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10 October 2017

S U M M O N S

MEETING: Regulatory Board
DATE: 18 October 2017
TIME: 6.00 pm
PLACE: Council Chamber, Town Hall, Gosport
Democratic Services contact: Lisa Young

MICHAEL LAWOTHER
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

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

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

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

INFORMATION FOR MEMBERS OF THE PUBLIC

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

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

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

IMPORTANT NOTICE:

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

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

AGENDA

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST
All Members 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 30 AUGUST 2017
4. DEPUTATIONS – STANDING ORDER 3.4
(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Monday, 16 October 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, 16 October 2017).

6. FAREHAM BOROUGH CONSULTATIONS

D.11/006/17

DETAILS OF THE ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE, PURSUANT TO OUTLINE PLANNING PERMISSION REFERENCE P/16/0557/OA, FOR THE INTERCONNECTOR AND CONVERTER STATION, ALL ASSOCIATED BUILDINGS AND SITE INFRASTRUCTURE AND DETAILS PURSUANT TO CONDITIONS 7 (LEVELS), 20 (CONSTRUCTION ACCESS) AND 21 (OPERATIONAL ACCESS) OF OUTLINE PLANNING PERMISSION REFERENCE P/16/0557/OA

D.11/008/17

DETAILS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PLANNING PERMISSION REFERENCE P/16/0557/OA FOR THE AREA OF PUBLIC OPEN SPACE RELATING TO THE LAND TO THE NORTH OF THE IFA2 INTERCONNECTOR AND DETAILS PURSUANT TO CONDITIONS 35 (HARD LANDSCAPING) AND 36 (HABITAT CREATION & MANAGEMENT) OF THE OUTLINE PLANNING PERMISSION REFERENCE P/16/0557/OA.

LAND AT DAEDALUS AIRFIELD, LEE-ON-THE-SOLENT

Two Reserved Matters applications have been received by Fareham

PART II
Contact Officer:
Debbie Gore
Ext: 5455

Regulatory Board
18 OCTOBER 2017

Borough Council (FBC) from National Grid IFA 2 Limited (National Grid) pursuant to Outline planning permission for a new electricity interconnector and convertor station at Daedalus that was granted planning permission by FBC in April 2017, under reference P/16/0557/OA.

As a neighbouring authority Gosport Borough Council has been consulted on the proposals by Fareham Borough Council.

7. REPORT OF THE HEAD OF PLANNING SERVICES
*Schedule of planning applications with recommendations.
(grey sheets pages 1-67)*
8. ANY OTHER ITEMS
Which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 30 AUGUST 2017 AT 6PM**

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

It was reported that in accordance with Standing Order 2.3.6, Councillors Scard and Mrs Cully had been nominated to replace Councillor Allen and Wright respectively for this meeting.

42. APOLOGIES

Apologies for inability to attend the meeting were received from The Mayor and Councillors Allen, and Wright.

43. DECLARATIONS OF INTEREST

Councillors Mrs Cully and Farr declared a non-pecuniary interest in item no 1, Land at Northcott Close

Councillor Mrs Hook declared that she had a pecuniary interest in item number 2 Land at Fareham Road and Heritage Way

Councillors Mrs Hook and Carter declared that they knew both the applicant and the depute for agenda item no 1.

44. MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 12 July be approved and signed by the Chairman as a true and correct record.

45. DEPUTATIONS

Deputations had been received on the following items:

- Item 1 of the grey pages 17/00156/FULL – Land South of Netherton Road, Gosport
- Item 2 of the grey pages 16/00598/FULL –Land at Junction of Fareham Road & Heritage Way, Gosport PO13 0AF
- Item 4 of the grey pages 16/00576/FULL – Land at Northcott Close
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46. PUBLIC QUESTIONS

There were no public questions

47. REPORTS OF THE HEAD OF PLANNING SERVICES

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

The Board were advised that the Officer recommendation for application 17/00143/FULL had been withdrawn and that the application was to be withdrawn from the agenda and deferred to the next available meeting of the Regulatory Board.

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

**48. 16/00576/FULL - CONSTRUCTION OF 3 BUNGALOWS
(DEPARTURE FROM LOCAL PLAN) (as amended by plans,
Arboricultural Method Statement and Bat Survey received 01.06.17**

**and further Ecological Technical Note received 27.07.17 and as amplified by email dated 02.08.17)
Land At Northcott Close Gosport Hampshire**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00576/FULL.

Mr Perry was invited to address the Board. He advised the Board that he objected to the proposal on a number of grounds.

Mr Perry advised the Board that he felt that there were inadequate site notices, that only one had been positioned in Bury Hall Lane, opposite his property and none had been situated in Northcott Close. He advised that he believed that further site notices should have been erected further east along Bury Hall Lane, as the proposed bungalows would be visible there also. In addition, he advised the Board that he felt there should have been notices in Northcott Close as it would be the residents of the Close that would be most affected by the proposal and questioned whether the residents of Northcott Close had been consulted.

Mr Perry advised the Board that the site notice advised that the proposal would be a departure from the provision of the development plan and that he could find no justification from the documents he had studied to justify non-compliance with the plan in force.

Mr Perry stated that he did not understand why the Local Plan could then be disregarded and set aside and also raised concerns that the proposal had not been submitted for pre application advice.

Mr Perry expressed concern that the proposed vehicular access to the property was on the approach to Bury Hall Lane and as a result vehicles would be traveling at their fastest at the point they met the access. He advised that he felt the only way to alleviate this was to not build the development, similarly he felt that pedestrians would face increased danger.

Mr Perry stated that he felt that the building materials proposed would create a sterile appearance in the short term and would cause serious maintenance issues in the long term from traffic.

Mr Perry advised that he felt the provision of only three car parking spaces would force any visiting cars to park on the road, again in the line of oncoming vehicles travelling at high speeds. He felt that this was unacceptable as a large proportion of visitors were elderly.

Mr Perry advised the Board that shortly after a consultation letter had been received, a large tree overhanging Northcott Close was felled and a stump removed, but that he had been advised that this was as a result of them being diseased. Mr Perry advised that the application submitted did not include the tree and therefore suspected that the tree was felled in anticipation of the application.

Mr Perry sought guarantees that the bungalows would only be used by the local elderly people with no Right to Buy and advised that the design access statement did not acknowledge that there would be no Right to Buy.

Shaun Cully and Adrian Parker, the applicant and agent, were invited to address the Board. Mr Cully advised the Board that the Gosport Borough Council's Tree Officer had advised that the tree would fall in a storm as it was dangerous and advised the Board that the removal was nothing to do with the application.

Mr Cully advised the Board that the site was a living memorial for the armed forces and was paid for through donations and that Gods Port Housing Society were a registered charity under 1893 Charities Act. He advised the Board that the charity was registered with the Care Quality Commission

The Board were advised that the bungalows and flats on site were only for occupancy by the elderly with no Right to Buy; the properties could not be sold as they were a living memorial. Mr Cully advised that priority was given to former armed forces personnel, and that this met the Council's commitment to the Armed Forces Covenant. The Board were also advised that there was a clear need for the properties as there were currently 14 couples on the waiting list for properties and the average wait for a property was six years.

Mr Parker advised that there was an aging population in the Borough that required housing and that the scheme provided sheltered and extra care for elderly people and that the 25 bungalows and 8 flats were well established and allowed elderly people to enjoy company of other like-minded people.

Mr Parker advised that the design of the properties allowed for adaptations to meet residents' needs and reiterated the need for such properties. The Board were advised that the applicant had agreed to pay the mitigation fees for recreational disturbance as part of the Portsmouth Harbour Supplementary Planning Document. The Board were also advised that the Society had been advised in 2013 that the open space was only medium value..

In answer to a Members question, the Board was advised by the agent that the proposal would enhance the area, that a new fence would be installed, and the walkway would allow people to sit, rest and enjoy the peace and quiet.

In answer to a Members question, Mr Cully advised that to mitigate the loss of 25 trees on site with the building of the three properties, the Society were providing additional landscape planting and were happy to pay the mitigation fee in respect of recreational disturbance. This had been discussed and agreed verbally on the telephone and Mr Cully was more than happy to provide this in writing.

In answer to a further question, the Board was advised that the Society's charter was that the properties were for those who were retired and that therefore serving armed forces personnel did not live in them. Mr Cully advised that former Armed Forces personnel were given extra points on any application to live in the properties and that currently 9 ex-service personnel and 4 widows of ex-service personnel lived in the properties. The Society took referrals from services charities, people also applied through word of mouth, churches and the Council.

In answer to a Members question, the Planning Officer advised the Board that in line with the Supplementary Planning Document, the proposal for one parking space per property was acceptable as there was additional parking available in the wider close that could accommodate visitors.

The Board were advised that the publicity was undertaken in accordance with the Council's Statement of Community Involvement and that the closest residents in Northcott Close received notification letters.

Members sought clarity with regard to the open space and were advised by the Planning Officer that the applicant could remove any trees that they wished to, without planning permission, but the plan was to leave a row of trees and open and enhance the currently dense and dark area.

The Planning Officer recognised that there could be benefits from the proposal, however, advised that the application was recommended for refusal as a result of the inadequate justification provided that the replacement open space was of comparable value or an improvement on that which would be lost.

Members felt that the existing space was dark and could not be utilised and that the Local Plan was guidance. Members felt that there was overwhelming justification to approve the application as they felt that the open space that would be lost was not significant as people could currently not use it, or walk along it as it was dark and overgrown and that the application would enhance the area.

Planning Officers advised that the Local Plan contained clear policies that sought to protect open space and that the evidence submitted with the application was not sufficient to justify making an exception to the Local Plan and recommend approval.

Members felt that the properties were in high demand and that there was a clear need for them. It was proposed and agreed that the application be approved, subject to conditions, and that authority be delegated to the Head of Planning Services to attach appropriate conditions to the approval.

RESOLVED: That planning application be approved and that authority be delegated to the Head of Planning Services to attach appropriate conditions.

**49. 17/00156/FULL - ERECTION OF A DOUBLE GARAGE (as amended by plan received 23.05.17 and amplified by email received 23.05.17 and letter received 02.08.17)
Land South Of Netherton Road Gosport Hampshire**

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

The Board was advised that a site visit had taken place the previous day and that Members had viewed the application site.

The Board was also advised that an addendum to an existing letter of representation had been received reiterating concerns about street parking on Netherton Road and the impact on access for emergency vehicles.

The Board was advised that there was no change to the recommendation.

Mr Chambers was invited to address the Board. He advised that he was representing Mr Grubb, the owner and resident of 19 Avery Lane. He advised the Board that Mr Grubb had, as previous residents of the property before him, enjoyed rear vehicular access to the property for more than the forty years required by section 2 of the Prescription Act 1832 in order to establish a legal easement, in perpetuity and that the proposed access would prevent any such access.

Mr Chambers advised the Board that whilst the Board had no knowledge of any right of way over the land, he proposed that Mr Grubb had a statutory right of way on the form of easements created by both necessity and by prescription.

Mr Chambers advised the Board that the matter was not of Civil Law, but of statute pursuant to the Doctrine of Lost Grant, established by the prescription Act 1832 and further pursuant to Section 62.1 of the Law of Property Act 1925 and that he enjoyed Grandfather rights of vehicular access to the rear of his property and to prevent such access would be in breach of these statutes and that Mr Grubb would seek an injunction from the County Court to prevent such loss of access if necessary.

The Board was advised by Mr Chambers that the approval of the application would also force Mr Grubb to park his large transit van on an already congested Avery Lane which would be to the detriment of pedestrians, particularly school children and to traffic.

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

Mr Critchley reiterated to the Board that matters of rights of access were civil matters and therefore not considerations for planning applications. He advised that the bulk of the representations against the application referenced the civil matter of access and the condition of the garages close to the application, neither of which were relevant to the consideration of the planning application.

Mr Critchley advised the Board that the land on which the application was proposed was not public land, and that local residents did not therefore have rights across the land.

Mr Critchley advised the Board that the application was the start of a programme of works for all of the garages on site and that rubbish had begun to be cleared from the others. He advised that there

was no power or water to the site of the proposed garage so it could not be used for commercial purposes and that there would be a gate installed at the entrance to the site as added security for the garage leaseholders.

In answer to a Members question, Mr Critchley advised that the residents that had used the rear access for deliveries or vehicular access to the rear of their properties had done so over private land and that the land owners were under no obligation to continue to allow them to do so.

Mr Critchley advised that one metre wide access for pedestrians would be maintained to the rear of the adjacent properties, but that the gates were being installed to provide added security to the garages and to prevent fly tipping. Mr Critchley advised the Board that residents had no right of way and that any challenge to this was a civil matter.

In answer to a Members question, Mr Critchley also advised the Board that the site in question had only recently been purchased by the applicant, the site had remained untouched and undeveloped for a number of years, but the new owner of the site had seen potential in it. He reiterated that the existing garages were to undergo refurbishment with new roofs and doors, and also that residents had no right of access across the land.

Mr Critchley advised the Board that the building of the proposed new garage would be the beginning of a rolling programme of improvements to the garages and that it would generate income to facilitate the renovation of the existing garages.

In answer to a Members question to Planning Officers, the Board was advised that the issue of rights of access in this case was not a planning consideration. The Board was also advised that planning permission could be granted as this was separate from any consideration about access which was dealt with under different laws.

Members expressed concern that amenity would be lost by residents, particularly the elderly, if the rear vehicular access to the site was denied. Members expressed concern that the safety of local residents would also be compromised.

Planning Officers advised the Board that whilst the concern of the residents was appreciated, the application needed to be considered on the basis of material planning considerations and based on what was being presented to the Board in the report. In answer to a Members question, the Board was advised that it would not be appropriate to defer the application to allow members of the public to investigate any private rights of access as these were not a planning consideration and any legal issues were completely separate to the application presented. In addition, any delay would allow the applicants to appeal on the grounds of the non-determination of the application within the prescribed timescale. The Board were also advised that if a private right of access was established prior to the meeting this should still have no bearing consideration of the application.

In answer to a Members question, the Board was advised that any commercial use would require an additional planning application to be submitted for a change of use.

The Board considered the application and accepted that there was no reason in planning law to refuse the application on the basis that the residents would no longer have vehicular access to the rear of their properties.

It was proposed and seconded that the application be refused based on the severe impact on the quality of life that the scale and mass of the development and the loss of the rear access would impact on local residents.

RESOLVED: That planning application 17/00156/FULL be refused as the design scale and mass of the proposal would have a detrimental effect on the amenity of neighbouring residents.

**50. 16/00598/FULL EIA - MIXED USE DEVELOPMENT COMPRISING
ERECTION OF CLASS A1 RETAIL UNITS; CLASS A3/A5 DRIVE-THRU**

RESTAURANT UNIT AND A COFFEE SHOP WITH DRIVE-THRU FACILITY TOTALLING 7,215 SQ.M GIA; PROVISION OF 392 CAR PARKING SPACES AND 238 CYCLE SPACES., PROVISION OF OPEN SPACE AND FOOTPATHS; PROVISION OF SPORTS PITCHES WITH CHANGING FACILITIES; PROVISION OF HIGHWAY WORKS AND ACCESS & EGRESS; SERVICE YARD; PARKING; LANDSCAPING; INFRASTRUCTURE; AND ASSOCIATED WORKS AND IMPROVEMENTS (as amended by plans received 25.05.17, 06.07.17 and 08.08.17 and amplified by supplementary retail assessment received 07.07.17, addendum transport assessment received 16.01.17, travel plan framework addendum received 09.03.17, supplementary parking requirements assessment received 24.04.17 and supplementary sports pitch/open space assessment received 15.06.17)

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00598/FULL.

The Board was advised that there were three updates regarding transport issues, additional letters of representation and an amended recommendation as follows.

The Board was advised that on 17 August 2017 an objection letter to the transport assessment had been received. It was a technical 6 page objection that required a response from Hampshire County Council and was submitted by DPS on behalf of Asda.

The Board was advised that on 22 August 2017 a response was received from the applicant justifying the Transport Assessment conclusions.

The Board was advised that on 29 August 2017 a response from Hampshire County Council Highways confirmed that they had reviewed the objection and confirmed their position that the applicant's transport assessment was robust and the servicing, parking, trip analysis and capacity assessments were all satisfactory.

The Board was advised that on the 30 August a technical objection was received from a local resident on behalf of Gosport Cycling Groups regarding cycle provision and concerns over the safety of junction crossings and suggested improvements to the plan. The letter included concerns about the new junction in Heritage Way which interrupts an existing and busy off road cycling route.

The Board was advised that an additional 67 letters of representation had been received between 22 August 2017 and 5pm on 30th August 2017, following a letter drop by the applicant on 18 August 2017.

The Board was advised that 49 were in support of the proposal, highlighting the benefit of the scheme in terms of improved choice of shopping, convenience for residents, jobs, economic benefits to the area, convenience in relation to the sports centre and hotel, visual enhancement of an untidy piece of land and additional sports pitches and dog walking facilities.

Twelve of the letters were objections raising issues including additional traffic, lack of stable infrastructure, highway safety, provision of fast food outlets near schools, impact on a scheduled monument, loss of open space, impact on the town centre and lack of proper jobs.

Six of the letters were general comments identifying some benefits and concerns similar to those listed.

The Board were advised that the recommendation had been amended to remove reason for refusal 2 as the applicant had confirmed that the building would be constructed to DIO

safeguarding requirements.

Mr Mark Harris was invited to address the Board. He advised that he was representing Barton Willmore the agent for the application. He advised that he was accompanied by Mr Sweeney the Managing Director of Millngate and Mr Mitchell the Head of Property at Lidl.

Mr Harris advised the Board that the proposal was for a development on unsightly land; the development would be positive and had attracted national retailers to the site, which would in turn bring £11million clawback spending to the Borough. Mr Harris advised that the applicant was committed to respecting the heritage of Fort Brockhurst and that the site would include new football pitches and open space with new users of the pitches already identified.

Mr Harris advised the Board that in addition to the 300 jobs from the retail units and the additional business rates generated, the construction of the proposal would also generate £400,000 of Community Infrastructure Levy.

Mr Harris advised that he was disappointed that following 8 months of negotiations with planning officers, the proposal had been recommended for refusal and that they had never seen a recommendation for refusal based on what they perceived to be a small figure of 6.8% potential impact on Gosport High Street.

Mr Harris advised that the proposal completely differed to the High Street as it was not a Town Centre, it did not have the ancillary services such as banks and chemists that were located on the High Street and offered a different retail experience.

Mr Harris advised the Board that the proposal had large level support from members of the public and that 80% of those questioned supported the proposal and that he did not feel there would be an adverse impact on the high street from the proposal.

Mr Sweeney was invited to address the Board. He advised that Millngate specialised in the regeneration of derelict sites.

Mr Sweeney acknowledged that there had been some fantastic progress made in the Borough in the proceeding 10 years, with the new leisure centre, regeneration of Rowner and the Bus Rapid Transport system all a positive improvement to the Borough and hoped that this proposal would contribute to the progress being made.

Mr Sweeney reiterated that national retailers were signed up to the proposal and that the company had worked with planning officers on the proposal. The Board were advised that previous proposal to include a residential aspect to the site had been reconsidered and subsequently removed to address concerns and that he felt the recommendation for refusal had materialised as a result of the conclusions of the GVA Grimley (GVA) report.

Mr Sweeney reiterated that the proposal offered 300 jobs in the retail units, 200 jobs in construction during the build and also that the proposal was worth £600,000 in business rates and £400,000 in Community Infrastructure Levy.

He advised that the football pitches already had interest from Lee Rangers, and that the he felt the proposal was for a gateway to the Borough to be proud of and that it would clawback £11 million spending and should not be refused on the basis of a weak report from GVA.

Mr Mitchell, Head of Property for Lidl was invited to address the Board. He advised that the company had been looking for a site to the north of the Borough and that the site at Brockhurst was ideal and that there were no other suitable sites within the Borough. Mr Mitchell advised that the store would appeal to a new catchment of shoppers and advised that 10% of the people surveyed had expressed interest in working at the store and that the store would provide 40 of the 300 jobs on the site.

In answer to a Members question, Mr Harris advised the Board that any impact of the proposals

on Stoke Road and other shopping locations was considered to be acceptable. Mr Harris advised the Board that trips in Gosport High Street were often linked particularly when they involved shopping for food and that trips to the proposed development would differ greatly from trips to the High Street.

In answer to a further question, the Board were advised that the surveys of the A32 were undertaken at on weekdays at 7.30am – 9.30am and from 4.00pm – 7.00pm and on weekends between 11am and 3pm. These were the peak times for the road, it was anticipated that most people visiting the development would already be using the roads or alternative routes to undertake their shopping elsewhere.

Mr Mitchell advised the Board that Lidl would not consider developing an additional unit if it did not believe that it was worthwhile. He advised the Board that the proposal was half way between the existing Gosport store and the store in Newgate Lane, Fareham. It was anticipated that this would claw back trade into Gosport and open the store to a new catchment.

Mr Mitchell advised that the existing Lidl store suffered from a lack of ancillary space, and car parking, the new store would alleviate some of these issues.

A Member sought clarification that trips undertaken to Gosport High Street were focused on ancillary services, such as banks and post offices and that the food retailers benefited as a result of this as they were not always the intended destination of the visits. The Board were advised that analysis had been undertaken with regard to how people undertake food and non-food shopping trips and that people would visit the High Street when requiring ancillary services and food.

In answer to a Members question, the Board were advised by Mr Mitchell that Lidl had purchased the former petrol station next to their Forton Road site as there was a lack of car parking space available at the site and that it provided the potential to create additional car parking spaces as this would provide an improvement to the site. The additional store would potentially also relieve pressure on car parking spaces.

The Board were advised that Lidl planned to retain the store in Forton Road and that although there may be a dip in patrons to the store there was no plan to remove it.

In answer to a Members question the Board was advised that McDonalds were planning on erecting a flagship branch at the proposal site. The Board was advised that McDonalds was a popular retailer that offered a number of food options and that the public had options as to what they ate there.

The Board was advised that the transport survey had indicated that there would not be a great impact on the traffic on the A32 as most visitors would already be travelling when deciding to use the site. Members acknowledged that original proposals for the site included proposals for residential dwellings and that plans for these had been removed as a result of the potential impact on the A32.

Members also welcomed that the proposal would provide a much needed facility for the Holbrook area and was easily accessible by bicycle.

In answer to a Member's question, the Board was advised that the tank traps would be located in accordance with the Gosport Society's wishes.

Members sought clarification as to the proposed impact on the High Street and were advised by planning officers that an independent assessment had been undertaken by GVA. Members were advised on the basis of the findings, planning officers could not rule out that there would be a significant impact on the High Street and in the light of the adopted Local Plan Policies therefore could not recommend the application for approval.

Members felt that the assessment from GVA was not definitive enough to refuse the application. .

Members felt that the jobs proposed by the application could not be ignored and recognised that the public supported the application and also welcomed bringing big named branded stores to the Borough.

Members expressed concern at the impact on the A32, but accepted that traffic surveys had been undertaken at peak times.

Members also felt that the proposed impact of the application on the High Street was as the High Street was now and did not take into account the current Supplementary Planning Document consultation underway and any changes to the High Street that may come out of it.

Members thanked planning officers for their work on the proposed application.

Members felt that the possible 6.8% impact on the High Street was not significant enough to refuse the application, particularly as the research undertaken by the applicant suggested the impact would only be up to 3%.

Members welcomed that the proposal would improve the area and that the site would deteriorate further if not developed.

Members recognised that they did not want to see trade drawn away from any retailers in the High Street and welcomed the opportunities the proposal would bring to the Borough and the provision for retail in this area of the Borough

RESOLVED:

That planning application 16/00598/FULL be approved:

1. Subject to a Section 106 Agreement relating to such matters as the Head of Planning Services considers necessary to make the proposal acceptable in planning terms; and
2. Authority be delegated to the Head of Planning Services to attach appropriate conditions to the permission.

51. 17/00100/FULL – ERECTION OF SINGLE STOREY BUILDING (USE CLASS B1/B2/B8) WITH 55 CAR PARKING SPACES (as amended by plans received 04.05.17 and 28.06.17)

Daedalus Park - Site B (South) Lee On The Solent PO13 9FU

An update was provided that confirmation had been received that technical drainage details could be achieved for the site.

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00100/FULL.

RESOLVED: That planning application 17/00100/FULL be approved subject to the conditions in the report of the Head of Planning Services.

52. 17/00101/FULL – ERECTION OF 3 NO. TWO-STOREY BUILDINGS (USE CLASS B1/B2/B8) WITH 54 NO. CAR PARKING SPACES (as amended by plans received 28.06.2017)
Daedalus Park - Site B (North) Lee On The Solent PO13 9FU

An update was provided that confirmation had been received that technical drainage details could be achieved for the site

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00101/FULL.

RESOLVED: That planning application 17/00101/FULL be approved subject to:

1. A Section 106 Agreement relating to an employment and skills plan; and
2. The conditions in the report of the Head of Planning Services.

53. 17/00233/FULL - ERECTION OF A SINGLE STOREY REAR EXTENSION, CONVERSION OF THE HIPPED ROOF INTO A GABLE AND A FRONT AND REAR DORMER (as amplified by statement received 15.06.17)

92 Fisgard Road Gosport Hampshire PO12 4HJ

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00233/FULL.

RESOLVED: That application 17/00233/FULL be refused for the following reason:-

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

54. ANY OTHER BUSINESS

There was none.

The meeting concluded at 20.19

CHAIRMAN

AGENDA ITEM NO.6

Board/Committee:	Regulatory Board
Date of Meeting:	18 October 2017
Title:	<p>FAREHAM BOROUGH CONSULTATIONS</p> <p>D.11/006/17</p> <p>DETAILS OF THE ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE, PURSUANT TO OUTLINE PLANNING PERMISSION REFERENCE P/16/0557/OA, FOR THE INTERCONNECTOR AND CONVERTER STATION, ALL ASSOCIATED BUILDINGS AND SITE INFRASTRUCTURE AND DETAILS PURSUANT TO CONDITIONS 7 (LEVELS), 20 (CONSTRUCTION ACCESS) AND 21 (OPERATIONAL ACCESS) OF OUTLINE PLANNING PERMISSION REFERENCE P/16/0557/OA</p> <p>D.11/008/17</p> <p>DETAILS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PLANNING PERMISSION REFERENCE P/16/0557/OA FOR THE AREA OF PUBLIC OPEN SPACE RELATING TO THE LAND TO THE NORTH OF THE IFA2 INTERCONNECTOR AND DETAILS PURSUANT TO CONDITIONS 35 (HARD LANDSCAPING) AND 36 (HABITAT CREATION & MANAGEMENT) OF THE OUTLINE PLANNING PERMISSION REFERENCE P/16/0557/OA.</p> <p>LAND AT DAEDALUS AIRFIELD, LEE-ON-THE-SOLENT</p>
Author:	Head of Planning Services
Status:	FOR DECISION

Purpose

Two Reserved Matters applications have been received by Fareham Borough Council (FBC) from National Grid IFA 2 Limited (National Grid) pursuant to Outline planning permission for a new electricity interconnector and convertor station at Daedalus that was granted planning permission by FBC in April 2017, under reference P/16/0557/OA.

As a neighbouring authority Gosport Borough Council has been consulted on the proposals by Fareham Borough Council.

Recommendation

Raise Comments on the following grounds:

- a) Fareham Borough Council must be satisfied that the proposals should not prejudice the existing occupiers of, or deter potential future specialist employers from locating on, the Solent Enterprise Zone.

- b) Fareham Borough Council must be satisfied that noise generation from the development will not cause harm to users of the proposed open space or the occupiers of neighbouring residential and industrial premises.

1 Background

- 1.1 In August 2016 Gosport Borough Council (GBC), responded to a consultation relating to an Outline application seeking the approval, in principle, of the erection of an interconnector and electrical converter station, up to 22m high, with associated vehicular access from Broom Way, security fencing, the creation of public open space and additional landscaping in addition to the routing of cables.

- 1.2 GBC raised objections to the above planning application on the following grounds:

The scale, height and massing of the proposals and its overall footprint would have a significant visual impact on the surrounding area and would erode the purpose and function of the Strategic Gap.

The proposal is contrary to Policy CS22 (Development in Strategic Gaps) which states that, 'development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements'.

- 1.3 Concerns were also raised by GBC on the following grounds:

Employment:

Fareham Borough Council must be fully satisfied that the proposals satisfy the requirements of the employment strategy for Daedalus and maximize the employment opportunities of the site if developing in the Strategic Gap is to be justified.

Noise:

Fareham Borough Council must be fully satisfied that noise generation from the development will not cause harm to local amenity or result in the reduction in the quality or attractiveness to future users of the adjacent proposed area of open space to the degree that it is no longer suitable as alternative natural greenspace.

Visual Impact on Open Space:

Fareham Borough Council must be fully satisfied that the visual impact of the development will not result in the reduction in quality or attractiveness to future users of the adjacent proposed area of open space to the degree that it is no longer suitable as alternative natural greenspace.

Electro Magnetic Fields (E.M.F):

Fareham Borough Council must be fully satisfied that E.M.F's generated through the operation of the development will not have a detrimental impact on the safety of operations at the airfield, on existing employers, or deter potential future specialist employers from locating to the Daedalus Enterprise Zone.

Alternative Sites:

Fareham Borough Council must be fully satisfied that there are no suitable

alternative sites available in or to justify the encroachment into and visual erosion of the Strategic Gap.

- 1.4 Notwithstanding written requests for the decision to be called in by the Secretary of State, FBC resolved to grant Outline planning permission on 23 January 2017.

2 Report

- 2.1 The principle of the development has been established by the grant of Outline permission. Consideration must therefore be given to the details submitted in respect of the access, appearance, landscaping, layout and scale of:
 - i) the interconnector and converter station together with the associated buildings and site infrastructure the subject of application reference P/17/0835/RM; and,
 - ii) the area of public open space relating to the land to the north of the interconnector and converter station the subject of application reference P/17/0834/RM.

Interconnector Building

- 2.2 The proposed interconnector building would be sited to the west of Broom Way opposite its junction with Brune Lane and would be accessed from Vulcan Way via Spitfire Way. The building would have an overall footprint of 9,615 sqm which represents a 40% reduction on the outline proposals which were for a building of over 15,000 sqm. The tallest element of the proposed interconnector would be 20 metres in height, with the main building having a height of 15.6 metres. This is a reduction from the overall maximum height of 22 metres approved at outline stage. Externally the building is proposed to be clad with horizontal banding used to graduate from darker colours at the base to lighter colours to upper elevations.
- 2.3 Given the design, external finish and reduced scale of the buildings, the visual impact on the surrounding area and consequential erosion of the purpose and function of the Strategic Gap is not considered sufficiently harmful to raise an objection to the proposal. The proposal includes substantial landscaping that over time would soften the appearance of the building. The proposed layout and access arrangements are acceptable in highway terms.

Open Space

- 2.4 The proposed open space would be located between the northern boundary of the airfield and Gosport Road, Stubbington (B3334) and would be linear in form and comprise three elements. The eastern space would be planted with trees and wildflowers to enhance the existing ecological interest. The central space would be open and comprise mainly managed grassland. This part of the open space would include a dedicated dog walking area and a raised viewing mound. The western space (opposite Crofton and Baycroft Schools) would be more formally arranged and have the feel of a community park and would include a children's play area and a car park accessed via the existing traffic light control junction on Gosport Road. A cycle route and footway would run through the open space linking Stubbington and the open countryside to the Alver Valley and built up areas of the borough.

- 2.5 The proposals for the layout, access and landscaping of the open space are considered appropriate, notwithstanding its proximity to the interconnector building. The open space is no longer intended to serve as Suitable Alternate Natural Greenspace to mitigate the impact of new residential development on the part of the former HMS Daedalus within the administrative area of GBC. The Outline planning permission for Daedalus issued by GBC included a condition requiring the details of measures to mitigate recreational disturbance to be approved and secured.

Outline Conditions

- 2.6 The Outline planning permission is the subject of a number of planning conditions, including ones relating to noise, radio frequency interference and the impact of electrical cables on the airfield. Following the concerns raised in the response to the consultation on the Outline application, it is considered appropriate to raise comments drawing attention to the need for FBC, as Local Planning Authority, to be satisfied that any details submitted pursuant to these planning conditions demonstrates that the operation of the interconnector will not prejudice existing or future occupiers of premises within the Enterprise Zone or cause harm to the amenities of the occupiers of other neighbouring properties.

Financial Services comments:	<i>n/a</i>
Legal Services comments:	<i>included within this report</i>
Crime and Disorder:	<i>n/a</i>
Equality and Diversity:	<i>n/a</i>
Service Improvement Plan implications:	<i>n/a</i>
Corporate Plan:	<i>n/a</i>
Risk Assessment:	<i>n/a</i>
Background papers:	<i>Planning application and supporting documents</i>
Appendices/Enclosures:	
Appendix A	<i>Location Plan</i>
Report author/ Lead Officer:	<i>Simon Barnett Ext. 5645</i>

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

18th October 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.	3-14/1	16/00599/FULL	Carisbrooke Centre 43-61 Carisbrooke Road Gosport PO13 0QY		Grant Permission subject to Conditions / s106
02.	15-22	17/00274/FULL	58-60 Foster Road Gosport PO12 2JJ		Grant Permission subject to Conditions
03.	23-28	17/00374/FULL	Anglesey Hotel 24 Crescent Road Gosport Hampshire		Grant Permission subject to Conditions
04.	29-34/1	17/00281/FULL	35 Bury Road Gosport Hampshire PO12 3UE		Grant Permission subject to Conditions
05.	35-40	17/00334/FULL	19 Amersham Close Gosport Hampshire PO12 2RU		Grant Permission subject to Conditions
06.	41-44	17/00344/FULL	63 Jellicoe Avenue Gosport Hampshire PO12 2PB		Refuse
07.	45-48/1	17/00168/FULL	1 Beaulieu Place Gosport Hampshire PO13 0QP		Grant Permission
08.	49-52	17/00331/FULL	26 Pier Street Lee-On-The- Solent Hampshire PO13 9LD		Grant Permission subject to Conditions
09.	53-67	17/00143/FULL	Site Of Former Crewsaver Building On Land To The North Of Harbour Road Mumby Road Gosport Hampshire PO12 1AQ		Grant Permission subject to Conditions / s106

ITEM NUMBER: 01.
APPLICATION NUMBER: 16/00599/FULL
APPLICANT: Ms L. Atkins Zionstone Limited
DATE REGISTERED: 22.12.2016

REFURBISHMENT OF THE CARISBROOKE CENTRE INVOLVING: (I) GROUND FLOOR EXTENSION TO THE COOP STORE (53SQ.M.); (II) REFURBISHMENT AND RECONFIGURATION OF THE UPPER FLOORS OF THE WEST AND NORTH WINGS OF THE CENTRE TO PROVIDE 27 ONE BEDROOM AND 1 TWO BEDROOM FLATS (REPLACING THE EXISTING 10 THREE BEDROOM FLATS) INCLUDING THE ADDITION OF 2ND FLOOR TO NORTH WING; EXTERNAL ALTERATIONS AND ENCLOSURE OF EXISTING OPEN STAIRCASES SERVING THE FLATS; (III) CONSTRUCTION OF A PAIR OF SEMI-DETACHED, THREE BEDROOM HOUSES TO SOUTH OF CAR PARK ENTRANCE, AND; (IV) ENLARGEMENT OF CENTRE CAR PARK AND RATIONALISATION OF REAR SERVICE AREAS AND RESIDENTS PARKING SPACES, AND LANDSCAPING TO PROVIDE A TOTAL OF 69 CAR PARKING SPACES AND 44 CYCLE SPACES (as amended by plans received 06.02.17 and 27.09.2017 and amplified by details received 27.09.2017)
Carisbrooke Centre 43-61 Carisbrooke Road Gosport PO13 0QY

The Site and the proposal

1. The site is located within the Urban Area Boundary of Gosport and is allocated as an existing Neighbourhood Shopping Centre in the Gosport Borough Local Plan (Policies LP27 and LP28).
2. The existing arrangement of buildings, built in the mid-1960's, comprises two, two storey, shallow pitched roofed linked blocks of accommodation with retail and commercial units occupying the ground floor and a total of 10 three bedroom flats above. Servicing and storage for the commercial units is undertaken from a rear service road which runs along the north and western side of the buildings. This concrete road also provides access to private garages, parking bays and entrance doors to the individual flats.
3. To the front of the site is a car park with direct access from Carisbrooke Road which provides 35 spaces for customers of the ground floor commercial units of the Neighbourhood Centre. There are currently no useable cycle store facilities for customers. Any customers arriving by cycle utilise the metal barrier separating the northern edge of the customer car park from the footway in front of the shops.
4. The site is bounded on its southern edge by a raised grassed mound containing a number of mature trees. Whilst the trees are not protected, or following inspection by the Council's tree officer, considered worthy of a Preservation Order, they do add to the character and amenity of the area by reason of their height and stature, physical presence and providing a visual demarcation between the housing area to the south and the Neighbourhood Centre to the west.
5. There are also a series of footpath links across and around the site providing permeability and connectivity with the surrounding residential development. The family housing to the south and west is typically formed in short terraces of simple design and standard two storey height. More recently, a housing scheme to the north of the site approved in 1999, under reference K14940/2, and located where the original car park for the Centre was positioned, has been constructed and shares that section of the service road which runs along the northern edge of the site. The ownership of this section of the service road appears to have been transferred to the developer of the new housing at the time of the housing development and is not in the ownership or control of the applicant. The applicant has provided information demonstrating that access rights for the occupiers of the flats and the commercial units exist which includes a turning head suitable for use by larger vehicles (e.g. refuse and service vehicles).

6. As a Neighbourhood Centre, the site plays an important part at the heart of the local community with its role in supporting a sustainable neighbourhood. In addition to the car park (which is frequently full) the surrounding path network makes it accessible on foot and by cycle to the area it serves. Additionally, the site benefits from good public transport links with bus stops on both sides of Carisbrooke Road immediately opposite the site linking Gosport and Fareham and serving the surrounding community of Bridgemary.

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

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

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

10. A total of 65 parking spaces will be provided across the site. The existing total of spaces available at the rear of the site is not clear due to the range of uses, storage and fly-tipping that takes places in and around the rear service road and private storage and parking areas. However, the new frontage car park would be enlarged by removal of some of the soft landscaping and wide concrete pathways at the front of the shops, and by taking a narrow section of the grassed mound on the southern side of the site. The result of these physical alterations is to increase the parking provision at the front of the site from 35 to 50 spaces. A further 15 spaces are shown to be provided at the rear of the site along the rear service road bring the total number of spaces on site to 65.

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

12. The application was amended by plans received 06.02.17 showing revisions to the layout of the parking area and rear service road. The application is supported by a range of documents including a Planning Statement, Transport Statement, Flood Risk Assessment & Planning Statement for Drainage and Services, Phase I Ecological Assessment, Bat Survey, Arboricultural Implications Assessment and Method Statement and Viability Appraisal. Additional information has been provided in respect of site ownership and the intended phasing and timescale for construction.

Relevant Planning History

K3804 - outline application for wider area regeneration (77.7 acres of residential development with row of shops and a primary school) - permitted 15.2.65

K5096 - layout of roads and sewers (phase iv) - permitted 30.4.65

K5132 - phase 4 of K3804 - 92 houses, 10 shops with flats above, doctors surgery and garages - permitted 30.9.65

K14940/2 - erection of 6 houses, construction of new car parking area, closure of existing underpass & construction of retail shop unit (as amplified by letters dated 22.09.98 and 28.10.98) - permitted 08.04.99

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

- LP1
- Sustainable Development
- LP10
- Design
- LP23
- Layout of Sites and Parking
- LP27
- Principal, District and Neighbourhood Centres
- LP34
- Provision of New Open Space and Improvement to Existing Open Space
- LP35
- Protection of Existing Open Space
- LP44
- Protecting Species and Other Features of Nature Conservation Importance
- LP46
- Pollution Control
- LP24
- Housing
- LP28
- Uses in Centres

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

Consultations

HCC Ecology	Based on the emergence survey data it is concluded that Bats are absent from the site and no additional work is required for protected species. An ecological mitigation and enhancement plan condition is required to be imposed.
Natural England	No objection subject to appropriate mitigation being received.
Southern Water	In principle, the proposal to discharge a flow no greater than the existing contributing flows is acceptable to Southern Water Services. However, the applicant will be required to provide evidence of the exiting flows/connection points and calculations in order to demonstrate that there will be no overall increase in flows to the public sewerage system.

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

Response to Public Advertisement

20 letters of objection

Issues raised:-

- the area has already been changed sufficiently, no more is needed
- this is a quiet residential area with lots of elderly people and this development will change that

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

7 letters of support

Issues raised:-

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

1 letter of observation

Issues raised:-

- affordable housing must be provided if the scheme goes ahead

Principal Issues

1. The applicant has provided details of the deeds relating to the property which demonstrate that the application site corresponds with the applicant's ownership. The Local Planning Authority is therefore satisfied that the application is valid. Covenants which may or may not be present on the land are a private matter between the parties and are not for consideration by the Local Planning Authority. The application must be considered on the planning merits of what has been submitted, potential alternative solutions are not for consideration. The money invested in the scheme will be private money and not at the public expense. The planning process does not allocate the individual occupiers' residential units but the provision of affordable accommodation is a planning policy requirement. Litter and other social problems are wider community issues dealt with by a range of

agencies however a management company would be required to be established to maintain the site and its surrounds through a Section 106 Agreement if the development were to be considered acceptable. Building Regulations deal with the transmission of noise between residential units and between residential and commercial units.

2. The main issues for consideration are therefore matters of design, scale, massing of the building, the increased height of the buildings in context with the surrounding area and the impact this will have on the amenities of the occupiers of the neighbouring properties, the continued function of the site as a local centre, the loss of family sized units and the need to provide 40% affordable housing, the car parking, access and highway safety, protected species and loss of trees and open space.

3. The principle of increasing the amount of residential and retail development on the site as part of a wider package of environmental improvements is acceptable in this location. The proposed increase of 20 residential units in addition to the 10 which are currently on site is in accordance with Policy LP3 of the Gosport Borough Local Plan which seeks to provide an additional 3,060 dwellings over the plan period. However, it should be highlighted the Council can demonstrate a five year housing supply and is not reliant on this site being redeveloped in order to achieve its targets.

4. With the exception of the 2 three bedroom houses and 1 two bedroom flat, the proposal consists of entirely one bedroom flats. Part (1) of Policy LP24(1) requires that development should include a mix of dwelling types, sizes and tenures to meet the need of Gosport's current and future population. The proposal would replace the existing 3 bedroom family flats with mainly one bedroom units. The wider area is comprised primarily of family housing with private gardens. On a site comprising flats above shops at upper floor levels with no external private amenity space for occupiers, the introduction of smaller single or two person flats to replace family sized units could be considered more appropriate. It also introduces a mix of unit sizes, not within the development itself, but into the local neighbourhood which is encouraged by Policy LP24(1). The introduction of smaller units would also be less likely to put pressure on local services such as schools as they are more likely to be occupied by single people or couples rather than families. Furthermore, whilst the number of flats is increased from 10 to 28, the total number of bedrooms reduces from 30 to 29 and therefore there is the potential for fewer people to occupy the building, thereby reducing the pressure on drainage infrastructure and local services. In this respect, the proposed housing mix is considered to be in accordance with Policy LP24(1) of the Gosport Borough Local Plan.

5. Part (5) of Policy LP24 states that, 'planning permission will be granted for the re-development of poor quality housing with the replacement of new high quality affordable homes'. The existing site is 'tired' rather than 'poor' but the proposals would improve the appearance of the existing buildings and offer significant environmental improvements to the rear service yards, open space, car park and circulation areas. Whilst the current condition of the site has, in part, been due to lack of previous investment in the site by the site owners the environmental improvements to the buildings and their surroundings is considered to be in accordance with Policy LP24(5) of the Gosport Borough Local Plan.

6. A fundamental component of Policy LP24 is the provision of affordable housing. Part (2) of Policy LP24 requires that on developments of 10 or more dwellings a provision is made for 40% affordable housing. In this instance this would equate to approximately 15 affordable homes that should be secured by a Section 106 Agreement. The applicant has submitted a viability report which concludes that the value of the site and the costs involved in the refurbishment to be able to deliver the scheme, including the environmental improvements, mean that the provision of any affordable housing makes the scheme financially unviable. The applicant's viability submission has been independently reviewed by the District Valuer and verified as being robust. The applicant's viability submission demonstrates that the development as a whole is economically unviable, however, the applicant has advised that they are taking a long-term view on the basis of retaining ownership of the site that would allow a suitable return on the investment needed over a much longer term. Viability changes over time and as such the submitted viability assessment represents the current position. The applicant advises that the development would be carried out in phases over an 18 month period. In order that the development is carried out in a timely manner and to enable the viability position to be reviewed if the development were not to be completed within the stated

timescale, a review of the viability of the development could be secured such that if the financial position has improved, a financial contribution towards the off-site provision of affordable housing would be provided. This review mechanism can be secured through a Section 106 legal agreement if the development was considered to be acceptable in all other respects.

7. Para 11.9 in the supporting text to Policy LP24 identifies that the need for market housing is primarily 2 and 3 bedroom properties which the site currently delivers. The need for affordable housing is primarily for 1 bedroom units. The loss of family market housing for smaller units without delivery of affordable housing therefore conflicts with the identified housing need within the Borough. However, as has been identified above, the existing housing stock in the vicinity comprises family houses with gardens and as such the provision of smaller dwellings can be considered as making a positive contribution to widening the range of available housing stock. Having regard to the foregoing it is considered that, on balance, the proposal would not be contrary to Policy LP24 of the Gosport Borough Local Plan.

8. The additional 53sq m of retail floorspace and the modernised appearance on the prominent corner of the building would introduce a better designed entrance point to the Neighbourhood Centre. The introduction of a glazed wall would create an active frontage to Carisbrooke Road which would visually enhance what is currently a blank and uninspiring elevation. Whilst there would inevitably be some disruption during the construction period, the completed development with refurbished elevations, additional parking, revamped service yards and storage areas would improve the quality and attractiveness of the centre whilst maintaining the diverse range of units which serve the local community. The proposals are therefore considered to be in accordance with Policies LP27 and LP28 of the Local Plan such that a refurbished centre with improved facilities would stimulate rather than hinder the ability of the commercial units to operate successfully. The applicant has confirmed that the existing commercial units would continue to trade during the redevelopment with a reduced level of parking and servicing continuing to be provided. Work undertaken during the construction period could be managed through a Construction Environment Management Plan to ensure the works were undertaken in accordance with Policy LP46 of the Gosport Borough Local Plan.

9. The proposed additional storey (providing two additional floors of accommodation) to the main wing of the building increases the height and presence of the building within the streetscene in an area surrounded by two storey housing. Given the commercial function of the site at the heart of the community, it is considered that the additional height would give a stronger identity to its role as a Neighbourhood Centre and commercial destination without it appearing unduly dominant in the street scene due to the spaces around the building. There would be some additional impact on the occupiers of housing to the north in terms of outlook and some additional shadowing outside the summer months. To a lesser degree, the occupants of houses to the west of the site would be aware of the additional height to the building. However, the separation distances and presence of routes between these units and the orientation of the houses ensures that the impact is limited and not harmful.

10. The simple form of the extended building with continuous eaves, ridge and gable ends respects the form of surrounding buildings and the existing buildings on site. The environmental improvements, including to the public areas, would have a positive impact not only on the site but on the character of the wider area. The improvements to private spaces within the site including the facade of the buildings, the external access stairs to the flats, the provision of new cycle and refuse stores and car parking would improve the living conditions for future occupiers of the flats as well as enhance security over the existing situation.

11. The use of contrasting but complementary materials and finishes on the rear elevation to the functional aspects (staircases, stores etc.) of the scheme as distinct from the main elevations, help break up the massing of the building and enhance its appearance. Similarly, the proposed upgrading of the surface treatments to circulation space, parking bays, and provision of upgraded refuse stores and new cycle stores for customers would greatly improve the attractiveness of the site for commercial operators and their customers. The proposals in this regard are therefore considered to be in compliance with Policy LP10 of the Local Plan.

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

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

14. The provision of parking to the front of the shops has been the subject of considerable discussion, site meetings and amendments to the plans. The submitted layout has been worked up as a result of advice given by the Highway Authority and traffic engineers. There are currently 35 formally laid out spaces within the main car park and potential additional spaces around the rear service road which are currently not formally laid out. Historically, plans approved in 1999, under reference K14940/2, showed 39 communal spaces at the front of the site and 10 garages for the 10 flats at the rear of the site making the total provision 49. More recently, due to the placing of recycling facilities and other alterations in the main car park the 39 spaces has reduced to 35. It is therefore reasonable, despite the informality of the existing parking at the rear of the site, to calculate that the existing on-site provision is approximately 45 spaces.

15. The proposals increase the parking across the site from 45 spaces to 69 spaces. To simplify matters, as 4 of those spaces are provided separately to serve the 2 houses, these 4 spaces are considered to be allocated spaces which satisfy the requirements associated with 3 bedroom houses and therefore in accordance with LP23 of the Local Plan. The remaining 65 spaces are unallocated and need to serve the existing shops, the 28 flats and visitors to the flats. As the parking standards cannot be used retrospectively to make up for shortfalls in existing provision, the required additional parking needs to be based on the new development or net increase in floorspace. The increase in retail floorspace of 53sq m equates to the need to provide an additional 4 parking spaces based on a standard of 1 space per 20sq m or part thereof and 1 space per 300sq m for long term stay for staff.

16. The existing 10 three bedroom flats have a parking requirement for 17 spaces to comply with the adopted standards. The proposed 27 one bed and 1 two bed flats have a parking requirement of 29 spaces including visitor spaces. Therefore there is a need to provide an additional 12 parking spaces to serve the residential units and 4 spaces for the increased retail floorspace meaning a

total of 16 spaces over and above the existing provision in the main parking area. The proposals increase the parking by 20 spaces, 4 more than the minimum they must provide to satisfy the adopted parking standards as set out in the Parking: Supplementary Planning Document. The proposals are therefore considered to be in compliance with the parking standards and Policy LP23 of the Local Plan.

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

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

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

20. The proposal will introduce 18 new dwellings which is likely to result in increased recreational activity on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. To address this impact, a contribution towards appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, is required. The applicant has indicated a willingness to provide mitigation in accordance with the Protocol such that the proposal would comply with Policies LP42 and LP44 of the Local Plan. Subject to a legal agreement to secure the delivery of the mitigation the scheme would accord with Policies LP42 and LP44 of the Local Plan.

RECOMMENDATION: Grant Permission

Subject to Section 106 agreement relating to

1. the payment of a financial contribution of £3,620.00 towards the Solent Recreational Disturbance Mitigation Partnership;
2. a re-evaluation of the financial viability appraisal if construction has not reached 'core and shell' completion within a specified period;
3. the provision of a car parking management plan;
4. the appointment of a management company for the communal areas to include the maintenance of the open space, habitat mitigation features, refuse stores and visitor cycle parking; and
5. the provision of an employment and skills plan.

Subject to the following condition(s):-

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

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

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

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

Phasing Plans.

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

3. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the approved phasing plans.

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

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

- i) all boundary treatments including retaining walls and service yards (including, height, design and material);
 - ii) sample panels of all external materials;
 - iii) position and appearance of proposed external vents, louvres and flues;
 - iv) any permanent external lighting on the buildings; and
 - v) surface materials for car parks, service areas and circulation routes
- have been submitted to and approved, in writing, by the Local Planning Authority.

b) The development shall, unless otherwise agreed in writing by the Local Planning Authority, thereafter be carried out in accordance with the approved details.

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

5. a) The new one and two bedroom flats, hereby permitted, shall not be occupied until the parking, turning and servicing areas shown on the approved plans have been provided and made available for use.

b) The areas shown on site for the parking of vehicles and cycles, turning and servicing shall be completed in accordance with the approved site plan and thereafter shall be retained.

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

6. a) No part of the development, hereby permitted, shall be occupied until suitable provision has been made on site for the storage of waste in accordance with the approved plans.

b) The storage facilities shall be retained in accordance with the approved plans.

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

7. a) The new one and two bedroom flats shall not be occupied until short stay cycle parking has been provided in accordance with the approved plans.

b) The short stay cycle parking facilities shall be retained for the parking of cycles at all times unless otherwise agreed, in writing, by the Local Planning Authority.

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

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

-
- (i) A plan of the defined working area;
 - (ii) The location of the site compound and any buildings within it;
 - (iii) The means of enclosure of the site compound;
 - (iv) The provisions to be made for the parking of contractors, site operatives, employees and visitors;
 - (v) The provision for wheel washing facilities;
 - (vi) Measures to control the emission of dust and dirt;
 - (vii) The method and timing of any piling required;
 - (viii) Measures to prevent adverse impacts to surface water and ground water;
 - (ix) Any screening or hoarding; and,
 - (x) A lighting strategy.

b) The development shall, unless otherwise agreed in writing by the Local Planning Authority, be carried out in accordance with the approved CEMP.

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

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

b) There shall be no deliveries to the development, hereby permitted, except for between the hours of 08:00 and 18:00 Monday to Friday, 09:00 and 13:00 Saturdays. There shall be no deliveries at any time on Sundays, Bank Holidays or Public Holidays unless otherwise approved, in writing, by the Local Planning Authority.

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

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

b) The development shall thereafter proceed in accordance with the approved remediation strategy.

Reason - To ensure that risks from land contamination, ground gases and contaminated groundwater to the future uses of the land, neighbouring land, surface water, groundwater and wider environment are mitigated so that the development can be carried out safely without any unacceptable risks to workers, neighbours or off site receptors in accordance with Policy LP47 of the Gosport Borough Local Plan 2011-2029.

11. a) No development shall commence until a scheme to demonstrate an acceptable mechanism for the disposal of foul and surface water has been submitted to and approved, in writing, by the Local Planning Authority.

b) The development shall be undertaken in accordance with the approved details.

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

12. a) The new one and two bedroom flats shall not be first occupied until a scheme of ecological enhancement has been submitted to and agreed in writing with the Local Planning Authority.

b) The agreed measures must be undertaken in accordance with the recommendations of an ecological appraisal within six months of the first one or two bedroom flat being first occupied.

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

13. a) No construction shall, unless otherwise agreed in writing by the Local Planning Authority, commence until details of a soft landscaping scheme (to include a plan showing the location of planting and type of species) has been submitted to and approved, in writing, by the Local Planning Authority.

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

Reason - To safeguard the character and appearance of the area in accordance with Policy LP10 of the Gosport Borough Local Plan 2011-2029, the Gosport Borough Council SPD Design 2014 and the NPPF.

14. a) No new or relocated mechanical plant or equipment installed by reason of this permission shall be brought into use until any noise or vibration associated with its operation has been mitigated in accordance with a detailed scheme that shall be submitted to, and approved in writing, by the Local Planning Authority.

b) all mitigation measures shall thereafter be retained whilst the relevant plant or equipment remains in situ.

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

15. a) The construction of the two dwellinghouses hereby permitted shall not commence until details of any retaining walls, steps or ramps to the front of the properties has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall, unless otherwise agreed in writing by the Local Planning Authority, be carried out in accordance with the approved details.

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

ITEM NUMBER: 02.
APPLICATION NUMBER: 17/00274/FULL
APPLICANT: Mr Ian Williamson
DATE REGISTERED: 14.06.2017

ERECTION OF 2 DETACHED TWO STOREY THREE BEDROOM DWELLINGS (CONSERVATION AREA IN PART) (as amended by plans received 10.08.17 and 29.08.17 and amplified by the Flood Risk and Surface Water Drainage Strategy received 02.08.17 and Highway Statement received 10.08.17)
58-60 Foster Road Gosport PO12 2JJ

The Site and the proposal

1. The application site is broadly 'L' shaped, positioned on the north side of Foster Road and slopes slightly up and away from the road towards the north. Its southern boundary follows the angle of the road and creates a 28m long frontage. The west boundary is 32.6m long; the north boundary is split and extends 11m to the east, turns through 90 degree to the south for 20m and then turns through 90 degrees to the east for 11.2m to join with the east boundary which is 30m long. The site is partly overgrown with two mainly brick buildings on it. These buildings appear as garage blocks and at one point would have been divided into 7; however they are not well maintained and do not comply with current size standards. The site is surrounded by approximately 2m high walls / fences along the west, north and east boundaries, again which need some level of maintenance or repair. The frontage of the site is fully open to Foster Road with a dropped kerb the full width of the site. The most northern 10m of the site is within the Bury Road Conservation Area and was originally part of the rear gardens of the larger, three storey properties further to the north. Some of these properties have been converted into flats / apartments and all have simple functionally designed rear (south) elevations, comprising a mix of extensions. The two properties directly north of the application site have rear elevations which are between 12.5m to 30m from the rear boundary of the site, they are positioned higher up the slope and both have three storey rear extensions with small single storey elements.

2. Foster Road is residential in character with a mix of detached and semi-detached properties built at different times in a variety of materials, styles and forms. The majority have off road parking to the front but Foster Road also accommodates parking in formal on-road bays. To the east of the site is 56 Foster Road which is a detached 2 storey residential dwelling. It is set back from Foster Road by approximately 8m and is approximately 1m from the shared boundary with the application site. It has two high level first floor windows in its side (west) elevation only and is finished in a pale brick with red tiles on the main roof and grey tiles on the porch extension. To the west of the application site is 62 Foster Road which is set further back in relation to the site approximately 14m from the road. It is set away from its east boundary by approximately 1.2m and has a blank side (east) elevation. No. 62 is finished in a red brick with a red tiled roof and sections of flat roof.

3. The proposal is for the erection of 2 two-storey detached 3 bedroomed residential dwellings with associated parking, access and landscaping. The application site would be split broadly in half with a shared driveway and access. Due to the angled frontage and curve of Foster Road, the proposed eastern dwelling (Plot One) would be set back from the road by a minimum of 11m; and the proposed western dwelling (Plot Two) would be set back by a minimum of 8m. The proposed plots would then be divided by 1.8m high fencing. The shared driveway, to be used for manoeuvring and access, would be 18m long and 5m wide and lead to the 2 off-road parking spaces located to the front of each property. To the west of the driveway is a bin storage area towards the road edge. There is space to the front and side of each property for potential future occupants to move the bins closer to the house between collection days and a shed would be provided within the rear garden of each property for the storage of bikes. The amended plans were submitted in an attempt to improve the boundary treatments, the parking and access and materials on the proposed dwellings. The existing 1.8m boundary wall along the east, west and north boundaries would be retained, repaired and infilled to complete missing sections. The walled boundary fronting Foster Road would be reduced to 1m high with the 2m either side of the new site entrance reduced to 0.6m high. The full

width drop kerb would be reduced to 11.4m and the site access would be 7.8m wide, and the onsite parking would be orientated to allow better vehicle manoeuvring on site.

4. The proposed dwelling on Plot One would be 8.8m wide by 9.5m deep with a single storey mono-pitched addition on the rear elevation which would extend the eastern portion out by 1.4m. It would have a pitched roof with 4.9m high eaves and a 7.7m high ridge running east to west. There would be a gable detail to the front elevation with a ridge height of 6.3m and would have a hipped porch to the west side of this. The property would have the majority of windows in the front and rear elevation with an obscure glazed first floor window, for the en-suite bathroom, and a ground floor window in the east side elevation. The western elevation would not have any windows but would be detailed with recessed false windows. The property would be finished in red brick to the ground floor and cream render with red brick detailing to the first floor. The roof would be completed in a concrete tile. The rear garden would be 12m long with a 1.4m wide gated access between the west side of the dwelling and the western site boundary wall.

5. The proposed dwelling on Plot Two would be 8.8m wide by 6.1m deep with a two storey, 3.4m wide gabled addition to the front which would extend forward by 3.1m. The proposed property would have a pitched roof with 4.9m high eaves and a 7.1m high ridge running east to west. The front addition would have matching eaves but a ridge height of 6.3m and there would be a hipped porch to the western side of it, similar to Plot One. The majority of windows would be on the front and rear elevation with only 2 ground floor windows in the east side elevation and recessed false windows in the west elevation. The property would have vertical tile hanging at first floor level and the ground floor would be finishing in red bricks with brick detailing. Again the roof would be completed in a concrete tile. The rear garden would be 10m long with a 1.2m wide gated access between the eastern side of the dwelling and the eastern site boundary wall.

6. The application is supported by a Planning Statement and amplified by a 'Flood Risk Assessment & Surface Water Drainage Strategy' and Highway Statement.

Relevant Planning History

Nil

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

- LP10
- Design
- LP12
- Designated Heritage Assets: Conservation Areas
- LP23
- Layout of Sites and Parking
- LP24
- Housing
- LP42
- International and Nationally Important Habitats
- LP44
- Protecting Species and Other Features of Nature Conservation Importance
- LP45
- Flood Risk and Coastal Erosion

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

Consultations

Eastern Solent Coastal Partnership	No objection.
The Gosport Society	No response received.
Southern Water	No objection. A formal application for connection to the public sewer is required. Disposal of surface water should be in accordance with Building Regulations. Due to changes in legislation it is possible that a public sewer crosses the site and if one is located Southern Water should be contacted prior to any further works being undertaken.
Building Control	No response received.
Streetscene Waste & Cleansing	No objection.
Hampshire Fire And Rescue Service	No objection. Access for firefighting to be dealt with under Building Regulations.
Transport & Traffic	<ul style="list-style-type: none"> - parking spaces now provided to the SPD size requirements (e.g. widened where bounded by physical features). - parking spaces realigned so as to avoid tracking over the footway - conditions should be applied to retain on-site turning facilities so that vehicles can enter and leave in a forward gear (so as to avoid reversing out onto a Classified Road) - first 2metres of boundary wall reduced to 0.6m high to aid intervisibility between exiting vehicles/pedestrians on the footway. - For visitor parking, surveys have not been undertaken, but photographic evidence/analysis of existing parking patters (most houses having off-street parking) therefore the applicants transport consultant considers adequate on-street capacity to accommodate any visitor parking generated by the development within the surrounding area. - Cycle stores for each dwelling of appropriate size to accommodate the SPD requirements. - Visibility for vehicles exiting the site - there is an existing dropped crossing for vehicular access to the existing garages, however as the development proposed an amended access with the potential to free up space for on-road parking directly adjacent to the proposed access, I consider that the views of Hampshire County Council as Local Highway Authority are important and should be sought on this matter, particularly as to whether the sight lines are appropriate/achievable on this

Classified Road (the B3333) and if any further controls are necessary to protect the sightlines for vehicles exiting the site. I note that there are existing hatched markings (but not any waiting restrictions), assumed to deter parking on the bend, however any parked vehicles will reduce the visibility splay available.

- Additionally and physical alterations to the dropped crossing will need the approval of Hampshire County Council.

Response to Public Advertisement

2 letters of objection (to original plans)

Issues raised:-

- welcome in principle but overpowering visual impact on the exposed plain west side walls of each property from the road and the outlook from the lounge of 62 Foster Road
- to maintain the current security and privacy of 56 Foster Road the current eastern site boundary wall should be replaced by a wall

1 letter of objection (to amended plans)

Issues raised:-

- would prefer to see obscure glazed windows rather than simulated bricked up windows on the west elevations
- shape and design is similar to previous 'estate' design
- over-development of the site
- the new scheme does not reduce the impact on the outlook from the front of 62 Foster Road
- no room for garages on site and shared driveways can cause trouble between residents
- concern for positioning of vehicles when existing from Plot Two

Principal Issues

1. The potential relationship between future residents and their ability to share a drive is a civil matter and planning conditions can be used to ensure the drive is kept clear and available for use. The application site is previously developed land within the existing Urban Area. The proposal is for a residential development of a density that makes efficient use of the land and relates to the context of the area. As such, the principle of a residential development on the application site is acceptable. The main issues, therefore, are the appropriateness of the design of the proposal, its impact on the appearance of the locality and provision to preserve or enhance the character and appearance of the Conservation Area; the impact on the amenities of the occupiers of adjacent properties and future occupiers of the proposed dwellings including refuse and cycle storage; off road parking and access on to Foster Road; flood risk and the impact on protected species.

2. The proposal would create two detached properties similar in form but with individual design features and use of materials. The proposed site division would create two residential plots which are similar in size to those in existence along Foster Road, specifically those on either side of the application site. The proposed dwellings would be orientated to the road to match the properties on either side and would be similarly set back from the highway incorporating parking to the front. There is some correlation between the two separate dwellings but it is considered that there is enough individuality and difference created in the detailing of the properties as well as the mix of materials to ensure they add to the variety of styles and designs along this part of Foster Road and avoid pastiche or over replication thus fitting in with the visually mixed residential character of the road. The Conservation Area to the north was designated with the express focus of Bury Road and the property frontages along it. The application site's boundary would be maintained as a wall and retain the delineation between the Bury Road properties and add screening of the proposed dwellings thereby reducing their impact on views from the north and so preserving the character

and appearance of this part of the Conservation Area. To ensure the quality of the finish of the proposal it is recommended that materials, hard surfacing and boundary details are controlled by condition. Taking this into consideration the proposal would be appropriate to the location, acceptable in design, would not harm the character of the locality and would preserve the character of the Conservation Area. The proposal would comply with Policies LP10 and LP12 of the Gosport Borough Local Plan 2011-2029.

3. The location, orientation and positioning of the proposed dwellings will not harm the amenities of the properties on either side in terms of loss of light, privacy or outlook. The western elevation of the proposed dwelling on Plot One is positioned almost entirely forward of the front elevation of 62 Foster Road but approximately 3m away from the eastern corner of that elevation. No. 62 has a large window in the front elevation but the frontage of the property is approximately 13.5m wide with an open aspect; therefore it is considered that the proposal would not significantly harm the outlook from that front window. No. 62 is positioned slightly higher than the site and although the proposed dwelling on Plot One would increase the amount of shadow over the front drive and parking area in the early morning it is not considered to be a sensitive area in terms of private open space and the additional shadow would not have a significant impact on the usability of this space. The proposal is therefore considered not to harm the amenity of the occupiers of the adjacent properties in terms of loss of outlook, privacy or light so would comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

4. The proposed dwellings would have appropriate access to bins and cycle storage and appropriate levels of private outdoor open space to comply with the guidance set out in the Council's Design Supplementary Planning Document. It is therefore considered that the proposal is of acceptable design and thus would ensure the amenity of future occupants. To ensure the bin and cycle storage is provided and retained conditions are recommended. As such the proposal would comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

5. The proposed parking provision offers appropriate manoeuvring space and visibility over the proposed front wall to ensure vehicles can access and exit the site safely in a forward gear. To ensure this is maintained, conditions to retain the off road parking, driveway provision and the height of the front wall are recommended. The proposal does not offer any visitor parking on site and under the Parking Supplementary Planning Document there would be a requirement for 0.4 spaces. However the reduction in width of the dropped crossing access to the site would create additional on road parking provision (a minimum of 2 spaces) and the submitted highway statement confirms to the satisfaction of the Local Planning Authority that there is availability of on road parking provision on Foster Road and nearby roads to accommodate any additional demand. The proposal would ensure that the existing public footpath is maintained and the access onto the site is of a width and style to allow future occupants to exit / enter the site on foot/ cycle without prejudice from vehicles moving on the site. The proposal is therefore considered to comply with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

6. The submitted Flood Risk and Surface Water Drainage Strategy confirms that the finished ground floor levels of both proposed properties would be above the 1:200 present day extreme tidal flood level and the first floor, where all sleeping accommodation is shown, would be above the 1:200 2115 extreme tidal flood level. As a precautionary measure the ground floor would also be built in accordance with the flood resilience and resistance measures set out in the DEFRA document 'Improving the Flood Performance of New Buildings - Flood Resilient Construction'. As the proposed properties are both considered to be built at an adequate height above the 1:200 tidal flood levels it is not considered necessary to condition the precautionary measures laid out, however an informative is recommended to flag these precautionary measures. The proposal would use the existing surface water sewer on site to discharge any increase in surface water run-off and the hard surfacing proposed for the drive and parking areas would be permeable. Taking this all into consideration the proposal is considered to comply with Policy LP45 and this aspect of Policy LP39 of the Gosport Borough Local Plan 2011-2029.

7. The proposal will introduce 2 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 Special Protection Area (SPA), the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. To address this impact, a contribution towards appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, has been paid. There is no evidence that the site supports notable or endangered species and none are a threat as a result of the development. The proposal, therefore, complies with Policies LP42 and LP44 of the Gosport Borough Local Plan 2011 - 2029.

RECOMMENDATION: Grant Permission

Subject to the following condition(s):-

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

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

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

17/591/01 Revision B; 17/591/03 Revision A; 17/591/02 Revision A

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. a) No construction above slab level shall take place until details, including samples of all external facing and roofing materials, have been submitted to, and approved in writing, by the Local Planning Authority.

b) The development shall thereafter be carried out in accordance with the approved details.

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.

4. a) The development hereby permitted shall not be occupied until details of the permeable hard surface for the shared driveway and parking areas have been submitted to, and approved in writing, by the Local Planning Authority.

b) The development shall thereafter be carried out in accordance with approved details.

Reason - To ensure that the external appearance of the development is satisfactory and that material will allow proper drainage of water through, and to comply with Policies LP10 and LP39 of the Gosport Borough Local Plan 2011-2029.

5. The development hereby permitted shall not be occupied until the alterations to the existing boundary wall and the construction of the new boundary wall, shown on the approved drawing 17/591/01 revision B, are completed using bricks that match in type, colour and texture those used in the retained sections of the wall.

Reason - To ensure that the external appearance of the development is satisfactory and preserves the character of the Conservation Area; and to protect the amenities of the occupants of neighbouring properties, and to comply with Policies LP10 and LP12 of the Gosport Borough Local Plan 2011-2029.

6. a) The development hereby permitted shall not be occupied until long and short stay cycle storage facilities have been provided in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority.

b) The approved cycle storage facilities shall thereafter be retained.

Reason - To protect the amenities of future occupiers of the approved dwellings and to comply with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029.

7. The development hereby permitted shall not be occupied until the bin collection and storage area as shown on plan 17/591/01 Revision B has been provided and thereafter retained.

Reason - To protect the amenities of future occupiers of the approved dwellings and to comply with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029.

8. The development hereby permitted shall not be occupied until the 4 off road parking spaces as shown on plan 17/5900/01 Revision B have been provided and thereafter retained for vehicle parking.

Reason - 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 the driveway as shown on plan 17/5900/01 Revision B has been provided. The driveway shall thereafter be retained and kept clear for the manoeuvring of vehicles at all times.

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

10. Unless otherwise agreed in writing by the Local Planning Authority, neither of the dwellings hereby permitted shall be occupied until the reduction of the existing dropped kerb as shown on plan 17/5900/01 Revision B has been carried out.

Reason - To ensure a safe and defined vehicular access onto the site, and to comply with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

11. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking or re-enacting that Order with or without modification) the approved southern boundary wall which abuts the highway boundary shall not be altered in height after construction nor any access gate(s) be provided across the vehicular access without express permission from the Local Planning Authority.

Reason - To ensure adequate visibility between the approved driveway and Foster Road, and to comply with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

12. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending revoking or re-enacting that Order with or without modification) no side extensions to the approved dwellings or enlargement of their roof space shall take place without express permission from the Local Planning Authority.

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

ITEM NUMBER: 03.
APPLICATION NUMBER: 17/00374/FULL
APPLICANT: Ray Bezani
DATE REGISTERED: 11.08.2017

DEMOLITION OF GARAGES AND BOUNDARY WALL AND ERECTION OF TWO-STOREY BUILDING COMPRISING GUEST ACCOMMODATION AND GARAGES TOGETHER WITH BOUNDARY WALL (LISTED BUILDING IN A CONSERVATION AREA)
Anglesey Hotel 24 Crescent Road Gosport Hampshire

The Site and the proposal

1. The application site is the Anglesey Hotel with the proposal seeking changes within the rear yard which currently constitutes a detached row of five single garages with a pitched roof and an approximately 2m high brick wall which faces St Marks Road and the junction with Anglesey Arms Road. The rear elevation of the hotel faces the garages which includes a fire escape from the first floor. Anglesey Hotel forms part of the Grade II* Listed Crescent that was constructed circa 1830 and is of special historic and architectural interest.
2. Whilst part of the Crescent, the hotel is located at the eastern end of the terrace so it also faces St Marks Road to its east and Anglesey Arms Road to the rear. There is a two-storey dwelling on the corner of Anglesey Arms Road facing the application site, no.22 St Marks Road. The adjoining three-storey (plus dormers) dwelling (No.23 Crescent Road) shares an approximately 2m high common brick garden boundary with the application site. The hotel currently contains 25 guest rooms and 1 allocated staff room.
3. The Crescent was originally conceived as a semi-circular Crescent with the hotel at the centre point of the 'Anglesey Ville' concept. When the second part of the Crescent was not constructed, however, the rear of the Crescent (Anglesey Arms Road) began to incrementally develop as a service road with coach houses being constructed as ancillary structures to the houses. The Crescent is also close to the graveyard wall to its north-east which was Grade II listed in 1983 as the boundary of the former church of St Mark. These structures, and their relationship with each other, form the character of this part of the Anglesey Conservation Area.
4. Planning permission was granted last year, under reference 15/00229/FULL, for the demolition of the garages and the brick boundary wall adjacent to St Marks Road and the erection of a detached two-storey building that would form a new corner building facing both St Marks Road and Anglesey Arms Road, specifically to provide additional staff accommodation with garages below.
5. The approved building was to be a consistent 6.8 metres high (the current garages are 3.3m high) and comprised four garages (each to be a minimum of 2.8m x 5.6m), a bin store and storage area at ground floor and two staff accommodation units at first floor each containing a living room, bedroom and bathroom. The approved garages were shown to be accessed from St Marks Road and access to the rear service yard was to be made available through a 2m high x 3.8m wide access from Anglesey Arms Road. The proposal included four parking spaces within the four garages and two spaces within the rear courtyard with a pedestrian access between the hotel and new building. The elevation facing St Marks Road was approved to be finished in white render and the elevation facing Anglesey Arms Road in brickwork with timber boarding at first floor. The roof was to be finished in natural slate. The permission was granted subject to conditions, most notably to restrict the use of the accommodation to hotel staff. The approved development has not commenced but could have provided a total of 25 guest rooms and 1 allocated staff bedroom within the main hotel and 2 bedrooms in the staff accommodation units in the extension (a total of 28 bedrooms).

6. This proposal is identical to that previously approved externally. Internally, however, the plans now show the first floor of the extension being used for guest accommodation (two separate units, each with two bedrooms). The plans also show an existing guest room in the main hotel to be re-allocated for staff (the proposed floor plan refers to it as 'Duty Staff' bedroom on the first floor) and for three other rooms to be converted into ancillary stores and vending machine/washing machine rooms. Overall, this would result in a reduction in the maximum number of guest rooms from that approved and existing to 24 (22 guest rooms in the main hotel plus 2 new guest rooms in the extension) but an overall increase in beds from 25 to 26 (22 in the main hotel and 4 in the extension as they shown to each be two bedroomed). No internal alterations that would require Listed Building Consent are proposed.

7. The Design & Access Statement refers to the creation of a roof terrace. This, however, is a drafting error and no terrace is proposed (the area in question is annotated as 'maintenance access only').

Relevant Planning History

K5744/12 - installation of stone staircase to provide access to basement front door and railings - permitted 29.03.05

K5744/13 - erection of single storey rear extension and replacement external staircase - permitted 03.05.05

K5744/16 - retention of single storey rear extension, external staircase and 3no. condenser units (amendments to consent K5744/13) and further works for the installation of a door in the rear elevation of the main building and retention of boundary gates - permitted 21.02.08

K5744/18 - alterations and extension to existing hotel to provide disabled access via passenger lift and additional bedroom accommodation - permitted 21.02.08

K5744/20 - alterations and extensions to existing hotel - permitted 17.07.09

K5744/22 - retention of existing works and further works for alterations and extensions to existing hotel including new kitchen extraction system - permitted 26.03.10

15/00229/FULL - demolition of garages and boundary wall and erection of two-storey building comprising staff accommodation and garages together with boundary wall (Listed Building in a Conservation Area) (as amended by plans received 07.12.15 and 07.03.16) - permitted 30.06.16

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

LP10

Design

LP11

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

LP12

Designated Heritage Assets: Conservation Areas

LP18

Tourism

LP22

Accessibility to New Development

LP23

Layout of Sites and Parking

LP44

Protecting Species and Other Features of Nature Conservation Importance

LP47

Contamination and Unstable Land

National Planning Policy Framework (NPPF), March 2012

Consultations

Historic England	No comment. Defer to Council's specialist conservation advisors.
Georgian Group	No response received.
The Gosport Society	No objection, subject to the conditions which were imposed on the previous permission being reapplied.
The Victorian Society	No response received.
HCC Ecology	No response received.
Environmental Health	No objection.
Streetscene Waste & Cleansing	No comment.
Local Highway Authority	No objection, subject to condition in respect of retention of car parking.

Response to Public Advertisement

1 letter of objection

Issues raised:-

- hotel benefits from setting created through years of effort from community
- development and extensions to hotel have not reflected local character or setting
- damage is done, no one at Gosport Borough Council has listened to or recognised the work of that local community

Principal Issues

1. The Local Planning Authority is required to consider each application on the basis of the plans and particulars submitted by the applicant on its merits. The principle of an extension to the hotel and the appropriateness of the overall design of the extension, the impact upon the amenities of the neighbouring residential properties in terms of loss of light and outlook, the servicing of the hotel, car parking provision and the demolition of the existing garage block and wall facing St Marks Road were considered acceptable and approved under application reference 15/00229/FULL. The only issues to consider in the determination of this application, therefore, are the appropriateness of the proposed use in this location and the acceptability of the amendments to the use of the extension and main hotel in terms of the impact on the character of the area, the amenities of nearby and prospective residents resulting from any change in activity and the adequacy of the parking provision.

2. The proposed development is supported by Policy LP18 of the Gosport Borough Local Plan, 2011-2029 which notes that such proposals can assist in diversifying the local economy and create additional jobs. The supporting text for this Policy also notes that the Council will look to encourage the upgrading of tourism facilities in ways that promote higher value activity, reduce seasonality, and support urban regeneration. The proposed enhancement of the hotel may act as an enabler for all these ambitions and will help to support tourism in the Borough. Whilst the extension would not now be used for staff accommodation, the proposal includes amendments to the internal use of the existing hotel to provide accommodation for staff and other facilities to support the function of the hotel and is, therefore, considered acceptable, in principle, and in compliance with Policy LP18 of the Gosport Borough Local Plan, 2011-2029.

3. The proposal would not significantly increase the level of activity as a result of the use of the rooms of the extension for guests and the likelihood of activity, particularly during the night, could be reduced when compared with the previously approved staff accommodation. All access to the new rooms would be via 2no. internal, enclosed staircases. As with the previous planning permission, in order to ensure that there is not any harmful overlooking or disturbance, it is considered appropriate to ensure that guests making use of the rooms in the extension units do not utilise the existing fire exit to the hotel (which is adjacent to and overlooks No.23) for access or egress, except in an emergency. It is considered, therefore, that the proposal would have an acceptable impact upon the amenity of occupiers of the neighbouring properties in accordance with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

4. Three customer and two staff parking spaces exist on the site. The previously approved plans and the current proposal show four parking spaces within the proposed garages and two spaces within the rear courtyard (unallocated) (6 total). The submitted plans show that the bedrooms within the extension would not be occupied as 4 separate guest units therefore the traffic generation from the proposal will not be significantly more than the previously approved scheme. Notwithstanding this, a condition is proposed to ensure that the overall number of bedrooms occupied by guests on the site at any one time does not exceed that previously approved. Subject to this condition and the re-imposition of conditions requiring the proposed spaces and garages to only be used for the parking of vehicles, the parking provision is considered acceptable in this instance, particularly when balanced with the overall benefits of the proposal in terms of the enhancement of the tourism facility. The development would not harm either the free-flow of traffic on St Marks Road or the availability of parking in the locality and, as such, is in compliance with Policies LP18 and 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:

15003(AP)00.01 Rev E, 15001(AP)40.10 Rev K, 15001(AP)40.11 Rev H and Proposed Floor Plan Rev.1.

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy LP10 and LP18 of the Gosport Borough Local Plan 2011-2029.

3. The garages, as highlighted blue on approved plan, Proposed Floor Plan Rev.1, shall only be used for the garaging of vehicles and for no other use. The garages shall be provided prior to first use of the units and thereafter retained.

Reason - To ensure that the proposal does not harm the free-flow of traffic on St Marks Road or the availability of parking in accordance with Policy LP23 of the Gosport Borough Local Plan 2011-2029 and the Gosport Borough Parking SPD 2014.

4. The Yard Area, as highlighted yellow on approved plan, Proposed Floor Plan Rev.1, shall be made available at all times to allow for the parking of vehicles of staff and customers of the hotel unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that the proposal does not harm the free-flow of traffic on St Marks Road or the availability of parking in accordance with Policy LP23 of the Gosport Borough Local Plan 2011-2029 and the Gosport Borough Parking SPD 2014.

5. No development shall commence until details of all external materials to be used and window reveals have been submitted to and approved, in writing, by the Local Planning Authority. The development must be carried out in accordance with the approved details.

Reason - To preserve the character and appearance of the Anglesey Conservation Area and the setting of the Grade II* Listed building in accordance with Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan 2011-2029 and the Gosport Borough Design SPD 2014.

6. The external fire escape (as highlighted green on approved plan, Proposed Floor Plan Rev.1) shall not be used as a means of access or egress except in the event of an emergency.

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

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

Reason - In the interests of the amenities of occupiers of the neighbouring residential properties and in accordance with Policies LP10 and LP46 of the Gosport Borough Local Plan 2011-2029.

8. No permanent external lighting shall be erected until details have been submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be installed as approved and retained as such.

Reason - To preserve the character and appearance of the Anglesey Conservation Area and the setting of the Grade II* Listed building in accordance with Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan 2011-2029 and the Gosport Borough SPD Design 2014.

9. No more than 25 bedrooms shall be occupied by guests within the building at any one time.

Reason - To protect the amenity of the adjoining residential properties and to ensure that the proposal does not harm the free-flow of traffic on St Marks Road or the availability of parking in accordance with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029 and the Gosport Borough Parking SPD 2014.

ITEM NUMBER: 04.
APPLICATION NUMBER: 17/00281/FULL
APPLICANT: Mr Jim Connolly
DATE REGISTERED: 29.06.2017

REPLACEMENT OF SINGLE AND TWO STOREY REAR EXTENSIONS AND RE-CONFIGURATION OF LAYOUT TO PROVIDE 6 BEDSITS AND 3 ONE BEDROOMED RESIDENTIAL UNITS (CONSERVATION AREA) (as amended by plans received 05.10.17)

35 Bury Road Gosport Hampshire PO12 3UE

The Site and the proposal

1. The application property is a large, semi-detached three storey building with single and two storey rear extensions positioned on the south side of Bury Road. It has been subdivided into 5 bedsits, 1 one-bed flat and 1 two-bed flat, a total of 7 units. To the rear (south) is a parking area approximately 25m long by 10m wide. This area has been laid out for 7 car parking spaces but one space is unusable due to the proximity to the wall as such there is only space for 6 vehicles. This area is accessed by a drive way along the western boundary of the site which varies between 3m and 4m in width. To the front (north) is an 8.5m deep area made up of unkempt grass behind an overgrown hedge. The east, south and west boundaries of the site are surrounded by approximately 1.5 - 1.8m high walls, however areas along the western boundary have been increased in height by additional fencing / shrubbery on top of the wall.

2. Bury Road is a residential road characterised by large semi-detached, three storey properties of a similar age creating a strong visual character although the majority have been extended to the rear and sub-divided. Bury Road is a designated Conservation Area with a number of listed properties on the north side, the opposite side to the application property. The application property is not listed. 33 Bury Road, the attached property to the east, has also been sub-divided and has a two storey rear extension which is 6m wide and extends 5m beyond the rear elevation of the application property. It is surrounded by hardstanding used for informal parking and access for the residents of no. 33. To the west of the application property is a terrace of 9 three storey residential dwellings, 1 - 17 (odd numbers) Ash Close. They are built so that their rear gardens back onto the application site with their rear elevations 9m from the shared boundary. To the south of the site is 32 and 34 Foster Road, a semi-detached pair of residential properties more modest in scale than that of the application property. They both have large rear gardens and the distance between their rear elevations and the shared boundary with the application property is approximately 45m.

3. The proposal is to replace the various extensions on the rear of the application property with a single two storey extension. The scheme has been amended to reduce the number of proposed dwellings from a total of 10 units (6 bedsits and 4 one bed dwellings). It is now proposed to provide 6 bedsits and 3 one bed dwellings (total 9 units). The proposal would internally re-configure the property to create 6 bedsits within the main building and 3 one-bed, two storey dwellings with individual entrances in the proposed rear extension. The proposed rear extension would be 12.2m long by 6.1m wide. It would have 4.7m high eaves and a hipped roof with a ridge height of 7m. The west elevation would have 3 front doors, 3 ground floor windows and 2 first floor windows which would be positioned over the void above the stairs; the south elevation would have 2 first floor windows, one obscure glazed, and there would be 2 roof lights in the eastern roof slope. There would be no additional windows in the north or east elevations. The rear parking area would be re-orientated to create 8 parking spaces with manoeuvring space to enable vehicles to turn; storage for bins and cycles can also be accommodated on site as well as a small area of open space. The application was submitted with a Design, Access and Heritage Statement.

Relevant Planning History

Nil

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

- LP10
- Design
- LP12
- Designated Heritage Assets: Conservation Areas
- LP23
- Layout of Sites and Parking
- LP24
- Housing
- LP34
- Provision of New Open Space and Improvement to Existing Open Space
- LP39
- Water Resources
- LP42
- International and Nationally Important Habitats
- LP44
- Protecting Species and Other Features of Nature Conservation Importance

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

Consultations

Transport & Traffic

The proposed development comprises 6 x Studio dwellings and 3 x 1bed dwellings, which under the Parking SPD will require 9 car parking spaces for residents if allocated to individual units, or 8 spaces if they remain unallocated (at a ratio of 9 x 0.9). The revised plans indicate that 8 car parking spaces are proposed on-site, whilst retaining an area for turning so that cars can enter and leave the site in a forward gear. The turning area must be kept clear at all times - to ensure that a car does not park in this location the depth of the area could be slightly physically reduced (shallower than a parking space but sufficient to facilitate turning) and/or hatched to make its purpose clear. The spaces must remain unallocated.

The visitor parking requirement at the ratio of 9 x 0.2 is 2 spaces, which are not provided on-site and are therefore reliant on available on-street capacity, which in the vicinity of the development site is limited to a few spaces on the southern side of Bury Road, which are on the public highway and not under the applicants control. The applicant indicates that they consider there to be sufficient on-

street capacity for visitors, however this does not appear to be backed up by any survey work.

A cycle store is indicated to the front of the property, which is indicated to have capacity for 10 bicycles. The stands still appear to be placed within just 0.3m of the side walls, with a separation distance of 0.8m between stands. The provision of just a single point of access and restricted spaces between the wall/stand and between stands will make the store difficult to use and in practice difficult to provide space for 10 bicycles. 6 hoops are indicated for visitor cycle parking, and at just 0.3m apart are unlikely to be able to accommodate this number, which is less than the total required by the Parking SPD. A "Hoop" is only likely to allow the wheel of a bicycle to be secured, rather than the frame.

Streetscene Waste & Cleansing

No objection to amended scheme.

Southern Water

No objection. A formal application for connection to the public sewer is required. Disposal of surface water should be in accordance with Building Regulations. Due to changes in legislation it is possible that a public sewer crosses the site and if one is located Southern Water should be contacted prior to any further works being undertaken.

Building Control

No response received.

Local Highway Authority

No objection.

Hampshire Fire And Rescue Service

No objection. The extension should be built in accordance with the Approved Document B5 of the current Building Regulations.

Scottish And Southern Energy

No response received.

The Gosport Society

No response received.

Streetscene Parks & Horticulture

No objection.

Response to Public Advertisement

7 letters of objection (to original plans)

Issues raised:-

- negative impact on the value of the Ash Close properties
- potential anti-social behaviour of future occupants
- application would double the size of the application property
- potential noise from future occupants and additional vehicle movements
- impact on the conservation area which has changed considerably over the years
- enclosure of the rear gardens of the Ash Close properties and block the skyline
- ability to look into the gardens and rear windows of the Ash Close properties

- potential that additional security lighting would be required and impact on the bedrooms of the Ash Close properties
- overcrowding of existing car park creating over spill onto Bury Road and Ash Close

3 letters of objection (to amended plans)

Additional issues raised:-

- loss of trees detrimental to the area
- concern that fire safety regulations have not been complied with
- why not do a single storey extension rather than two storey?
- extension is too close the Ash Close properties
- loss of light into the gardens of the Ash Close properties

Principal Issues

1. The impact of the proposed development on house prices is not a material planning consideration. Concerns have been raised in relation to potential future occupants of the proposal. There is no proposed change to the use of the site for residential purposes and therefore any incidents of anti-social behaviour should be reported to the Police and noise nuisance to Environmental Health. No trees are to be felled as part of this application. Fire safety regulations are covered by Building Regulations so are not a material planning consideration. The Local Planning Authority is required to determine the application as submitted and on its individual merits. The main issues, therefore, are the appropriateness of the design of the proposal, its impact on the appearance of the locality and whether it preserves or enhances the character and appearance of the Conservation Area; the impact on the amenities of the occupiers of adjacent properties and future residents of the proposal; parking provision; on site drainage and the impact on protected species.

2. The proposed rear extension is larger than the existing extensions by 40% in terms of footprint but is of a form which is similar to that of 33 Bury Road's two storey rear extension whilst ensuring a subservient relationship to the application property. It is simple in design and is reflective of the detailing on the application property. The existing extensions on the application property are not of historic merit to either the property or the Conservation Area as a whole. The position of the proposal is set well back from Bury Road and the simplification of the rear section of the application property is considered to enhance the building and its relationship with the Conservation Area. The external materials would need to be a good match to the application property and the proposed doors and windows should be set back from the brickwork to ensure sufficient definition in the façade; and this will be controlled by condition. The proposal would increase the number of individual residential dwellings on site by 2. They would only be 1 bedroomed and within an area that is residential and urban in character. It is, therefore, considered any additional impact on the character of the area from the activity generated by the additional dwellings would be negligible in this case. Taking this into consideration, therefore, the proposal would comply with Policies LP10 and LP12 of the Gosport Borough Local Plan 2011 - 2029.

3. Due to the location, orientation and relationship between the application property and the dwellings to the east and south, it is not considered that the proposal would harm the amenity of the occupants of those adjacent properties in terms of privacy, light or outlook. It is evident, however, that there would be some impact on the properties to the west on Ash Close specifically 7, 9 and 11. The proposal would be visible from the properties on Ash Close, however it is not considered to be overbearing as it is set 13.6m away from the rear elevation of those properties and would be set against the backdrop of the rear extension of 33 Bury Road. Further to this and due to the existing buildings surrounding the proposal it is considered that there would be minimal additional shadow created which would only impact the gardens of the properties on Ash Close along the shared boundary and in the early morning. The existing extensions have 4 windows and 1 door at ground floor level and 1 first floor bedroom window facing the properties on Ash Close. The proposal would have 3 windows and 3 doors at ground floor and 2 first floor windows facing the properties on Ash Close. It is not considered that the proposed ground floor windows and doors would negatively impact on the privacy of the occupants of Ash Close. The proposed first floor windows would be positioned over the void of the stairwells in the properties they serve and so potential future

occupants of the proposal could not stand directly in the window thereby negating their ability to overlook the properties on Ash Close. Concerns have been raised that additional security lighting may impact on the amenity properties on Ash Close. This proposal does not include any security lighting so its impact cannot be assessed. However any external lighting will be controlled by condition. Taking this all into consideration the proposal is not considered to harm the amenity of the occupants of those properties. It would therefore comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

4. The proposal offers appropriate bin storage and there is space within the site for appropriate cycle storage to be provided. There is currently no formal private or communal outdoor open space provided on the application site; however the proposal would require the small area to the front of the property to be retained and made available to any future occupiers to access the bins and as such would make the space, although small, useable. This would be an improvement to the current situation when taken into consideration with the proximity of existing local parks and public open space. It is therefore considered that the proposal is of acceptable design and would ensure the amenity of future occupants. Conditions are recommended to ensure the bin and cycle storage is properly detailed, provided and retained. As such the proposal would comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

5. The proposal would provide 8 off road, unallocated parking spaces of appropriate size in accordance with the Council's Parking Supplementary Planning Document and include space to manoeuvre to ensure cars can enter and exit the site in a forward gear. This would be a net increase of 2 car parking spaces which would accord with the proposed increase of 2 one-bed dwellings. There is no provision for onsite visitor parking but there are non-restricted parking areas along Bury Road which are available and currently used for such purposes. Taking this into consideration along with the proximity of the application site to public amenities and services within Gosport town centre as well as the regularly serviced bus route along Bury Road, this would be acceptable. Therefore it is considered that the proposed provision is appropriate and would comply with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

6. The proposal will introduce 2 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 Special Protection Area (SPA), the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. To address this impact, a contribution towards appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, has been paid. There is no evidence that the site supports notable or endangered species and none are a threat as a result of the development. The proposal, therefore, complies with Policies LP42 and LP44 of the Gosport Borough Local Plan 2011 - 2029.

RECOMMENDATION: Grant Permission

Subject to the following condition(s):-

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

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

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

060917PL2a

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. a) No construction above slab level shall take place until details, including samples of all external facing and roofing materials, have been submitted to, and approved in writing, by the Local Planning Authority.

b) The development shall thereafter be carried out in accordance with the approved details.

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

4. The doors and windows within the two storey extension hereby permitted shall be set back from the face of the brick work by 75 - 100mm unless otherwise agreed, in writing, with the Local Planning Authority.

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

5. a) Any external lighting to be attached to the two storey extension shall first be submitted and agreed, in writing, with the Local Planning Authority prior to installation.

b) The lighting shall thereafter be retained in accordance with the approved details.

Reason - To ensure the amenity of the occupants of adjacent properties is not harmed, and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

6. a) The extension hereby permitted shall not be occupied until long and short stay cycle storage facilities have been provided in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority.

b) The approved cycle storage facilities shall thereafter be retained.

Reason - To protect the amenities of future occupiers of the approved dwellings and to comply with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029.

7. The extension hereby permitted shall not be occupied until the bin storage area as shown on plan 060917PL2a has been provided. The bin storage area shall thereafter be retained.

Reason - To protect the amenities of future occupiers of the approved dwellings and to comply with Policy LP10 and LP23 of the Gosport Borough Local Plan 2011-2029.

8. The development hereby permitted shall not be occupied until the off road parking spaces and turning area as shown on plan 060917PL2a have been provided. The parking spaces shall thereafter be retained as non-allocated vehicle parking for residents; and the turning area shall be kept clear and made available for the use of vehicle manoeuvring only.

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: 05.
APPLICATION NUMBER: 17/00334/FULL
APPLICANT: Stephen and Linda McCallan
DATE REGISTERED: 03.08.2017

**CONTINUED USE OF LAND FOR RESIDENTIAL DRIVEWAY AND PART RETENTION /
PART ALTERATION TO HARD STANDING AND 1.8 METRE HIGH FENCE (AMENDED
SCHEME TO 16/00146/FULL AND 17/00208/FULL)**
19 Amersham Close Gosport Hampshire PO12 2RU

The Site and the proposal

1. The application property is a detached two storey dwelling at the west end of Amersham Close within an established residential estate. It is built in brick and has been extended in the past. It is on a larger than average plot for the vicinity and is separated from an existing public footpath to the north by a 2.0-2.5m wide verge which has two trees on it. This footpath is not only for access through this part of the estate but is the main and only access for two residential properties, 4 and 6 Amersham Close. The northern boundary of the site is approximately 16m long and is separated from the trees, verge and footpath by 1.8m high feather board fencing. This fencing originally then turned through 90 degrees to follow the western boundary of the site 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. The section along the western boundary has since been removed in conjunction with the implementation of the fencing which forms part of this current proposal.

2. The application site is a piece of land to the west of the application property measuring approximately 20m (east to west) by 17m (north to south) with an angled north-west corner. Public footpaths run adjacent to the north, north-west and west boundary. 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. A 6.3m wide strip along the eastern boundary has been enclosed by 1.8m high fencing and covered in hardstanding to extend the drive / parking area of the application property. The western section of the fence built under permitted development (as referred to in paragraph 1 of this section) has been removed to allow access. The erection of the fence and installation of hardstanding had been implemented at some point between September 2015 and April 2016.

3. The applicant has previously sought planning permission under, reference 16/00146/FULL, to retain these changes as well as incorporate the rest of the application site into the residential curtilage of the application property by enclosing it with more fencing and for the retention and completion of an outbuilding (now removed) towards the north - east corner of the application site. This application was refused by the Regulatory Board in January 2017 for the following reasons:-

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.

Since the refusal an Enforcement Notice has been issued which took effect on the 17th July 2017 requiring the removal of the fence and hard standing on the application site. The applicant sought

planning permission, reference 17/0208/FULL, to retain the fence and hardstanding erected on the application site and change of use of the enclosed piece of land. Again this application was refused by the Regulatory Board in July 2017 for the following reasons:-

1. The fence, by reason of its height and alignment represents an unduly prominent and incongruous feature that is not reflective of the established pattern of development in the area. It would be harmful to the character and visual appearance of the area and is contrary to Policy LP10 of the Gosport Borough Local Plan, 2011-2029 and the Gosport Borough Council Design Guidance: Supplementary Planning Document.
2. The fence and use of the hardstanding for the parking of large vehicles would detrimentally impact on the outlook of the occupiers of 6 Amersham Road and is contrary to Policy LP10 of the Gosport Borough Local Plan, 2011-2029.
3. The fence, by reason of its height and proximity to the edge of the public footpath to the north, creates an enclosed environment reducing intervisibility along the footpath which would be harmful to the safe movement of pedestrians. The proposal is therefore, contrary to Policy LP23 and Policy LP10 of the Gosport Borough Local Plan, 2011-2029.
4. This proposal is to relocate the existing section of fence along the northern boundary of the application site to align with the fence along the northern boundary of the application property and built under permitted development as described in paragraph 1 of this section. The hardstanding within this reduced area only would be retained. This application also seeks to continue the use of the reduced section of enclosed land to allow off road car parking provision for the application property.

Relevant Planning History

17/00208/FULL - retention of a change of use of land from amenity into residential driveway and 1.8 metre high fence (amended scheme to 16/00146/FULL) - refused 14.07.17

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

Land at 27 Gomer Lane

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

Land at 11 Monroe Close

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

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

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

LP10

Design

LP23

Layout of Sites and Parking

Supplementary Planning Documents:

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

Gosport Borough Council Parking: Supplementary Planning Document: February 2014

National Planning Policy Framework (NPPF), March 2012

Consultations

Local Highway Authority

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

Response to Public Advertisement

7 letters of objection

Issues raised:-

- driveway disproportionate to the property and not in keeping with the surroundings
- impact on the privacy of adjacent properties
- the fence has reduced the outlook for 2, 4 and 6 Amersham Close
- the altered position of the fence still encloses the footpath to the north and creates a back alleyway which is unsightly, unsafe and defies the 'open plan' aspects of the estate
- as it is close to Gomer Lane, a busy local road, the enclosing of the path creates a hazard to children using it to get from Gomer Lane to Bay House School
- a large mature plane tree was felled within the application site over a year ago
- this is the third application with little change to the previously refused applications, is this a delaying tactic?

Principal Issues

1. Planning legislation allows for applications to be submitted retrospectively and the Local Planning Authority is required to consider all submissions on their own merit. Enforcement action has begun against the unauthorised development and is being run in tandem to the processing of this application. 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. The reason for the applicant wanting additional parking space is not a material planning consideration. A separate planning permission would be required if the land were to be used other than as ancillary to the residential property 19 Amersham Close. In some cases the erection of a fence of this size is permitted development, however, in this case the nature of the use of the land has changed and as part of this the fence requires planning permission. The main issues, therefore, are the appropriateness of the proposal, its impact on the appearance of the locality and the amenities of the occupiers of adjacent properties, and the pedestrian safety of the public footpath.

2. Amersham Close is part of an open plan 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. In the past, sections of the various open spaces have been permitted to be enclosed however this has been in locations where the extent or scale of the enclosure has not been considered to impact harmfully on the character or the locality.

4. The area of hardstanding and the fencing along the western edge of the hardstanding is set back from Gomer Lane and, visually from the west, looks similar to the original fencing around the application property. Although it has reduced the physical size of the open space it is considered that the amenity value of the space has not been significantly harmed. The proposal would relocate the northern section of the fence 2.5m further south of the public footpath. This would increase the visual separation distance between the fenced boundary and the footpath as well as the properties to the north of the footpath. The proposed fencing would be read visually as an extension of the earlier fencing removing the visual enclosure created by the location of the current fence. It is therefore considered that the proposed fencing would not harm the visual amenity or character of the locality. The relocation of the northern boundary fencing would leave an area approximately 2.5m wide by 6.3m long of hard standing abutting the footpath; however a condition to re-grass this area is recommended. It is therefore considered that the proposal would not be a prominent and incongruous feature thus overcoming the reason for refusal for application 17/00208/FULL and complying with this aspect of Policy LP10 of the Gosport Borough Local Plan.

5. Although the proposed northern section of fence would still be visible from 4 and 6 Amersham Close, the properties on the opposite side of the footpath, it would be set further back creating a minimum gap between the proposed fence and the front elevation of the properties of 10.5m. This would open up the oblique views from no. 4 towards the retained amenity space to the west. When considering the distances involved and the relationship between the proposed relocated position of the fence and the frontage of no. 6 it is considered there would be an acceptable amount of openness which would maintain the amenity of the occupants of no. 6 in terms of outlook. The extended distance between the enclosed land and no. 4 and 6 would also reduce the impact on the privacy of the occupants of those properties from any activity undertaken on that land. Taking this all into consideration the proposal would not have a detrimental impact on the amenity of the occupants of 4 and 6 Amersham Close overcoming the reason for refusal for application 17/00208/FULL and would comply with this aspect of Policy LP10 of the Gosport Borough Local Plan 2011-2029.

6. The proposed fence would create an approximately 4.5m wide corridor which would allow clear views along it and so would not impact on the safe movement of pedestrians. As such this would overcome the reason for refusal for application 17/0208/FULL and comply with this aspect of Policies LP23 and LP10 of the Gosport Borough Local Plan 2011-2029.

RECOMMENDATION: Grant Permission

Subject to the following condition(s):-

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

Site Plan received on the 24.07.2017; and

the plan showing the west and north elevations received on the 03.08.2017.

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

2. The fence hereby approved must be erected within 1 month from the date of this permission and shall thereafter be retained.

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

3. a) A scheme and timetable for the restoring of the area between the hereby approved fence and the edge of the footpath shall be submitted to and approved, in writing, by the Local Planning Authority within 1 month from the date on which this permission is granted.

b) The restoration of the area between the hereby approved fence and the edge of the footpath shall then be implemented in accordance with the approved timetable and shall thereafter be retained.

Reason - To ensure the satisfactory visual relationship of the new development to the existing, that the unacceptable section of hardstanding is removed, and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029

ITEM NUMBER: 06.
APPLICATION NUMBER: 17/00344/FULL
APPLICANT: Mr C Foster and D Whiting
DATE REGISTERED: 02.08.2017

**INSTALLATION OF A FIRST FLOOR REAR ROOF TERRACE INCLUDING
BALUSTRADING**
63 Jellicoe Avenue Gosport Hampshire PO12 2PB

The Site and the proposal

1. The application site contains a detached two storey dwelling on the east side of Jellicoe Avenue and there is a 3.2m section of land along the southern side of this which is rented by the applicant and has been incorporated into the garden of the application dwelling since 1999. To the south of this is a 2m wide public footpath. The application dwelling is set away from the garden boundary to the north by 5.5m and to the south by 5.2m. It has an approximately 19m long rear garden and protruding into this from the rear elevation is a 3.6m long by 3.5m wide flat roof extension. This rear extension aligns with the south elevation of the application property and has an overall height of 2.8m. The rear garden is surrounded by approximately 1.8m high solid fencing with some sections of hedging extending above this by approximately 0.5m; there is also a flat roofed outbuilding just over 2m in height along the northern boundary.

2. Jellicoe Avenue is a residential road with a variety of house styles along it. The section surrounding the application site is dominated predominantly by properties similar in form, size and orientation to the application property with similar sized gardens. The character is suburban with low level shrubbery and trees within the rear gardens and there is a predominance of fencing as boundary treatment. The adjacent property to the north, 61 Jellicoe Avenue, and those beyond have rear elevations broadly in line with the application property. A number of these have single storey, pitched roof, rear extensions the majority of which are not higher than the rear extension of the application property. In the case of no. 61 the rear extension takes the form of a conservatory and there is also an outbuilding along its southern boundary which is no higher than the application property's outbuilding. To the south of the application property, on the opposite side of the footpath, is 67 Jellicoe Avenue. No. 67 also has a flat roof rear extension and low level outbuildings along the northern boundary which is delineated by an approximately 2m high hedge. To the rear of the application property is a row of small single storey properties. These properties have compact 6.5m long rear gardens which are separated from the 1m wide rear access along their western boundary by various forms of approximately 1.5m high fencing.

3. The proposal is to convert the roof of the single storey rear extension into a roof terrace accessible by double doors which would replace an existing window in the rear elevation. It would be enclosed with a 1.1m stainless steel balustrade with obscure glass infills. The balustrade would increase in height to 1.8m over a distance of 1m where it meets the rear elevation of the application property.

Relevant Planning History

Nil

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:
LP10
Design

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

Consultations

Nil

Response to Public Advertisement

Nil

Principal Issues

1. The main issues are the appropriateness of the design of the proposal and its visual impact on the appearance of the locality and the potential impact of the development on the amenities of the occupiers of adjacent residential properties.

2. The proposed balustrade is modern in form and would use materials that are out of keeping with the more traditional palette of the application property. It would be of a size which would dominate the rear elevation of the application property and would have a floor height which would be higher than the existing rear garden boundaries and various outbuildings. Due to the visual gap created by the footpath to the south of the application site and the projecting nature of the proposal it would be visible from Jellicoe Avenue, the footpath to the south and the open area surrounding the single storey properties to the east as well as from the gardens of those properties and the properties to the north and south. Although there are some examples of front facing balconies and roof terraces along Jellicoe Avenue, they are smaller in form and more in keeping in terms of their design and use of materials with the host property. The proposed first floor terrace is considered incongruous with the traditional suburban character of this part of Jellicoe Avenue. The proposed use of obscure glazing to all sides of the balustrade further increases the visual impact of the proposal as it would highlight its scale without offering any transparency. It is therefore considered that the proposal by reason of its scale, form, location and materials would represent an unduly prominent and incongruous addition to the rear of the application property and would fail to respect the character and appearance of the surrounding area. The proposal is therefore contrary to Policy LP10 of the Gosport Borough Local Plan 2011- 2029 and the Gosport Borough Council's Design Supplementary Planning Document.

3. It is considered that due to the orientation and location of the proposal it would not impact on the outlook from or cause loss of light to the adjacent properties. The proposed terrace would have a floor height which would be approximately 0.8m higher than the surrounding outbuildings and fences / hedges and the majority of the balustrade would be 1.1m in height, this would mean any person standing on the terrace would have clear views, and any person sitting on the terrace would have partial views, of the gardens of 61 and 67 Jellicoe Avenue and the properties beyond as well as those of the single storey properties. It is noted that nos. 61 and 67 have reasonably large gardens, however due to the depth of the proposed terrace there would be clear views of the most private parts of their garden namely the sections directly to the rear of the properties and partial views into no. 61's conservatory. These areas are currently screened by the existing outbuildings, rear extensions and boundary treatments with only oblique views from rear first floor windows. The proposal would remove this privacy by allowing unfettered views back into these areas over the existing screening from an elevated and prominent position. This position would also allow clearer views of the rear elevations and gardens of the single storey properties to the rear of the application property, which already have limited private open space associated to them. The proposed terrace is of such a size that multiple persons could be using it at any one time which would further increase the overlooking and possible disturbance created by it. It is therefore considered that by reason of overlooking the proposal would harm the privacy of the occupants of the adjacent properties. The proposal is therefore contrary to Policy LP10 of the Gosport Borough Local Plan 2011- 2029 and the Gosport Borough Council's Design Supplementary Planning Document.

4. It is noted that the privacy impact of the proposal could potentially be mitigated by increasing the height of the balustrade and use of obscure glazed panels; however this would further increase the visual impact and exacerbate the harm to the character of the surrounding area. Equally the visual impact of the proposal could be reduced by using clear glass and a differing palette of materials; however this would have the potential of increasing the harm in terms of loss of privacy of the occupants of the adjacent properties.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposal by reason of its unsympathetic scale and form, incongruous location and materials would represent an unacceptable and prominent addition to the rear of the application property and would fail to respect the character and appearance of the surrounding area; contrary to this aspect of Policy LP10 of the Gosport Borough Local Plan 2011- 2029 and the Gosport Borough Council's Design Supplementary Planning Document.

2. The proposal by reason of its size, location and form would result in increased overlooking and have an overbearing impact on the amenities of the occupants of the adjacent properties contrary to this aspect of Policy LP10 of the Gosport Borough Local Plan 2011- 2029 and the Gosport Borough Council's Design Supplementary Planning Document.

ITEM NUMBER: 07.
APPLICATION NUMBER: 17/00168/FULL
APPLICANT: Miss S Fielder
DATE REGISTERED: 05.07.2017

RETENTION OF A SINGLE STOREY SIDE EXTENSION
1 Beaulieu Place Gosport Hampshire PO13 0QP

The Site and the proposal

1. The application site comprises a detached bungalow on the west side of Beaulieu Place. The original property has been extended recently to the rear and front in accordance with planning permission 16/00111/FULL.
2. The layout of Beaulieu Place is unusual in that there is a cul-de-sac which provides vehicular access to the rear. There are a series of garages and parking spaces serving the properties and individual access gates within the close boarded fences that surround the private rear gardens. The houses and bungalows face outwards from the cul-de-sac and have front elevations facing onto grassed open space connected by a series of pedestrian paths.
3. The application property is the southernmost dwelling within a row of 4 similar detached bungalows. All 4 properties are built abutting their southern boundaries with their eaves overhanging the neighbouring property's land. There is an approximately 2.5m separation between the side elevations of the 4 properties and these areas are enclosed by approximately 1.8m high walls / gates along the front (west) boundary which visually links the buildings together. All 4 properties have had some form of rear extension and the most northerly property has also had a side extension along its northern elevation. 3 Beaulieu Place, immediately to the north of the application property, has a side elevation with no windows or doors in which runs along the northern boundary of the application site parallel to the application property.
4. The application is for the retention of a side extension constructed along the northern elevation of the application property measuring 2.25m wide and 6.65m long. It has a pitched roof to the front with a flat roof behind. The roof has matching eaves to the original dwelling and a ridge height 1.2m lower than the main roof. The flat roof to the rear has a maximum height of 2.9m. There is a window in the front elevation and a door in the rear elevation.
5. The applicant submitted an application for a lawful development certificate for the side extension because it would normally comply with the appropriate permitted development criteria; however permitted development rights were removed by condition 9 of the original planning permission for this part of the estate, reference K4089. Condition 9 states:

'Notwithstanding the provisions of the Town & Country Planning (General Development) Orders 1950 + 1960, no structures of any type shall be erected on the land other than at the rear of dwelling houses without the prior consent of the local planning authority.'

This was drawn to the applicant's attention and accordingly the application was refused. The applicant chose to appeal the Council's decision on the grounds that the condition referred to old legislation but this was dismissed by the Planning Inspectorate on the grounds that Condition 9 of K4089 was still considered to be enforceable.

Relevant Planning History

16/00381/LDCE - Section 192 application - erection of single storey side extension - refused 26.09.16
16/00111/FULL - erection of single storey front and rear extensions (as amended by plan received 03.05.2016) - permitted 24.05.16

K4089 - 56 semi-detached houses: 7 bungalow garages: stage A phase 1 - permitted 07.05.62

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

LP10

Design

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

Consultations

Nil

Response to Public Advertisement

2 letters of objection

Issues raised:-

- the front porch on the application property is outside of land within their ownership and is part of the estate
- no dimensions shown on the plans and are misleading as do not show an elevational relationship between the application property and no. 3
- proximity of extension to side elevation 3 Beaulieu Place means the eaves and guttering of the extension site directly below those of no. 3; the side of no. 3 cannot be maintained; damage has occurred to no. 3 during construction; and no Party Wall notice was served on no. 3
- has led to the personal distress of the occupants of 3 Beaulieu Place
- water run-off from the extension goes into pipework which runs into a soakaway in the garden of 3 Beaulieu Place and during construction the drains were damaged
- no regard to planning rules, regulations, statutory processes and previous planning conditions
- applicant did not consult with neighbours prior to development but did amend plans to include a flat roof when challenged to assist with future maintenance of 3 Beaulieu Place but pitched roof still prohibits full access
- approval would make a mockery of the planning system as Lawful Development certificate appeal was dismissed
- lack of 'Duty of Care' for the occupants of 3 Beaulieu Place by the Council and Building Control
- extension removes the uniformity of the row of properties, is not in keeping and unbalances the street scene
- over-development as when the side extension is included with the other extensions it more than doubles the size of the original property

2 letters of support

Issues raised:-

- whole regeneration of the property enhances its look and future proofs it for those with mobility issues
- small extension sits within the property footprint and enhances the surrounding area
- work was done by professionals when they were able to fit it into their schedule
- property at the far end of the row also has a side extension

1 letter of observation

Issues raised:-

- there are 2 trees within falling distance of the property outside of the property boundary, one a large mature willow

Principal Issues

1. The health and longevity of the trees close to the application site has not been affected by the side extension and the front porch on the application property does not form part of this application. The porch was granted permission under planning permission 16/00111/FULL with which a certificate of ownership was submitted confirming the ownership of the land on which the porch was built. Notwithstanding this, land ownership is not a planning issue. The plans submitted have been drawn accurately to scale with the scales clearly shown on the drawings; there is no requirement for plans to have dimensions written on them. The types of plans submitted comply with the requirements to make a planning application valid and the relationship between the application property, side extension, which forms the proposal, and neighbouring properties could be assessed during the site visit, therefore elevation plans showing the relationship between the extension and neighbouring properties were not necessary. The side extension is positioned on land entirely in the ownership of the applicant and this has not been contended, however an unusual character of the land divisions means that the eaves of the neighbouring property to the north overhang the land in question. The undertakings within the Party Wall Act, allegations of damage or personal distress and access for maintenance are private legal matters between the persons involved. Drainage is controlled by Building Regulations and / or the statutory utility body for that area. The applicant's personal regard for the planning process is not a planning matter and this application has been submitted in accordance to planning legislation. Whilst applicants are encouraged to discuss their proposal with neighbours during the planning process, there is no requirement within planning legislation to do so.

2. A member of the public considers that because the Lawful Development Certificate Appeal was dismissed the current application should also be refused. The Inspector's decision confirmed that condition 9 of K4089 was an appropriate condition which could still be enforced therefore the side extension could not have been erected without the need for planning permission. A decision on an appeal for a Lawful Development Certificate does not comment on the appropriateness of the proposal, only on the need for planning permission. A member of the public also made comment concerning the Council's lack of care towards the occupants of 3 Beaulieu Place. The Council is satisfied that it has adhered to the Statement of Community Involvement, in terms of the publicity undertaken for the application, and that neighbours have been kept informed during the planning process. The main issues, therefore, are the appropriateness of the design of the proposal and its impact on the appearance of the locality and the amenities of the occupiers of adjacent properties.

3. The side extension is residential in character and it has been finished so that it is in keeping with the style of the application property. The location of the extension is on the same alignment as the front elevations of the application property and the neighbouring property to the north, and has replaced the boundary wall between the two properties. The roof form and height ensures the extension is subservient to the application property and although it is higher than the original boundary wall it retains the clear division between the properties and ensures that they are individually identifiable. The extension is not considered, therefore, to materially harm the character of the application property or the wider character of Beaulieu Place. Equally the side extension is relatively small in comparison to the width of the application property and does not remove any usable garden or parking space related to the application property; nor does it create an additional requirement for an increase in parking provision. The side extension is therefore not considered to be an over-development of the application property. Taking this all into consideration the side extension is considered to comply with the Policy LP10 of the Gosport Borough Local Plan 2011-2029 and the Council's Design Supplementary Planning Document.

4. The side extension does not protrude beyond the front or rear elevation of the application property and does not extend above the roof line. The only new window looks out over the open space to the west of the application property and the new door looks into the garden of the property which is enclosed by approximately 1.8m high fencing and walls. The proposal, is therefore, not considered to harm the amenity of the occupants of adjacent properties in terms of privacy, access to light or outlook in compliance with this aspect of Policy LP10 of the Gosport Borough Local Plan 2011-2029.

RECOMMENDATION: Grant Permission

ITEM NUMBER: 08.
APPLICATION NUMBER: 17/00331/FULL
APPLICANT: Mr Sevket Metinol
DATE REGISTERED: 28.07.2017

**CHANGE OF USE FROM SHOP (CLASS A1) TO HOT FOOD TAKEAWAY (CLASS A5)
AND INSTALLATION OF EXTERNAL FLUE TO REAR ELEVATION (RESUBMISSION OF
17/00096/FULL) (Conservation Area)**
26 Pier Street Lee-On-The-Solent Hampshire PO13 9LD

The Site and the proposal

1. The application site comprises a ground floor retail premises located on the north-western side of Pier Street, close to its junction with Marine Parade. There are flats on the two upper floors of the building. The site which has an area of approximately 30 square metres has a shop frontage to Pier Street and access from a service yard at the rear. The site is located within the Lee-on-the-Solent Conservation Area, the Marine Parade Area of Special Character and Lee-on-the-Solent District Centre.

2. Planning permission is sought for a change of use from shop (Class A1) to a hot food takeaway (Class A5) and for the installation of an external extract flue to the rear elevation. The flue would measure approximately 25 metres high and run up the flank of the enclosed stairwell serving the flats in the upper floors of the building and be coloured matt black.

Relevant Planning History

17/00096/FULL - change of use from shop (Class A1) to hot food takeaway (Class A5) - refused 09.06.2017 for the following reason:

The proposal fails to demonstrate that odour produced by cooking operations associated with the proposed use would be satisfactorily mitigated such that the residential amenities of the occupiers of neighbouring properties would not be affected contrary to Policy LP10 of the Gosport Borough Local Plan 2011-2029.

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

- LP10
- Design
- LP12
- Designated Heritage Assets: Conservation Areas
- LP23
- Layout of Sites and Parking
- LP27
- Principal, District and Neighbourhood Centres
- LP28
- Uses in Centres
- LP46
- Pollution Control
- LP14
- Marine Parade Area of Special Character

Supplementary Planning Documents:

- Gosport Borough Council Parking: Supplementary Planning Document: February 2014
- Gosport Borough Council Marine Parade Area of Special Character: Supplementary Planning Document: May 2007

National Planning Policy Framework (NPPF), March 2012

Consultations

The Gosport Society	No response received.
Local Highway Authority	No objection.
Environmental Health	No objection.

Response to Public Advertisement

3 letter of objection.

Issues raised:

- no need for additional food or drink use;
- increased odour issues;
- increased noise;
- increased demand for parking;
- proposed flue would be an eyesore.

Principal Issues

1. The main issues to be considered in the determination of this application are whether the proposed change of use is acceptable in principle, whether the proposal would preserve or enhance the character of the Conservation Area, whether the proposal would affect the amenities of the occupiers of neighbouring properties and whether the proposal would give rise to any parking issues. Particular reference should be had to the reason for the refusal of the previous application which related to the impact of odour produced by cooking operations associated with the proposed use on the residential amenities of the occupiers of neighbouring properties.

2. The site is located within the boundaries of the designated Lee-on-the-Solent District Centre. Policy LP28 makes provision for Class A5 uses provided that food and drink and other non-retail uses do not individually or cumulatively exceed 33% of the total frontage. The proposed change of use would not lead to the policy threshold being exceeded with the proportion of food and drink and other non-retail uses increasing to approximately 30.5%. The principle of the proposal is therefore acceptable and would accord with Policy LP28 of the Gosport Borough Local Plan 2011-2029.

3. The character of this part of the Conservation Area is commercial in nature and reflects the mix of retail uses within the District Centre and its proximity to the seafront. The activity associated with the proposal would not be at odds with the locality and would preserve the established character of the Conservation Area in accordance with Policy LP12 of the Local Plan. The proposed flue would be located to the rear of the building which faces into a service area serving a range of commercial properties and where there are a range of other flues and service items which all have a utilitarian appearance. The flue is proposed to be coloured matt black which would reduce its visual impact against the red brickwork of the recipient building. Given the context against which the flue would be seen it is considered that it would preserve the character and appearance of the Conservation Area and would not harm the Marine Parade Area of Special Character and would accord with Policy LP14 of the Gosport Borough Local Plan 2011-2029.

4. This proposal, unlike the previous application, makes provision for the installation of external extraction and internal filtration equipment to mitigate any cooking odours that would arise by reason of the use proposed. The application indicates that the proposed takeaway would operate as a fried chicken and pizza shop. The proposed odour mitigation measures are considered to be appropriate to mitigate the likely smells emanating from the volume cooking of fried chicken. Whilst the extract flue would be sited close (four metres) to flats above the site the high level nature of the discharge from the flue would not be likely to result in the emission of odours that would have the potential to adversely affect the residential amenities of the occupiers of any neighbouring

properties. Given the site's location within a District Centre, a level of activity associated with food and drink uses operating in the evening must be expected by occupiers of residential properties in the locality. It is considered that the proposal would be unlikely to generate a level of noise or additional disturbance that would significantly harm the residential amenities of the flats above. Accordingly the proposal is considered acceptable in amenity terms and would not conflict with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

5. The site is located in the Lee-on-the-Solent District Centre where a range of short term on-street and longer term paid off-street parking is available. The site does not have any parking associated with it. The Parking SPD suggests that the parking provision for a Class A5 use would be comparable to that of a Class A1 shop use. The highest demand for parking associated with the proposal is likely to be outside of the peak demand (during the working day) for parking and as such would not be likely to have a significant impact on the road network or the safety or convenience of highway users. Accordingly the proposal is considered acceptable in highway terms and would not conflict 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: 1505-02; 1505-03; 1505-04; and 1505-05.

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. a) The use hereby permitted shall not commence until the equipment specified in the Design and Access Statement (Revision 2 prepared by iWantPlans and received on 28.06.2017) to suppress and mitigate odour and noise has been fully installed and brought into use.

b) The equipment to suppress and mitigate odour and noise installed pursuant to part a) of this condition shall, unless otherwise agreed in writing by the Local Planning Authority, thereafter be retained and operated.

Reason - To ensure that the operation of the commercial kitchen does not harm the residential amenities of the occupiers of neighbouring properties in accordance with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

4. The extract flue hereby permitted shall be finished in matt black, or any other alternative colour treatment that may be agreed in writing with the Local Planning Authority and this finish shall thereafter be retained.

Reason - To ensure that the visual impact of the flue does not harm the character and appearance of the Lee-on-the-Solent Conservation Area or the character of the Marine Parade Area of Special Character in accordance with Policies LP12 and LP14 of the Gosport Borough Local Plan 2011-2029.

ITEM NUMBER: 09.
APPLICATION NUMBER: 17/00143/FULL
APPLICANT: Mr L. Fryer Prinset Limited
DATE REGISTERED: 24.04.2017

ERECTION OF A PART NINE, PART EIGHT, PART FOUR, PART THREE & PART TWO STOREY BUILDING (WITH SEMI-BASEMENT PARKING AREA) TO PROVIDE 10 NO. ONE BEDROOM FLATS AND 39 NO. TWO BEDROOM FLATS, WITH ASSOCIATED ACCESS, CAR PARKING, REFUSE AND CYCLE STORAGE & LANDSCAPING (as amended by plans received 07.06.17 and 30.06.17)
Site Of Former Crewsaver Building On Land To The North Of Harbour Road Mumby Road Gosport Hampshire PO12 1AQ

The Site and the proposal

1. The application site is 0.18 hectares in area and is located on the northern side of Harbour Road, immediately to the east of its junction with Mumby Road (A32). The site, which is identified as an area of archaeological interest, is located within the Gosport Waterfront Mixed Use site, as defined by Policy LP4 of the Gosport Borough Local Plan, 2011-2029.
2. Portsmouth Harbour, a Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI), is to the north. The harbour is of international importance to wading birds with noteworthy flora including Dwarf Eelgrass, Narrow-Leaved Eelgrass, Marine Eelgrass and Golden Samphire. The site is located within Flood Zones 2 and 3.
3. The site is currently vacant, the three storey building formerly on the site having been demolished. Harbour Road provides access to a number of commercial units/sites, including the adjacent Gosport Boat Yard and the associated slipway. Unrestricted, on-street car parking, is available on Harbour Road, between double yellow lines that have been implemented in order to maintain access across existing vehicular entrances. Mumby Road is a two-way carriageway (including a designated cycle lane) that is subject of a 30 mile per hour speed restriction.
4. To the south of the application site, and on the opposite side of Harbour Road, is a two storey, red brick, building known as Clarence Square Council School. The building is included on the Borough Council's List of Buildings of Local Interest for its historic and architectural interest. The principal façade of the building originally addressed Clarence Square, an area of the town laid out by the late 17th Century, and developed around a natural inlet in the coastline, which is now occupied by the application site, upon reclaimed land. During the 18th Century, the southern side of Clarence Square saw the erection of a row of Georgian townhouses to the east of the Clarence Square Council School. The town houses were demolished as part of the program of post-war slum clearance and the Clarence Square Council School building is, therefore, all that remains from the original development. The building still contains a number of timber sash windows in its southern and northern elevations. The principal access into the building is from the northern elevation, however, there are also accesses in the western elevation, fronting Mumby Road. There is a modern, two storey extension on the western side of the building, the first floor of which has been finished using corrugated sheeting. The building is currently used as office space, as well as for retail and storage. There is a vehicular access on the eastern side of the building which is used to service a set of double doors.
5. The land, to the south-east of the application site (and adjacent to the Clarence Square Council School), has been redeveloped by the erection of a ten storey tower comprising 48 one and two bedroom retirement apartments. Beyond the residential tower is a foodstore.
6. Immediately to the north west of the application site is the Clarence Wharf Industrial Estate, which comprises a total of 11 no. industrial units operating under Classes B1, B2 and B8 of the Use Classes Order. The buildings are single storey and have been constructed from a combination of

red brick and corrugated metal. The blank, rear elevations of Units 1-6 are sited directly adjacent to the application site.

7. Approximately 200m further to the north-west, and on the eastern side of Mumby Road, is the Rope Quays development, a mixed-use scheme, approved in March 2003, under planning permission reference K15900. This development comprises a combination of residential and commercial floorspace, as well as a doctor's surgery. The development is constructed, for the most part, from red brick and render, with significant areas of glazing and exposed metalwork. The buildings range in height from two to fourteen stories.

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

9. Public car parking (short stay during the day) is available in the North Cross Street (approximately 100m away) and Minnett Road South (approximately 300m away) public car parks with long stay parking being available in the Minnett Road North public car park (approximately 300m away).

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

11. Planning permission was granted in 2015 under reference 14/00550/FULL for the residential redevelopment of the site and the construction of 31 flats in a four-storey building.

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

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

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

15. The majority of the building would be finished in red brick or white coloured render, with elements on the north-east and south-western sides of the building being clad in Verdigris coloured panelling to add colour and interest to the building. The rendered section on the south western side of the building would front the Harbour Road/Mumby Road junction and would be clearly visible when turning in to Harbour Road. It would be two stories high (with a roof terrace) and would provide the principal entrance into the building. The ground floor would contain a large, glazed lobby, which would provide a reception/concierge area, serving the proposed flats. The lobby area would be accessed via a set of external steps, together with a level access lift, which would provide disabled access into the building. Areas of soft landscaping would be provided on either side of the steps, one of which would include facilities for visitor cycle parking in the form of three hoops. The landscaped areas would be enclosed by 1.1m high, black painted railings. An additional area of soft

landscaping would be provided on the north western side of the site, at the junction between Harbour Road and Mumby Road.

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

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

18. There would be projecting, glazed balconies on all elevations of the building. The building would have aluminium, powder coated windows and doors (grey) with stainless steel balustrades and hand rails to the balconies.

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

20. In the interest of mitigating flood risk, the whole building would be constructed on supporting columns to avoid habitable accommodation at ground floor level. The resultant space beneath the building would be utilised to provide semi-basement car parking for 46 cars (equating to 0.94 spaces per dwelling).

21. The semi-basement car park would be accessed from the north western corner of the site, via Harbour Road and down graded slopes to account for the difference in levels. The parking would be arranged around two cores, which would contain plant and lift accesses to the residential accommodation above. The semi-basement would also accommodate facilities for the storage of refuse and recyclable materials (in the form of 22no. 1,100 litre bins). The plans indicate that the stairwells and stores would be built with flood protective walls. Steps would be provided at the south western and north eastern ends of the semi basement in order to provide access onto street level. Cycle parking for the proposed flats would be provided within the flat units themselves, within the hallway of each unit. A refuse collection area would be provided adjacent to Harbour Road.

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

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

24. The application is accompanied by an Affordable Housing Viability Report that has been independently reviewed by the District Valuer.

25. The application is also supported by a Transport Statement, which assesses the likely car parking requirements of the proposal and the impact of the development on the existing highway network. An Acoustic Report has been submitted in order to establish the existing background noise levels associated with the adjacent commercial units and the potential impact on prospective

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

26. Amended plans have been received showing an improved layout to the semi-basement car park and ramped access thereto.

Relevant Planning History

14/00550/FULL - demolition of existing building and erection of a four storey building to provide 7 no. one bedroom flats, 23 no. two bedroom flats and 1 no. three bedroom flat, with associated access, car parking, refuse and cycle storage - permitted 18.12.15

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

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

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

Consultations

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

Response to Public Advertisement

12 letters of objection

Issues raised:-

- overdevelopment of site
- impact on infrastructure
- loss of privacy between proposals and neighbouring McCarthy & Stone development

- future occupiers of neighbouring McCarthy & Stone development unable to make comment
- inadequate provision for servicing of proposal development
- proximity of high-rise building adjacent to industrial premises
- loss of employment land
- inadequate parking
- parking spaces undersized and do not conform to SPD
- inaccurate Traffic Assessment
- Flood Risk Assessment questionable
- undersized flats
- inappropriate provision for refuse collection
- impact of construction of neighbouring properties
- insufficient access for firefighting

Principal Issues

1. This application has been publicised in accordance with the relevant procedural requirements and in accordance with the Council's Statement of Community Involvement. Matters associated with access for fire and rescue purposes are dealt with under the Building Regulations. The potential impact of construction works on the structure of neighbouring buildings would fall outside of the scope of the planning system. Whilst the site is located in an area of archaeological interest, the planning conditions imposed on the previous permission have been complied with and therefore no further archeological work is required. The site is not allocated for employment purposes with the principle of a residential redevelopment having been established by the granting of the earlier planning permission. Accordingly the main issues in this case are the acceptability of the additional development now proposed, the acceptability of the design of the amended proposal and the impact of the development on the character and visual amenity of the locality and the setting of the adjacent Locally Listed Building, the amenity of adjacent and prospective users/occupiers, whether the development can be delivered without prejudicing the access and servicing arrangements of adjacent uses, or the future redevelopment of adjoining land, whether appropriate provisions can be made for access, car and cycle parking, refuse storage and collection and servicing and whether the development can be delivered without having a harmful impact on the interests of archaeology, nature conservation, flooding and land contamination.

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

3. Taking into consideration the permitted and historic uses of the site, together with the proposed access arrangements, the submitted plans demonstrate that the proposed development can be accommodated without compromising the existing access or servicing arrangements/everyday operations of neighbouring uses. The proposed development would not compromise the development potential of adjacent sites, including the Clarence Square Council School building and Gosport Boat Yard. The proposal would not result in the loss of existing public access to the coast and would not prejudice future proposals to extend public access along the waterfront as opportunities arise within the waterfront regeneration area and would therefore be in accordance with Policy LP37 of the Gosport Borough Local Plan.

4. The proposed building would have a relatively simple design, with extensive areas of glazing provided on the elevation fronting the Harbour Road/Mumby Road junction, which would create an attractive, active frontage that will contribute to the vibrancy and vitality of the area, clearly defining the entrance to the building. The simple form of the building, which will be complemented by the provision of projecting, glazed balconies, set at regular intervals, will provide a rhythm and uniformity to the elevations that is reflective of the previous building, whilst at the same time, providing an appropriate level of visual interest and articulation to the publicly visible facades. The

top floors of the building have been set back from the main façade to reduce its perceived height and overall mass. The provision of gull-wing roofs will add interest to the design and it will be set back a sufficient distance to ensure that it does not create too dominant a feature. The submission of details, including samples, of the proposed external facing materials, so as to ensure a high quality finish will be controlled by condition.

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

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

7. Overall, the proposed development is considered acceptable in design terms. The building would not dominate its surroundings, nor harm the setting of the adjacent Listed Building and would complement the adjacent 10 storey residential tower nearing completion and contribute towards the positive regeneration work earmarked for this particular part of the Borough. For the reasons set out above the proposal complies with Policies LP10, LP12 and LP13 of the Gosport Borough Local Plan.

8. Measures to protect residents and adjacent commercial occupiers during construction will be controlled by planning condition together with the siting and design of any site compound, to ensure that disruption, in terms of noise, vibration and dust, is minimised. The siting of residential accommodation adjacent to commercial sites is not uncommon in waterfront locations, where the marine environment often constitutes a desirable location for both residential occupiers and marine/leisure based industries. The submitted Acoustic Report concludes that the adjacent uses will not result in unacceptable levels of disturbance to prospective occupiers of the proposed flats, but recommends that suitable glazing be installed so as to reduce the potential levels of disturbance associated with nearby marine related industries. In accordance with the recommendations of the report, a condition can be imposed requiring the approval details of the glazing to be installed in all windows and balconies, so as to preserve the residential amenity of prospective occupiers. This would be consistent with the previous permission.

9. Due to its siting relative to existing buildings and the orientation of neighbouring properties it is considered that the proposed development would not have an unacceptable impact on the amenities of any neighbouring or prospective occupiers in terms of loss of light or outlook. Likewise, due to the orientation of the buildings, the proposal would not result in harmful levels of overshadowing. The proposed building would at its closest point be 25m from the recently built McCarthy and Stone development on the opposite side of Harbour Road. The separation distance between the tower element of this proposal and the tower in the McCarthy and Stone development would be approximately 60m. The proposed flats are considered to be of an appropriate size with most exceeding the space standards in the Design SPD. A small number of the flats fall below the recommended sizes in the SPD, however these flats would all exceed the recommended space standards set out in the National Technical Space Standards set out by central Government.

Furthermore the habitable rooms in all of the flats would benefit from an appropriate outlook. The proposal, therefore, accords with Policy LP10 of the Gosport Borough Local Plan.

10. The submitted Transport Assessment indicates that the proposed development would generate approximately 31 additional multi modal trips in each of the morning and evening peak hours. This would be an increase of 10 trips in each peak hour over and above that likely to be generated by the previously permitted scheme. The Transport Assessment indicates that even if all the trips associated with the proposed development were made by motor vehicle, this would, on average, equate to one additional motor vehicle movement on to the highway network every two minutes during the peak periods. Such an increased number of trips would not have a harmful impact on the capacity of the surrounding highway network or the safety or convenience of highway users.

11. The proposed access would be sited 15m from the adjacent Harbour Road/Mumby Road junction and adequate visibility is available to ensure that there is no conflict between vehicles exiting the semi-basement car park and all other users of the public highway. Likewise, the siting of the access is such that it will not interfere with the safe use of the access to the double doors in the Clarence Square Council School building. The Local Highway Authority have advised that the potential requirement to regulate car parking adjacent to the proposed vehicular access to allow safe entry to and egress from the site can be considered and secured under Highway legislation. The proposed access and servicing arrangements are similar to that previously permitted. It is considered that the detailed design of the access and associated alterations to the highway can be addressed through the imposition of a suitably worded planning condition.

12. The Council's Parking Supplementary Planning Document (SPD) sets out the parking requirements for development proposals. It makes provision for applicants to justify their car parking provision where a development proposal does not comply with those standards. The permitted scheme for 31 flats included 42 car parking spaces to serve occupiers and visitors and as such met the standards in the Parking SPD which equates to a ratio of 1.35 spaces per dwelling. To accord with the Parking SPD, the 49 flats would be served by 67 spaces, however, only 46 are proposed, a ratio of 0.94 spaces per dwelling. The submitted Transport Assessment puts forward a case for a reduction in car parking based on flats having a lower level of car parking demand than houses with the same numbers of bedrooms. The site is located close to the High Street where a range of local services, facilities and amenities are available, and is also accessible by a number of modes of transport given it is within walking distance of the Gosport Bus Station and Ferry Terminal. The easy access to public transport reduces the reliance on the use of the private motor vehicle for future occupiers. Visitor and long stay cycle parking facilities would be provided at the site, in accordance with the requirements of the Parking SPD, which would also provide sustainable travel alternatives to the private motor vehicle. No dedicated visitor spaces would be provided, however, there are a number of public car parks within a short walking distance of the site which could serve to complement the on-site car parking provision.

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

14. The proposal will introduce 49 dwellings which is likely to result in increased recreational activity on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. To address this impact, a contribution towards appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, is required. The applicant has indicated a willingness to provide mitigation in accordance with the Protocol such that

the proposal would comply with Policies LP42 and LP44 of the Local Plan. Subject to a legal agreement to secure the delivery of the mitigation the scheme would accord with Policies LP42 and LP44 of the Local Plan.

15. There is no evidence of protected species being present within the site. In the interests of preserving the environment of over-wintering birds, a condition will be imposed to restrict the use of percussive piling, or works involving the use of heavy machinery, that result in a noise level exceeding 69bdA being audible when measured from the nearest point of the Portsmouth Harbour Special Protection Area during the over-wintering bird period (October - March inclusive), unless the existing noise level at the nearest point of the receptor site already exceeds 69dbA. If the resultant noise level would exceed the existing noise levels when measured from Portsmouth Harbour SPA, no works would be permitted during the overwintering bird period. Subject to this condition, the proposed development would preserve the environment for the over-wintering bird population and comply with Policy LP44 of the Local Plan. The applicant has indicated that two swift boxes would be installed on the building and that new planting at the site would comprise a 70:30 ratio of native to non-native species. Details of the swift boxes and landscaping, together with their implementation and retention could be controlled by condition. Subject to these conditions, the proposed development would help to enhance the ecological value of the site, in accordance with the aims and objectives of the NPPF.

16. Paragraph 7.38 of the Local Plan advises that, as the waterfront is located within Flood Zones 2 and 3 and is allocated for comprehensive mixed use development, it has been the subject of a Strategic Flood Risk Assessment. The Local Plan advises that the site offers significant regeneration benefits that are unrivalled anywhere else in the Borough. In accordance with the NPPF, a sequential test has, therefore, been undertaken where it has been demonstrated that there are no alternative sites in the Borough. On this basis, the principle of developing within the Flood Zone has been established as being acceptable, provided appropriate mitigation can be achieved. The Environment Agency has confirmed that, by setting all proposed living accommodation at a level above 4.8m AOD, all residential units would remain free of flooding for the lifetime of the development. The walls enclosing the plant rooms and refuse stores within the semi-basement parking area would be built with enhanced flood protection walls, the details of which will be controlled by condition. In the interests of public safety, the applicant has indicated that emergency evacuation measures will be put in place in the event that a flood event should occur. A condition can control the precise details of the Evacuation Plan, which would be required to demonstrate the availability of safe access to higher ground. The condition would require the approved Evacuation Plan to be implemented in the event of a flooding event.

17. The development would provide a new surface water drainage system that will include provision of a storage volume to cater for run-off if the existing drainage system becomes tide locked. The Environment Agency has confirmed that this would provide an increased level of protection to the site and surrounding area. Subject to a condition to control this and the submission of details of how the flood defence wall will be delivered, maintained and operated over the lifetime of the development, the East Solent Coastal Partnership has confirmed that it considers the proposal to comply with the NPPF in respect of flooding and that the coastal defence proposals for this development are in line with the draft strategic policy recommendations. Subject to the submission and approval of the aforementioned measures, the proposed development would not increase the risk of flooding to people or property, or pollute controlled waters. The development, therefore, complies with the NPPF and Policy LP45 of the Gosport Borough Local Plan.

18. The developer has demonstrated that measures could be put in place to protect human health and controlled waters both during the construction phase and upon occupation. Any contamination would be subject to risk assessment and a series of mitigation measures could be agreed, depending on the type of any contamination identified and the receptor being affected. The necessary investigation and remediation measures, including implementation, would be secured by condition. Subject to this condition, the development complies with the NPPF and Policy LP47 of the Gosport Borough Local Plan.

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

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

21. The applicant has therefore now agreed to provide a financial contribution of £250,000 towards the off-site provision of affordable housing in line with the recommendation of the DVS. Whilst this would not equate to a fully policy compliant contribution, it is the maximum that can be secured without the development becoming financially unviable. The applicant has also agreed that if the development is not developed in accordance with an agreed timescale the viability of the development will be reviewed and if the financial position has improved an additional contribution towards the off-site provision of affordable housing would be provided. Accordingly the proposal would be in accordance with Policy LP24 of the Local Plan.

RECOMMENDATION: Grant Permission

Subject to Section 106 agreement relating to

1. The payment of a financial contribution of £8,869.00 towards the Solent Recreational Disturbance Mitigation Partnership;
2. The payment of a financial contribution of £250,000.00 towards the off-site provision of affordable housing;
3. A re-evaluation of the financial viability appraisal if construction has not reached 'core and shell' completion within a specified period; and,
4. The provision and implementation of an employment and skills plan.

Subject to the following condition(s):-

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 13.1980.150 Rev.P4; 13.1980.151 Rev.P4; 13.1980.152 Rev.P2; 13.1980.153 Rev.P4; 13.1980.155 Rev.P4; 13.1980.155 Rev.P2; 13.1980.156 Rev.P1; 13.1980.157 Rev.P1; 13.1980.160 Rev.P3; 13.1980.161 Rev.P3; 13.1980.162 Rev.P2.

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. a) No development above slab level shall take place until details, including samples, of all external facing materials, including to the roof and the glazing, balustrades and hand rails to the balconies, have been submitted to and approved, in writing, by the Local Planning Authority.

b) The development shall be carried out in accordance with the approved details, unless otherwise agreed, in writing, by the Local Planning Authority.

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

4. a) No development shall take place until details of the flood defence wall, including sections and elevation plans and details of how the flood defences will be delivered, managed and operated over the lifetime of the development have been submitted to and approved, in writing, by the Local Planning Authority.

b) The flood wall shall be provided, in accordance with the approved details before the development hereby approved is first occupied.

c) The flood wall shall thereafter be retained in accordance with the approved maintenance details.

Reason - In the interests of reducing the risk of flooding to people and property and future users in compliance with Policy LP45 of the Gosport Borough Local Plan 2011-2029.

5. a) No development shall take place until details of the windows and balcony doors, including the measures to protect prospective occupiers from unacceptable levels of noise, have been submitted to and approved, in writing, by the Local Planning Authority.

b) The windows and balcony doors shall be installed in accordance with the approved details and retained thereafter.

Reason - To protect the residential amenities of future occupiers and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

6. a) No development above slab level shall take place until details of the hard landscaping works have been submitted to and approved, in writing, by the Local Planning Authority. These details shall include samples of all hard surfacing materials.

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

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

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

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

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

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

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

(i) the location of the site compound and any buildings within it;

(ii) the location of any moveable structures, plant, or machinery required temporarily in connection with the development

(iii) the means of enclosure of the site compound;

(iv) the provisions to be made for the parking of contractors, site operatives, employees and visitors vehicles;

(v) access to the site for demolition and construction vehicles;

(vi) the provision for wheel washing facilities;

(vii) a scheme for recycling/disposing of waste and spoil resulting from demolition and construction works;

- (viii) the method and timing of any piling required;
 - (ix) measures to control the emission of dust and dirt from the site during construction;
 - (x) measures to prevent adverse impacts to surface water and ground water;
 - (xi) working hours and the timings of deliveries of materials and equipment.
- b) The development shall be carried out in accordance with the approved CEMP unless otherwise agreed, in writing, by the Local Planning Authority.
- Reason - To ensure the environment is protected and that the demolition and construction works on site do not impact surrounding properties and/or adjacent occupiers and to comply with Policies LP10, LP22, LP23, LP39 and LP46 of the Gosport Borough Local Plan 2011-2029.

10. a) No development shall take place until plans and particulars showing the detailed proposals for the provision to be made to enhance the biodiversity interests of the site, including swift boxes, and a timetable for that provision have been submitted to and approved, in writing, by the Local Planning Authority:
- b) The development shall be carried out in accordance with the approved details and timetable for provision.
- Reason - To comply with the National Planning Policy Framework and Policies LP38 and LP43 of the Gosport Borough Local Plan 2011-2029.

11. a) No development, other than demolition, shall take place until details of any surface water drainage scheme, based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include details of the following:
- (i) information about the design relating to storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - (ii) a timetable for the implementation of the surface water drainage scheme;
 - (iii) a management plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.
- b) The surface water drainage scheme shall be carried out, managed and retained in accordance with the approved details.
- Reason - To prevent the increased risk of flooding, to protect water quality, habitat and amenity, and ensure future maintenance of the surface water drainage system, and to comply with Policies LP39 and LP41 of the Gosport Borough Local Plan 2011-2029.

12. a) No development shall take place until a scheme for the disposal of foul water have been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include details of the following:
- (i) a timetable for the implementation of the foul water disposal scheme;
 - (ii) a management plan for the lifetime of the development.
- b) The scheme shall be carried out, managed and retained in accordance with the approved details.
- Reason - To ensure that there is adequate provision for foul drainage from the site and to comply with Policy LP39 of the Gosport Borough Local Plan 2011-2029.

13. a) No development shall take place until details of all external lighting for the site, including within the semi-basement car park, have been submitted to and approved, in writing, by the Local Planning Authority. These details shall include:
- (i) a layout plan with beam orientation;
 - (ii) the design of all lighting, including luminaire type, mounting height, aiming angles and luminaire profiles;
 - (iii) a light scatter diagram with relevant contours.
- b) The approved lighting shall be provided before the development hereby approved is first occupied and shall be retained thereafter, unless otherwise agreed, in writing, by the Local Planning Authority.
- Reason - In the interests of amenity, to prevent light pollution and to comply with Policies LP10 and LP46 of the Gosport Borough Local Plan 2011-2029.

14. Internal floor levels for any residential floorspace shall not be less than 4.8 metres above ordnance datum (AOD).

Reason - In the interests of reducing the risk of flooding to people and property and future users in compliance with Policy LP45 of the Gosport Borough Local Plan 2011-2029.

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

b) The Flood Management Plan shall be implemented in accordance with the approved details.

Reason - In the interests of safety, and to comply with Policy LP45 of the Gosport Borough Local Plan 2011-2029.

16. a) Notwithstanding the requirements of condition 16, no development, other than demolition, shall take place until details of the flood proofing measures to the stairwells, refuse and plant stores within the semi-basement car park have been submitted to and approved, in writing, by the Local Planning Authority.

b) The flood proofing measures shall be provided in accordance with the approved details before occupation of the first residential unit and shall be retained thereafter, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - In the interests of reducing the risk of flooding to people and property and future users in compliance with Policy LP45 of the Gosport Borough Local Plan 2011-2029.

17. a) No development above slab level shall take place until full details of the boundary treatments, the flood defence brick/gabion wall, retaining walls, timber fencing and metal railing, as referenced on approved plan 13.1980.100 Rev P1, have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include:

(i) elevation drawings showing the height and design of the boundary treatment

(ii) sample materials and/or manufacturer specifications of the materials to be used in the construction of the boundary treatment

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

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

18. The residential development hereby approved shall not be occupied until the access and parking areas have been provided in accordance with approved plan 13.1980.101 Rev P1. The access and parking areas shall be retained in accordance with the approved details thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

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

19. a) No development relating to the car parking area hereby approved shall take place until section drawings at a scale of 1:20 showing the gradient of the access into/out of the semi-basement parking area have been submitted to and approved, in writing, by the Local Planning Authority.

b) The development shall not be brought into use until the access has been provided in accordance with the approved details and the access shall be retained for vehicular entry/egress at all times.

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

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

Reason - In the interests of highway safety, and to comply with Policies LP10, LP22 and LP23 of the Gosport Borough Local Plan 2011-2029.

21. a) No development shall take place until details of any measures necessary to prevent on street parking adjacent to the vehicular access have been submitted to and approved, in writing, by the Local Planning Authority.

b) The measures shall be provided in accordance with the approved details before the development hereby approved is first occupied.

Reason - In the interests of highway safety and to comply with Policies LP10, LP22 and LP23 of the Gosport Borough Local Plan 2011-2029.

22. a) The development hereby approved shall not be occupied until details of the cycle parking facilities for each respective unit have been submitted to and approved, in writing, by the Local Planning Authority.

b) The approved cycle parking facilities for each unit shall be provided in accordance with the approved facilities before that unit is first occupied and thereafter retained.

Reason - To ensure adequate bicycle parking facilities are provided and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

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

b) The approved facilities shall be retained and kept available for these purposes at all times.

Reason - In order to protect the amenities of the area, and to comply with Policies LP10, LP22 and LP23 of the Gosport Borough Local Plan 2011-2029.

24. a) No part of the development hereby permitted shall be occupied until the refuse storage and collection areas shown on the approved plans have been provided.

b) The refuse storage and collection areas shall, unless otherwise agreed in writing by the Local Planning Authority, be retained.

Reason - In order to protect the amenities of the area, and to comply with the National Planning Policy Framework and Policy LP 10 of the Gosport Borough Local Plan 2011-2029.

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

Reason - In the interests of pedestrian and disabled access and the visual amenity of the locality and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

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

Reason - To preserve the environment for the over-wintering bird population and to comply with Policies LP10, LP42, LP43 and LP44 of the Gosport Borough Local Plan 2011-2029.