance with the Council's Statement of Community Involvement. Means of escape in the event of fire and drainage and water requirements are dealt with under the Building Regulations. Each application is required to be considered, as submitted, on its merits in light of the relevant national and local planning policies. It is not possible to address existing highway concerns and parking problems in the area through this application and it is a matter for the Local Highway Authority to determine whether parking restrictions or other traffic calming measures ought to be provided on neighbouring streets. If vehicles block the public highway, the matter should be referred to the Police. The commercial intent of the developer is not a material planning consideration in the determination of this application and the tenure of the properties is not under the control of the Local Planning Authority. The application site is located within the Urban Area Boundary where the principle of development is acceptable, provided that the details accord with the relevant policies of the Gosport Borough Local Plan, 2011 - 2029 (GBLP). The building has not been protected as a Community Facility under Policy LP32 of the GBLP and there are residential properties located around the site and no Local Plan Policy that prevents the conversion of a public house into residential use, in principle. The main issues in this case, therefore, are the impact of the development on the character and visual amenity of the locality, the impact on the amenities of adjacent 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 an established residential area and the building occupies a prominent location and has considerable architectural character. This scheme ensures the retention and enhancement of the important features of the building which will retain its architectural detailing and defined entrance in the northern elevation. The cycle and bin storage will be discreetly located at the rear, within the existing beer cellar structure. The new rooflights and detailing of the new balcony, together with the details of the specific hard and soft landscaping and lighting will be controlled, by condition. The development, therefore, is acceptable in terms of impact character and visual amenity of the locality and is in compliance with Policy LP10 of the Gosport Borough Local Plan, 2011 - 2029 and the Design SPD.

3. The development is a conversion of an existing building with no additional built footprint and does not, therefore, constitute an overdevelopment of the site. The amenity expectations of residents of a flat, as contrasted a dwellinghouse, are different and the standard of accommodation proposed is satisfactory to meet the needs of the prospective occupants and will add to the mix of housing within the Borough. The mass of the building would not be increased over the existing and given the location in relation to the adjacent dwellings, there would be no harmful impact on the amenities of the neighbouring occupiers in terms of loss of light or outlook. In terms of privacy, although the application proposes to create a balcony over the existing projection on the eastern elevation and additional rooflights to front and rear, the areas over which the rooflights would face is already overlooked by upper floor windows of the existing building and windows in the neighbouring properties. It is considered appropriate, however, to require the balcony to have a privacy screen to be provided, secured by condition, to ensure that no harmful overlooking is afforded between the balcony and the front of number 55 Kingston Road to the south. Subject to the aforementioned condition, there would not be any harmful loss of privacy. In terms of activity, 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 over and above the former use of the building as a Public House. Some on-site amenity space is provided and this is supplemented by local parks and facilities, including Privett Park to the south. Adequate facilities are shown for the storage of refuse and cycles within the designated, secure building at the rear, the provision and retention of which will be controlled by condition. The proposal will, therefore, result in an acceptable environment for prospective occupiers of the development and adjacent occupiers, in compliance with Policy LP10 of the Gosport Borough Local Plan, 2011 - 2029.

4. The Gosport Borough Car Parking Supplementary Planning Document (Parking SPD) suggests that 15no. parking spaces for the proposed residential units (13no. for the occupiers and 2no. for visitors) should be provided. Under the Parking SPD, the parking requirements for Public Houses are calculated on the floor space of the dining area/bar area, which would equate to 50 spaces in this instance. The proposed development does meet the requirements of the Parking SPD. It represents an overall improvement over the existing situation and has been laid out in such a way to maximise the car parking numbers without affecting access for other highway users whilst, at the same time, retaining areas of amenity space and landscaping. There are parking restrictions in the locality which will prevent inappropriate on-street parking and, at present, there are no clearly designated spaces for cycles on the site and the application proposes 20 secure long stay cycle spaces and additional facilities for visitors, which will be controlled by condition. The development is, therefore, unlikely to result in harmful overspill parking in the local road network to the detriment of highway safety or local amenity, in compliance with Policies LP10 and LP23 of the Gosport Borough Local Plan, 2011 - 2029.

5. 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 will be controlled, by condition. Subject to this mitigation, the proposal is in compliance with the Policy LP42 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 01 A PP G and KAD 01 A PP E

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

3. No development shall be 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 development is first occupied.

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

4. No development shall commence until details of all external facing materials, including the new doors and rooflights, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

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

5. No development shall be commence until details of the hard surfacing materials, lighting and boundary treatments have been submitted to and approved, in writing, by the Local Planning Authority. These hard surfacing, lighting and boundary treatments 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.

6. No development shall commence until details of the soft landscaping works 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.

7. The landscaping scheme approved pursuant to condition 6 shall be completed within six months from the completion of the building, 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.

8. The development hereby permitted shall not be occupied until the areas shown on the approved plan, KAD 01 A PP E, for the parking of vehicles have been made surfaced, marked out and made available 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. The development hereby permitted shall not be occupied until cycle storage facilities have been provided in accordance with the details shown on the approved plan, KAD 01 A PP G. The approved cycle storage facilities shall thereafter be retained in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

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

10. The development hereby permitted shall not be occupied until refuse storage facilities have been provided in accordance with the details shown on the approved plan, KAD 01 A PP G. The approved refuse storage facilities shall thereafter be retained in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - In order to ensure that adequate refuse storage is provided in compliance with Policy LP10 of the Gosport Borough Local Plan 2011 - 2029.

11. No development shall be carried out until details of the balcony, including privacy screens between points A-A-A-A-A on the approved plan, KAD 01 A PP G, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall not be occupied until the balconies have been installed in accordance with the approved details and shall be retained thereafter, unless otherwise agreed, in writing, by the Local Planning Authority.

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

ITEM NUMBER: 05.
APPLICATION NUMBER: 16/00497/FULL
APPLICANT: Mr Neil Derrick
DATE REGISTERED: 25.10.2016

**ERECTION OF TWO STOREY SIDE EXTENSION AND ERECTION OF PITCHED ROOF
OVER EXISTING PORCH (as amplified by plan received 24.11.2016)
20 Springcroft Gosport Hampshire PO13 0YW**

The Site and the proposal

1. The application property is a semi-detached two storey residential dwelling with a single storey, flat roofed element wrapping around the north-east corner of the property which comprises a single garage to the east and porch to the north. It has also been extended to the rear by a single storey extension with a mono pitch roof. The application site is the last property at the eastern end of the cul-de-sac on its southern side. The site narrows in width from approximately 13.5m along the northern boundary to approximately 8m along the southern boundary and is approximately 22m deep. The application property is situated approximately 5m back from the road and this area is currently used as a front garden. The rear garden is 9m long and the property, at its closest point, is approximately 1.5m away from the eastern site boundary at single storey level. The rear garden is enclosed by solid panel fencing approximately 1.8m in height along all the boundaries.

2. Springcroft is lined with similarly designed and styled properties along either side within similarly sized plots to the application property. The surrounding roads are also residential with the majority of properties comparable in proportions and dimensions, although designs vary from road to road. There are numerous examples of rear extensions and minor alterations to the front elevations but due to the compact nature of the residential area there are few examples of two storey, side extensions.

3. The proposal is to create additional accommodation and a fourth bedroom by extending the garage to the east and south, and creating a first floor above this. The garage would be extended by 0.6m to the east. To the south it would be extended out to the rear elevation of the application property, a length of 2.45m and 2m wide. The first floor eaves of the proposed extension would match the application property at 5.1m and the roof would be dual pitched and have a stepped profile. The first 2.1m of the proposed roof closest to the application property would match the existing roof ridge height of 7.9m; and the eastern 1.3m of the proposed roof ridge would be at the lower height of 6.8m thus creating a stepped gable along the eastern elevation. The proposal is also to replace the existing flat roof over the front door and garage door with a mono-pitched roof which would have a maximum height of 3.6m. There would be a new first floor window in the front elevation and in the rear elevation a new ground floor window and an obscure glazed first floor window. The rear external door into the garage would be moved slightly to the east and an additional door in the east elevation would be introduced. There would be no windows in the eastern elevation. The plans submitted on the 24.11.16 show the position of an additional parking space in an attempt to comply with the standards set out in the Gosport Borough Parking Supplementary Planning Document.

Relevant Planning History

Nil

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

LP10

Design

LP23

Layout of Sites and Parking

Supplementary Planning Documents:

Gosport Borough Council Parking: Supplementary Planning Document: February 2014

National Planning Policy Framework (NPPF), March 2012

Consultations

Nil

Response to Public Advertisement

2 letters of objection

Issues raised:-

- increase in overlooking of 35 and 37 Woodside
- reduction of access to sunlight for the rear garden and ground floor lounge of 35 Woodside for significant part of the afternoon / early evening
- loss of daylight to 37 Woodside
- impact on view from the rear of 35 Woodside
- effect on property value of 37 Woodside

Principal Issues

1. The impact on property value is not a material planning consideration and there is legal or planning legislation which recognises a right to a view. Therefore the main issues are the appropriateness of the proposal and its impact on the appearance of the locality; the amenities of the occupiers of adjacent properties; and the potential impact of pressure for on-road parking within Springcroft.

2. The proposal would use matching materials to the application property and the proposed windows would replicate the proportions and spacing of the existing front and rear windows. It would be in keeping with the application property as a whole with only the proposed mono-pitch roof to the front protruding beyond the front elevation. This proposed mono-pitch roof replacement of the existing flat roof would replicate other such changes along Springcroft and would not materially alter the impact of the property on its surroundings. The two storey element would be situated to the eastern side of the application property which is largely screened by surrounding residential properties so would not be overly visible to users of Springcroft unless directly in front of the application property. As the application property is situated at the very end of Springcroft the proposed first floor extension over the garage would not impact on the regular spacing between each of the semi-detached pairs along the road; therefore it is not considered that the proposal would affect the built character of Springcroft. The proposal would extend the overall width of the semi-detached pair but due to its relatively screened location this is not considered to impact on the overall appearance of the locality. Therefore the proposal would comply with this aspect of the Policy LP10 of the Gosport Borough Local Plan 2011-2029.

3. Due to the location, distances and orientation of the proposal from the dwellings to the north, south and west of the application property, the proposal would not adversely impact on the amenity of their occupants. However the proposal would extend the two storey side elevation of the application property closer to the shared boundary with the properties to the east, specifically 35 and 37 Woodside. The proposal would remove all first floor windows from the existing east elevation of the application property; the proposed new first floor window within the rear elevation would be obscure glazed; and the proposed new first floor window would be angled away from the properties to the east. Therefore it is considered that the proposal would not increase the overlooking of 35 and 37 Woodside. The immediate area of the application property has an established, built-up residential character with an outlook that reflects this. Currently from the rear of 35 and 37 Woodside the rearward outlook is visually enclosed by the side elevations of a number of residential properties and the screening landscaping at the eastern end of Springcroft. Whilst the proposal would bring the side elevation of the application property closer to the shared boundary

with 35 and 37 by 1.2m and increase it to two storey; it is not considered that it would have an overbearing impact on the properties. Whilst it is recognised that the proposal would marginally increase the amount of shadow created by the application property it would only impact on the most western edge of the garden of no. 35 and the south-western corner of no. 37's garden towards the late afternoon. The proportion of additional shadow is not considered significant in relation to the shadow already cast by the existing mass of the application property and other surrounding properties; and it would not impact on the rear elevations of either property. Therefore it is not considered that the proposal would reduce the levels of access to daylight and sunlight for the occupants of no. 35 and 37 to unacceptable levels. As such the proposal is considered not to harm the amenity of the occupiers of the neighbouring properties and so comply with this aspect of the Policy LP10 of the Gosport Borough Local Plan 2011-2029.

4. The proposal would increase the application property from a three to four bedroom dwelling and so there would be a requirement for an additional off road parking space to supplement the existing parking provision of the garage and space to the front. This has been achieved by the replacement of the front garden with an area of hard standing which would allow a parking space to be created in accordance with the recommended dimensions as set out in the Gosport Borough Parking Supplementary Planning Document; and the width of the existing garage has been increased to improve its usability for parking. Its implementation and retention can be secured by condition and so the proposal would comply 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:

08/16(01); 08/16(02); and 08/16(3)

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 first floor window in the south elevation of the extension hereby approved shall be installed with obscure glass and shall be retained as such.

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

4. Before the room marked as bedroom 4 on plan 08/16(02) is brought into use the car parking space as shown on plan 08/16(03) shall be completed and made available. This car parking space shall then be retained for the parking of one vehicle at all times.

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

ITEM NUMBER: 06.
APPLICATION NUMBER: 16/00577/FULL
APPLICANT: Mr & Mrs Seldon
DATE REGISTERED: 09.12.2016

CONSTRUCTION OF VEHICULAR ACCESS TO CLASSIFIED ROAD (A32)
28 Brockhurst Road Gosport Hampshire PO12 3DE

The Site and the proposal

1. The application site relates to a two-storey detached dwelling located on the eastern side of Brockhurst Road (A32). The site lies opposite the Brockhurst Road Neighbourhood Shopping Centre. The highway to the front and north of the site contains a bus stop and shelter with an area of raised kerbing. The site is located in an area whose character is mixed, comprising mainly commercial premises in the Neighbourhood Centre on the western side of the road and two-storey dwellings on the eastern side.
2. Planning permission is sought for the construction of a vehicular crossover. The submitted drawings also show the removal of the existing timber gates, the widening of the existing opening in the front wall from 3.35 metres to 4.5 metres and the lowering of a further 1.0 metre wide section of the wall.
3. This application is being reported to the Regulatory Board as one of the applicants is an employee of the Borough Council.

Relevant Planning History

Application site

70/11222/PA - provision of vehicular access onto classified road - refused 07.07.1970

26 Brockhurst Road (adjacent property to south)

05/00682/FULL - construction of vehicle access to classified road (A32) and installation of car turntable - permitted 12.01.2006

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

LP23

Layout of Sites and Parking

LP10

Design

Supplementary Planning Documents:

Gosport Borough Council Parking: Supplementary Planning Document: February 2014

National Planning Policy Framework (NPPF), March 2012

Consultations

Transport & Traffic

Objection. Proposal does not demonstrate ability to turn a typical sized car in a safe manner to be able to enter and leave site in forward direction. Site is in close proximity to street furniture which limits visibility. Recommends refusal on grounds of highway safety and inconvenience to highway users.

Local Highway Authority

Objection. Proposal does not demonstrate ability to turn a typical sized car in a safe manner. Site is in close proximity to street furniture which limits visibility. Recommends refusal on grounds of highway safety and inconvenience to highway users.

Response to Public Advertisement

Nil

Principal Issues

1. The main issues to be considered are whether adequate provision is made for a vehicle to enter and leave the site in a forward direction, whether there will be any impact on the safety or convenience of users of the adjacent highway and any impact on the amenities of the occupiers of adjoining properties.
2. No other means of vehicular access is available to the property than direct from Brockhurst Road. The submitted drawings purport to show a vehicle being able to turn within the site, however the vehicle shown measures 3.75 metres in length. The applicant advises that this is the size of vehicle owned by the current owners of the property. Even at this size a vehicle would need to manoeuvre very close to the house and boundary walls. It must be noted that the size of vehicle using the proposed access could not be satisfactory controlled now or in the future.
3. Given the nature of Brockhurst Road adjacent to the application site, it is imperative that in the interest of the safety or convenience of users of the adjacent highway, any vehicles entering or leaving the site do so in a forward direction. In order to do so vehicles must be able to turn within the site. The Parking SPD requires parking spaces to be a minimum length of 4800mm, and 5000mm where there are adjacent boundaries. This is to ensure that typical sized family cars (eg. a Ford Mondeo Hatchback which measures 4731mm in length or a Vauxhall Insignia which is 4842mm long) can be accommodated within them. Policy LP23 (layout of sites and parking) requires that adequate provision is made for an appropriate range of vehicles to access a site, manoeuvre within it and turn around in a safe and convenient manner. This application does not demonstrate that it would provide safe or convenient access or turning could be achieved and is therefore contrary to Policy LP23 of the Gosport Borough Local Plan 2011-2029.
4. Furthermore there is a bus stop with raised bus kerbs to the front of the site adjacent to the existing gates of the application site. The bus stop and associated infrastructure would prevent the provision of a dropped kerb across the entire width of the boundary opening and would limit the visibility available to drivers in a northward direction. The restricted width of dropped kerb that could be provided would result in vehicles entering or leaving the site from the north would have to overrun tapering kerbs adjacent to the bus stop. The front boundary wall, even if reduced in height and width as indicated would limit intervisibility between a vehicle and pedestrians such that safe entry onto Brockhurst Road would, due to the bus stop infrastructure, passengers and on-site turning manoeuvres, be impractical with a larger car of the required design standard.
5. There are a number of gaps in the differing boundary treatments in this part of the road and a variety of surface materials and as such the proposed works will be neither detrimental to the visual amenities of this part of Brockhurst Road nor the amenities of adjoining residents. Furthermore it is considered that the low level noise generated by the use of the property frontage for the parking and turning of vehicles would not result in any significant impact on the neighbours.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposal fails to make adequate provision for the parking and manoeuvring of vehicles clear of the highway which would result in vehicles interfering with the free flow of traffic on the adjoining highway to the detriment of highway safety and cause inconvenience to other highway users. The proposal is therefore contrary to Policy LP23 of the Gosport Borough Local Plan 2011-2029 and to the Parking Supplementary Planning Document.