

*Please ask for:*

**Lisa Young**

*Direct dial:*

**(023) 9254 5340**

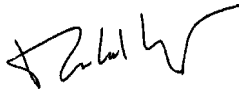
*E-mail:*

**Lisa.young@gosport.gov.uk**

**22 May 2017**

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

**MEETING:** Regulatory Board  
**DATE:** 31 May 2017  
**TIME:** 6.00 pm  
**PLACE:** Council Chamber, Town Hall, Gosport  
**Democratic Services contact:** Lisa Young



**MICHAEL LAWThER**  
**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 Allen (Vice Chairman)

Councillor Beavis  
Councillor Bergin  
Councillor Carter  
Councillor Ms Diffey  
Councillor Earle  
Councillor Farr

Councillor Foster-Reed  
Councillor Hicks  
Councillor Mrs Hook  
Councillor Raffaelli  
Councillor Ronayne  
Councillor Wright

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

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

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

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

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

### **IMPORTANT NOTICE:**

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

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

Regulatory Board  
31 May 2017

**AGENDA**

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST  
*All Members are required to disclose, at this point in the meeting or as soon as possible thereafter, any disclosable pecuniary interest or personal interest in any item(s) being considered at this meeting.*
3. MINUTES OF THE MEETINGS OF THE REGULATORY BOARD HELD ON 12 APRIL 2017 AND 18 MAY 2017
4. DEPUTATIONS – STANDING ORDER 3.4  
*(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Friday 26 May 2017. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*
5. PUBLIC QUESTIONS – STANDING ORDER 3.5  
*(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Friday 26 May 2017).*
6. REPORT OF THE HEAD OF PLANNING SERVICES  
*Schedule of planning applications with recommendations.  
(grey sheets pages 1-53/1)*
7. ANY OTHER ITEMS  
*Which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.*

PART II  
Contact Officer:  
Debbie Gore  
Ext: 5455

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

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

**107. APOLOGIES**

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

**108. DECLARATIONS OF INTEREST**

- In respect of item 1 of the grey pages of the report of the Head of Planning Services, Councillor Ronayne stated that he was the Ward Councillor but that he did not consider this to be prejudicial to his ability to determine the application.
- In respect of item 2 of the grey pages of the report of the Head of Planning Services, Councillor Carter advised that he knew the deputation speakers and therefore would not take part in the discussion or vote.
- In respect of items 3 and 4 of the grey pages of the report of the Head of Planning Services, Councillor Raffaelli advised that he was the Ward Councillor and lived just around the corner from the proposed development but that he did not consider this to affect his judgement in determining the application.
- In respect of item 5 of the grey pages of the report of the Head of Planning Services, Councillor Mrs Cully stated that she was the Ward Councillor but that she did not consider this to affect her judgement in determining the application.

**109. MINUTES**

**RESOLVED:** That the Minutes of the Regulatory Board meeting held on 1 March 2017 be approved and signed by the Chairman as a true and correct record.

**110. DEPUTATIONS**

Deputations had been received on the following items:

- Item 1 of the grey pages 16/00423/FULL – Unit B1, Granary and Bakery, Weevil Lane
- Item 2 of the grey pages 16/00593/FULL – Finsbury Cars, Privett Road, Gosport
- Item 5 of the grey pages 17/00053/FULL – 100 Park Road, Gosport

**111. PUBLIC QUESTION**

There were no public questions

**PART II**

**112. REPORTS OF THE HEAD OF PLANNING SERVICES**

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

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

**113. 16/00423/FULL – RETENTION OF AND FURTHER WORKS FOR THE ERECTION OF FREE STANDING TABLES AND CHAIRS (ADJACENT TO LISTED BUILDING IN A CONSERVATION AREA) (as amended by plan received 08.02.17)**  
**Unit B1, Granary and Bakery, Weevil Lane, Gosport, Hampshire, PO12 1FX**

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

Mrs Philippa Dickinson was invited to address the Board.

Members were advised by the Deputy Head of Planning Services that an email had been received on the 6<sup>th</sup> April 2017 relating to correspondence between the applicant and the Fire Officer Steve Elkins which detailed the potential fire hazards posed by the tables and chairs to the premises and the residential flats above.

Mrs Dickinson advised that she had lived in the Bakery on the third floor since 2009. She referred Members of the Board to photographs that she had circulated.

Mrs Dickinson stated that when looking at the application at the November Regulatory Board meeting it seemed that, in the desire to support the applicant in his new commercial enterprise, which was something that residents supported, the concerns of the residents living close to or above the restaurant about the permanent nature of the exterior furniture were getting a bit lost. It was these concerns that she wanted to address.

Mrs Dickinson advised that it had been hoped that since November that there would have been a serious attempt to reach a compromise proposal which would address residents' concerns. As there had only been a tiny reduction in the number of tables spread over the same footprint, however, all of the concerns remained.

Mrs Dickinson stated that the main concerns focused on:

- Noise and nuisance
- Smokers and now a barbecue
- Fire Risks
- Blocking the boardwalk
- Quality of materials and construction
- More and more items being added without planning permission.

Mrs Dickinson advised Members that it was great to finally have the waterfront buzzing as people enjoyed the spring sunshine over the last two weekends outside all three establishments on the waterfront, and stated that sunny days were not the problem; it was the rest of the year when no one was going to want to sit outside and the orange furniture just sitting there, unused, an invitation for mischief and anti-social behaviour.

Mrs Dickinson advised the Board that at a Licensing Board hearing on the 26 October 2016 the applicant made a number of firm verbal undertakings that smokers would not be permitted to smoke at the benches immediately outside the Bakery. Mrs Dickinson stated that unfortunately, it seemed that the applicant had been either unwilling or unable to prevent customers popping out of the restaurant and smoking underneath residential windows.

Mrs Dickinson further advised that there was no signage on the tables to indicate that this was a no smoking area. In fact, cigarette receptacles were attached here and now there was a barbecue.

Mrs Dickinson advised that following a point raised at the November Regulatory Board meeting with respect to exterior furniture located outside restaurants at Gunwharf Quays, she had taken the time to visit and stated that every restaurant below residential apartments had a solid, fixed metal glass veranda or some other solid, physical barrier which served both to protect the outside tables from rain and crucially protected the apartments above from noise and cigarette smoke.

Mrs Dickinson further advised that the apartments at Gunwharf Quays were all modern with double-glazed windows and that the only restaurants which did not have these physical barriers were sited below offices or other non-residential units.

Mrs Dickinson further added that the only listed building at Gunwharf Quays was the Old Customs House and that the exterior furniture outside was in a sunken area, allowing a mostly unimpeded view of the frontage. Furthermore, Mrs Dickinson advised that Gunwharf Quays had site-wide CCTV, proper lighting and overnight security which Royal Clarence Yard did not have.

Mrs Dickinson advised the Board that the Bakery apartments were not permitted double glazing due to listed building constraints and that for the apartments overlooking The Victualler restaurant, their living and bedroom windows were their only source of ventilation and that they needed to be able to have their windows open on warm days. Mrs Dickinson felt that it was not fair to them to have barbecue and cigarette smoke entering their apartments through the windows.

Mrs Dickinson advised the Board that Fire Officers' concerns that were raised at the last Regulatory Board meeting continued and were shared by the residents.

Mrs Dickinson felt that with the best will in the world, the applicant could not control what happened on the furniture outside of business hours.

Mrs Dickinson further advised the Board that other very real concerns were the continuing and continuous construction and additions all without planning permission and since then, added cycle racks, strip lighting, planters, signage and now an outside bar and barbecue area which extended beyond the plan submitted with the application and was placed directly under residential windows.

In conclusion Mrs Dickinson stated that the resident's preference was for temporary furniture on both patios stacked and brought into the restaurant overnight. She further added that whatever was decided regarding the existing furniture, a firm condition should be imposed that stated no smoking was permitted in the patio area underneath residential buildings and signs be placed on tables in this area.

Mr Bartrip was invited to address the Board. He referred Members to photographs which had been circulated and demonstrated the volume of people visiting his premises, the nature of this clientele and the usage of the outdoor furniture.

Mr Bartrip advised Members that he had taken on board previous concerns which had been raised in previous meetings relating to the outdoor furniture and had revised the seating arrangements accordingly. He further advised that the furniture which had been blocking the disabled access to the boardwalk had now been removed and that he felt a 24% reduction of tables decreased the fire risk and created more space between tables and on the patio area.

Mr Bartrip advised the Board that 'No smoking' & 'No climbing' health and safety signage had been placed on the outdoor furniture as requested by Environmental Health Officers.

Mr Bartrip advised the Board that, in response to concerns raised, he had installed a top of the range CCTV system that operated 24 hours a day, seven days a week which monitored the bar and outside areas and was observed at all times. He further added that he employed 10 front of house staff members who were all trained in fire safety.

Mr Bartrip advised that since opening the premises and the furniture being in place no crime and disorder complaints had been reported and no complaints had been raised regarding noise levels.

Mr Bartrip further stated that the outside furniture was crucial to the success of his business venture and brought much needed employment to Gosport.

Following a question from a Member regarding fire concerns, Mr Bartrip advised that unfortunately Mr Elkins was unable to attend the Board meeting however, had met with him on numerous occasions to address concerns and had felt was less concerned due to the changes that had been implemented and had advised that the fire coating of the benches was not necessary. Mr Bartrip stated that it was acknowledged that the furniture was a fire risk but felt that this was manageable as there was no ignition source on site and control measures were in place. Mr Bartrip stated that the Fire Officer had appeared to show less concern when liaising directly with him than was represented in the consultation response in the report of the Head of Planning Services.

Following a question from a Member regarding a barbecue at the premises, Mr Bartrip advised that a barbecue would not be a permanent fixture and only be used on occasions.

A Member queried whether Mr Bartrip had engaged with the Royal Clarence Yard Residents' Association on the question of the furniture. Mr Bartrip stated that was a member of the Association and had engaged with residents on a daily basis. He suggested that those in opposition to the outside furniture were in the minority, with 95% of residents being in favour of the design and raising no issues with the volume of table and chairs.

A Member asked what engagement Mr Bartrip had had with the planning officer since the November meeting of the Regulatory Board. Mr Bartrip responded that he had spoken to the planning officer but been told that the only acceptable solution on planning grounds was for all of the tables and chairs to be removed. He did not consider, therefore, that negotiation over numbers was an option.

A Member asked what investigations had been carried out before the outdoor furniture had been put in place and if he had sought advice on what was permitted on the site. Mr Bartrip advised that planning advice had not been sought because he had been aware that the previous occupier had not made a planning application for his outdoor furniture, and therefore he assumed that planning permission was not required. He had discussed the issue with Berkeley Homes before leasing the boardwalk area from them, and they had advised that planning permission would not be required for tables and chairs. A Member advised Mr Bartrip that the outdoor furniture used by the previous occupier had been stackable and stored in the premises when the business was closed.

A Member advised that she felt that the furniture was substandard and did not enhance in any way a historically listed building. She further added that she felt the applicant had not given due consideration when deciding to erect the wooden seats and that the materials were already splintering and warping.

Mr Bartrip advised that consideration had been given to the materials used for the outdoor furniture and that the theme continued from the inside of the premises through to the outside. Mr Bartrip stated that the design was very subjective and recognised that it would not be pleasing to everyone, however, he thought the design was appropriate. He further added that feedback had been overwhelmingly positive and had been enjoyed by the customers visiting the premises.

In response to a Member's question, Mr Bartrip advised the Board that there would be no requirement to provide public rights of access to the boardwalk area, even if the tables and chairs were removed, as this area was leased to him. In response to this, a Member asked for clarification and the Deputy Head of Planning Services confirmed that, although Planning does not deal with land ownership issues, this area was not part of the public thoroughfare and there was no planning reason why Berkeley Homes could not lease it to a private operator.

In response to a Member's question the Deputy Head of Planning Services advised that fire safety issues were not material planning considerations and that the Hampshire Fire & Rescue Service (HFRS) was always consulted when an application was received. He further added that any fire risk issues would be dealt with by the HFRS under their statutory powers and not under the planning regime.

Following Members' discussion, concerns were raised regarding the material of the outdoor seating and it was felt that the wooden furniture did not preserve, conserve or enhance the setting of the listed building.

**RESOLVED:** That planning application 16/00423/FULL be refused for the following reasons:-

1. The development, by virtue of the amount of seating, its location, height, form, finish, degree of permanence and visual impact would cause substantial harm to the setting of the adjacent Grade II\* Listed designated heritage asset and fail to preserve the character and appearance of the Royal Clarence Yard Conservation Area, contrary to Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan, 2011-2029.

2. The development, by virtue of the amount of seating, its location and degree of permanence would have a harmful impact upon the amenities of the occupiers of the area and nearby residential properties in terms of noise and disturbance, contrary to Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

**114.                    16/00593/FULL – CHANGE OF USE FROM CAR SALES TO COMMERCIAL CAR WASHING**  
**Finsbury Cars, Privett Road, Gosport, Hampshire, PO12 2SU**

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

Mrs Bowers was invited to address the Board. She advised Members that she and her husband had lived south of Finsbury Car garage for the past 14 years.

Mrs Bowers advised the Board that she was not objecting to the business use of the site and this had been a long running application for the change of use.

Mrs Bowers stated that her principal concerns related to noise and disturbances which would, if the application were to be approved, affect her family home and those of her neighbours.

Mrs Bowers advised Members that, although a hedge has been proposed along the boundary, the proposed equipment would be against her boundary fence and even with an acoustic screen the noise and vibration would have a detrimental impact on her property 7 days a week. Mrs Bowers further advised that no acoustic noise impact assessment had been carried out.

Mrs Bowers also expressed concerns regarding the overspray coming into her garden, and the drainage of water from the site. Mrs Bowers added that the lowest lying point on the site was a surface water drain and had not been checked.

Mrs Bowers advised Members that there would be significant road safety issues as there were no turning restrictions on the site and there would be an increased risk of collisions. Mr Bowers further advised that traffic would be crossing a footpath and cycle path in order to enter/exit the site.

In conclusion Mrs Bowers advised that there were plenty of car wash facilities in the vicinity and urged Members to accept the Officer's recommendation for refusal.

Mr Cain was invited to address the Board. He advised Members that he was a Planning Consultant speaking on behalf of the applicant and had dealt with many car wash applications and appeals.

Mr Cain advised the Board that he had submitted an email to the Planning Officer on the 4<sup>th</sup> April 2017 detailing a revised highways plan but it had not been received or considered. He advised that the same thing happened prior to the December Regulatory Board meeting and he had subsequently had to withdraw the application for consideration.

Mr Cain advised that the amended plan addressed concerns relating to the internal stacking capacity



within the site. Mr Cain also advised that the aisle width was proposed to be increased to 8 metres on the site.

Mr Cain advised that should Members refuse the application then the applicant would appeal the decision.

Mr Cain advised Members that the Environmental Health Officer had considered that the noise levels were acceptable and could be dealt with by a planning condition. Mr Cain read out an example condition which would allow for noise levels to be monitored after one month of the new use commencing, and which had recently been placed on a planning permission granted on appeal for a car wash

Mr Cain felt that the economic benefits of the proposal had not been afforded sufficient weight in the planning officer's judgement. He further stated that Members could either (1) refuse the application based on the officer's report, (2) defer the application to consider the amended highways plan, (3) refuse the application on noise grounds but delay issuing the decision notice until the highways issue has been resolved or (4) approve the application.

A Member asked Mr Cain for clarification on the email submitted and if he had spoken to the case officer to confirm receipt of the amended plan. Mr Cain advised that he had not contacted the case officer because he sends a huge volume of e-mails every day and cannot be expected to contact every recipient or send read receipts for everyone.

Following discussions, it was proposed and seconded that the application be deferred in order for Officers to consider the proposed highways amendment.

Mr Cain was asked to resubmit the amended plan and provide a copy to the Chairman of the Board

**RESOLVED:** That planning application 16/00593/FULL be deferred to consider the highways amendment.

**115.                   17/00053/FULL – RETENTION OF AND FURTHER WORKS TO A DETACHED GARAGE  
100 Park Road, Gosport, Hampshire, PO12 2HH**

Consideration was given to the report of Head of Planning Services requesting that consideration be given to planning application 17/00053/FULL.

Mrs Jones was invited to address the Board.

Members were advised by the Deputy Head of Planning Services that he had circulated photographs of the site taken that morning which provided a clear picture of the properties and detailed the boundary of 96 and 100 Park Road.

Mrs Jones advised the Board that she lived at 96 Park Road, next door to 100 Park Road.

Mrs Jones advised Members that the original planning application approved the garage with a plain northern elevation, however it had now been built with a glass side door in the Northern elevation, 1.3m from her boundary fence and 4.2m from the rear of her property opening towards the most private area of her garden which was accessed by patio doors from the ground floor lounge.

Mrs Jones advised the Board that her boundary fence was horizontal which allowed light, sound and vision through. Mrs Jones further stated that her plot was 7.5 wide, half the width on no.100 as can be seen in the drawings and photographs circulated to Members.

Mrs Jones advised that she felt that it was reasonable to expect some activity along the boundary. However, given the disproportionate width of the gardens, the location of the side door so close to her boundary would increase and concentrate activity that would otherwise be spread over the wider area of the garden of no. 100 thus having an additional and negative impact on her privacy.

Mrs Jones advised that when assessing the northern elevation in the original approved planning application the Planning Officer had concluded that 'the proposed garage would not include any windows in the northern elevation. Therefore it is considered that it would have no impact on the outlook, privacy or access to light for the occupants on no.96, thus complying with policy LP10'.

Mrs Jones therefore stated that clearly with regards to impact on privacy, no opening and a plain northern elevation was considered in line with Policy LP10 of the Local Plan. Mrs Jones further went on to advise that when assessing the northern elevation in the retrospective planning application 17/00053, the Officer stated 'it is not considered that the use of the door would have any additional impact on the privacy of the occupants on no. 96 over and above the continued use of the space as part of a residential garden and therefore complied with LP10'.

Mrs Jones stated that this clearly contradicted the assessment of the original planning application to which the garage should have been built and advised that she appreciated that each application was taken on its own merit but that this was the same garage, the only difference was that now the garage had been built the Planning Department was dismissing the impact upon the privacy of an opening in the northern elevation.

Mrs Jones further stated that running a stationary vehicle or using noisy machinery in the garage with the side door open would funnel concentrated levels of noise and fumes directly towards her garden and ground-floor lounge, over and above that which one might reasonably expect from the same activity taking place in an open environment or if there were no door in the north elevation. This would be contrary to Policy LP10.

Mrs Jones stated that the Planning Department disregards LP10 stating that these issues would be dealt with under Environmental Health legislation. She, however, disagreed as the location of the side door and its impact upon neighbouring properties was a planning decision and should the door remain it would have a negative impact that could lead to environmental health disputes in the future.

Mrs Jones advised the Board that other garages in the area did not have side doors opening onto the boundary with the neighbouring property therefore it was out of character with the area. She further stated that a side door of the south elevation as per the original approved application would be at least 10m from boundaries to the south and would not cause harm to any neighbours.

In conclusion, Mrs Jones stated that all of the issues raised would be negated if the north elevation of the garage were to be plain as per the original approved planning application and therefore respectfully requested that should Members approve the retrospective application, that it is with the enforceable condition that the north elevation of the garage is plain without windows or doors.

A Member asked for clarification on what reason was given for the garage door to be moved from the southern elevation to the northern elevation. The Planning Officer advised that there had been no specific request as this was a new application, however the gap at the side of the garage led down to a sideway which, the applicants had chosen to put the door on the north elevation for their own convenience.

A Member therefore proposed that the application be approved but only with the door on the southern elevation.

Following the proposal, the Council's legal officer reminded members that they could only approve the application in front of them and could not amend the proposal.

The Head of Planning Services advised that if Members had concerns regarding the application then a planning condition could be imposed to control the location of the side door.

Following this, Members felt that the applicant should be in attendance in order to address concerns from their neighbours and to have an opportunity to explain why the location of the door had been moved.

It was therefore agreed that the application be deferred to enable the applicant the opportunity to attend.

**RESOLVED:** That planning application 17/00053/FULL be deferred for negotiations with the applicant

**116.                    17/00002/FULL – ERECTION OF TWO-STOREY DWELLING FRONTING ANGLESEY ARMS ROAD (LISTED BUILDING IN CONSERVATION AREA) (as amended by Ecology Report dated 03.02.2017 and plans dated 16/03/17) Land Rear of 22 Crescent Road, Gosport, Hampshire, PO12 2DH**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00002/FULL.

Members were advised that a further letter of representation had been received which reiterated points raised in relation to the impact on the existing flats. Members were advised that there was no change to the recommendation.

**RESOLVED:** That planning application 17/00002/FULL be approved subject to the conditions of the report of the Head of Planning Services.

**117.                    17/00003/LBA – LISTED BUILDING APPLICATION – ERECTION OF TWO-STOREY DWELLING FRONTING ANGLESEY ARMS ROAD (Conservation Area) (as amended by plans dated 16/3/17) Land Rear of 22 Crescent Road, Gosport, Hampshire, PO12 2DH**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00003/LBA.

Members were advised that a further letter of representation had been received which reiterated points raised in relation to the impact on the existing flats. Members were advised that there was no change to the recommendation.

**RESOLVED:** That planning application 17/00003/LBA be approved subject to the conditions of the report of the Head of Planning Services.

**118.                    ANY OTHER BUSINESS**

The Chairman thanked Members and Officers for their help and support over the past Municipal Year.

The meeting concluded at     19:24

CHAIRMAN

**A MEETING OF THE REGULATORY BOARD  
WAS HELD ON 18 MAY 2017**

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

**1. APOLOGIES**

Apologies for non attendance were received from Councillors Ronayne and Raffaelli.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. DEPUTATIONS**

There were no deputations.

**4. PUBLIC QUESTIONS**

There were no public questions.

**5. ELECTION OF CHAIRMAN**

RESOLVED: That Councillor Jessop be appointed as Chairman of the Regulatory Board for the Municipal Year 2017-2018.

**6. ELECTION OF VICE-CHAIRMAN**

RESOLVED: That Councillor Allen be appointed as Vice-Chairman of the Regulatory Board for the Municipal Year 2017-2018.

The meeting concluded at 5.25pm

CHAIRMAN

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

**31st May 2017**

### **ITEMS WITH RECOMMENDATIONS**

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

<b><u>Item</u></b>	<b><u>Page No</u></b>	<b><u>Appl. No.</u></b>	<b>INDEX</b>	
			<b><u>Address</u></b>	<b><u>Recommendation</u></b>
01.	03-06	17/00053/FULL	100 Park Road Gosport Hampshire PO12 2HH	Grant Permission subject to Conditions
02.	07- 14/1	16/00593/FULL	Finsbury Cars Privett Road Gosport Hampshire PO12 2SU	Refuse
03.	15-20	17/00113/FULL	78 Clayhall Road Gosport Hampshire PO12 2AJ	Grant Permission subject to Conditions
04.	21- 28/1	16/00602/FULL	Land To The Rear Of 107 Elson Road Elson Road Gosport Hampshire PO12 4AA	Grant Permission subject to Conditions
05.	29-32	16/00457/FULL	Land Adjacent 9 Monroe Close Gosport Hampshire PO12 2RT	Grant Permission subject to Conditions
06.	33- 40/1	17/00153/FULL	Delden Fort Road Gosport Hampshire PO12 2DT	Grant Permission subject to Conditions
07.	41-44	17/00114/DETS	Alver Valley Country Park Western Gateway Cherque Way Lee On The Solent Gosport	Grant Permission subject to Conditions
08.	45- 50/1	17/00055/GR3	84 North Street Gosport Hampshire PO12 1DJ	Grant Permission subject to Conditions
09.	51-54	17/00056/LBA	84 North Street Gosport Hampshire PO12 1DJ	Grant Listed Building Consent subject to Conditions

**ITEM NUMBER: 01.**  
**APPLICATION NUMBER: 17/00053/FULL**  
**APPLICANT: Mr Patrick Allen**  
**DATE REGISTERED: 20.02.2017**

**RETENTION OF AND FURTHER WORKS TO A DETACHED GARAGE**  
**100 Park Road Gosport Hampshire PO12 2HH**

***The Site and the proposal***

1. This application was considered by the Regulatory Board on 12th April 2017 when Members resolved to defer it for negotiations with the applicant prior to the next meeting of the Board.
2. The application property is a detached two storey dwelling positioned to the west of Park Road on a site measuring 67m long and 15m wide. The property is set back from Park Road by 8m and is broadly central with approximately 3.5m between it and the boundaries on either side. Historically there was a detached garage to the rear of the property along the northern boundary but this no longer exists. The northern boundary of the site has hit-and-miss fencing (whereby the boards are alternately fixed to the front and back of the panel creating some over-lap and some narrow spaces) along it which is slightly higher than 2.0m and there are areas of taller planting along it. The property is within an area of similarly aged and sized residential properties with limited spacing between the plots creating a densely developed street scene. The individual properties have separate design features but the majority are brick built with slate or tile roofing. There are no tree preservation orders within the immediate vicinity of the application site.
3. To the north of the site is 96 Park Road; it is a three storey detached property, although the overall height is not more than half a storey higher than the application property. It is orientated east - west approximately 1m from the shared boundary. No. 96 has the majority of its living space on the upper floors with a summer lounge on the ground floor to the rear. There are three ground floor windows, three first floor windows and one second floor window within the southern elevation which faces the application property.
4. Planning permission was granted under 16/00317/FULL in September 2016 for a detached, single storey outbuilding to be used as a garage and to be located 4m west of the application property and 1m - 1.5m from the northern boundary. The approved dimensions were 7.1 metres long by 3.6 metres wide with the ridge height 3.7 metres and eaves at 2.2 metres high and the external brickwork and tiling would match the application property. It was brought to the Council's attention that the garage was not being built in accordance with the approved plans and to attempt to regularise this situation the current application has been submitted for consideration.
5. The garage is completed and is of the same dimensions and materials as the approved scheme 16/00317/FULL. It is also similar in design and style but the pedestrian access door has been moved from the southern to the northern elevation; and the window has been moved from the southern elevation to the western elevation. The garage is still located to the rear of the application property but is now positioned 6.3m west of it, an additional 2.3m away; and the 1m - 1.5m distance between the garage and the northern boundary is retained.
6. The applicant has confirmed that the pedestrian access door has been moved to the northern elevation to allow more direct access from the garage to the driveway without having to negotiate around the corner of the house as would be the case if the door was positioned in the southern elevation.

***Relevant Planning History***

16/00317/FULL - erection of detached garage (as amended by plans/letter received 15.08.16) - permitted 26.09.16. An objection was raised in relation to the proximity of the proposed garage to the boundary with 96 Park Road. As such the application was originally circulated to Councillors on

the Proposed to be Delegated List on the 12.08.16. Amendments to the location of the garage were submitted; the objection was subsequently withdrawn and the application was determined under delegated authority.

### ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

LP10  
Design

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

### ***Consultations***

Nil

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

1 letter of objection

Issues raised:-

- proximity of main garage entrance and pedestrian side door to windows (first floor kitchen/diner and ground floor living room) and garden of 96 Park Road and the impact of noise, light and air pollution from use of the garage;
- potential of crime as the door in the north elevation and window in the west elevation do not benefit from natural surveillance and the use of flood lights, cameras and alarms would increase the noise and reduce the privacy of the occupants of 96 Park Road;
- impact of the proposal on the holly tree close to the shared boundary between 96 and 100 Park Road, does not comply with Policy LP41 of Gosport Borough Local Plan 2011-2029.

### ***Principal Issues***

1. Any noise, light or smell nuisances that occur in relation to the use of the building as a residential garage would be dealt with under Environmental Health legislation. The use of flood lights, CCTV cameras and house alarms as part of a residential security system is not part of this application but such measures could be introduced as permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015. The main issues, therefore, are the design of the garage, its impact on the visual appearance of the surrounding neighbourhood and the amenities of neighbouring properties.

2. The garage matches, in terms of style and materials, the associated dwelling house and it would be similar to the garage building already approved under the extant permission in form, size and dimensions. It is therefore considered that the structure, finish and increased set back location ensures that the garage does not impact on the street scene of Park Road, as such it complies with this aspect of Policy LP10 of the Gosport Borough Local Plan 2011-2029.

3. The garage is positioned 1m - 1.5m from the boundary with 96 Park Road behind a 2m high fence. It is not, however, considered that the use of the pedestrian door on the north elevation would have any additional impact on the privacy or living conditions of the occupants of no. 96 over and above the previous use of the space as part of a residential garden. Due to the location of the garage and its relationship and orientation with no. 96 it is not considered that it would impact on the outlook or access to light for the occupants of no. 96. The size of the application site and the relationship between the neighbouring properties to the south and west also means that the garage would have no impact on the amenity of the residents of those properties. It is therefore considered that the proposal would not have a harmful impact on the residential amenity of the occupants of



neighbouring properties thus complying with this aspect of policy LP10 of the Gosport Borough Local Plan 2011 - 2029.

4. The holly tree is a decorative garden tree set back along the boundary between the application property and 96 Park Road on the northern side of the fence. It is not protected by a tree preservation order nor is it considered worthy of formal protection; as such any considered damage to it would be a civil matter and not a material planning consideration. Policy LP41 of the Gosport Borough Local Plan 2011-2029 is only relevant to developments of strategic importance which impact upon the Borough's green infrastructure network. This application is not of strategic importance and the holly tree is part of two well-landscaped gardens which make up a small section of a wider residential garden strip creating a privately and individually managed environment for nature. Any damage to or loss of the tree would not, therefore, be detrimental to the overall natural environment created by the extensive network of residential gardens along the west side of Park Road.

**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:

- A4 Proposed Site Plan
- allen-16-01 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.

2. The commencement of construction relating to the development hereby permitted prevents the approved planning permission 16/00317/FULL being undertaken in accordance with the approved plans. Therefore, no works associated with planning permission 16/00317/FULL shall be undertaken at any time.

Reason - To ensure that there is not an overdevelopment of the site and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.



**ITEM NUMBER: 02.**  
**APPLICATION NUMBER: 16/00593/FULL**  
**APPLICANT: Mr Hugo Adkins**  
**DATE REGISTERED: 27.02.2017**

**CHANGE OF USE FROM CAR SALES TO COMMERCIAL CAR WASHING (as amended by plans received 22.02.17 and 13.04.17)**  
**Finsbury Cars Privett Road Gosport Hampshire PO12 2SU**

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

1. This application was considered by the Regulatory Board on 12 April 2017 where Members resolved to defer it to allow officers the opportunity to consider amended plans relating to highway safety provided by the applicant after the report was published. The amended plans show cleared routes through the site to enable vehicles to leave the site without delay or causing an obstruction in the event that the vehicle waiting bays are full. The amended plans also indicate the aisle width between waiting parked cars within the site has been widened from 6m to 8m to improve maneuverability and reduce the potential for congestion whilst vehicles are manoeuvring, an increased 'keep clear' area within the site to avoid obstruction, the swept paths for vehicles entering and leaving the site via the roundabout and the pedestrian/cycle facilities introduced on the roundabout as part of highway improvements undertaken by the County Council.
2. The site is located within the Urban Area as defined by the Gosport Borough Local Plan 2011-2029 on an unallocated site which has been in employment use for many years, originally as a petrol filling station and more recently as a garage, MOT service centre and car sales. It is located on the southern side of the Cocked Hat Pub roundabout with vehicular access 12m to the west of the roundabout and a separate vehicular exit 35m further along Privett Road to the west of the roundabout. A shared cycle/footpath runs along the site frontage across which vehicles entering and exiting the site have to manoeuvre. It is currently operated as an MOT service centre and car sales with ancillary office with a range of smaller buildings and structures in the south east corner used for storage of parts.
3. North of the site, on the opposite side of Privett Road, are playing fields which are protected open space (Policy LP35 and LP41), form the very south eastern corner of the part of the Settlement Gap (Policy LP3) and are designated as part of the Alver Valley Site of Importance for Nature Conservation.
4. Immediately south of the site, at a level approximately 0.6m lower than the application site, are residential gardens of houses 6 Gomer Lane and 7 Naismith Close respectively.
5. The proposed car wash and valet would be operated from the triangular shaped western part of the site. Capacity for up to 6 vehicles at a time to be serviced by the wash and valeting facilities is shown on the submitted plans. It is proposed to operate the car wash 7 days a week between the hours of 9am and 6pm Monday to Saturday and 10am to 4pm on Sundays. A 3m high acoustic barrier would be located close to the southern boundary but set off by 1m to provide some landscaping/tree planting in between. The existing access and egress arrangements are not proposed to be altered as part of the proposal. The existing MOT servicing centre would continue to operate from the site, but the car sales element of the business would be reduced and operate from the eastern part of the site only.
6. The site is 100% hardstanding with a retained surface water drainage system including attenuation tanks with filtration systems to accommodate water from the site and ensure the removal of pollutants before it being passed back into the piped drainage network at a regulated rate.

7. The former underground petrol storage tanks were fully decommissioned in accordance with the requirements of Environmental and Health and Safety regulations at the time the petrol station ceased activity.

8. The application is accompanied by a noise report which has assessed the existing background noise levels and indicated the noise levels likely to be generated as a result of the car wash being operational. The 'noise map' which forms part of the noise report includes anticipated noise levels at the facades of adjoining residential properties and the rear garden areas.

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

94/00375/FULL - alterations to existing sales building to include new shopfront and internal provision of jetwash facility (as amplified by letters dated 18.08.94 and 09.09.94) - permitted 28.09.1994

98/00356/FULL - use of part of forecourt for car display and sales and erection of 1.2metre high boundary fencing (as amended by plans received 16.06.99) - permitted 15.07.1999

00/00387/FULL - use of part of forecourt for car display and sales and erection of 1.2metre high boundary fencing (amended scheme) - refused 22.06.2000

01/00432/FULL - change of use from petrol filling station, workshop & car sales to car sales, Mot station & associated repairs (as amended by letter dated 19.11.01 & plans received 20.12.01) - permitted 16.01.2002

07/00077/OUT - Outline - erection of a convenience store (Class A1) with 5no. flats above, alterations to access to Classified Road (B3333) and associated parking (as amplified by letter dated 23.02.07 and email dated 9.3.07) - refused 28.03.2007

16/00312/FULL - Change of use from car sales to car wash and valeting and erection of new 2.4m high acoustic fence/spray screen adjacent to southern boundary (as amended by plans and additional information received 09.09.16 and 18.11.2016) - withdrawn 07.12.2016.

### ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

- LP46  
Pollution Control
- LP47  
Contamination and Unstable Land
- LP1  
Sustainable Development
- LP10  
Design
- LP23  
Layout of Sites and Parking

National Planning Policy Framework (NPPF), March 2012

### ***Consultations***

Environmental Health

The noise map shows the average noise level (Leq) at the nearest noise sensitive property is predicted to not exceed 49dBA, compared to a current background noise level of 47dBA (L90, i.e. the level exceeded 90% of the time). Assuming a reduction in noise from an open window of 10 to 15dBA,

the resultant internal average noise level will therefore be in the order of 32 to 37dBA. These noise levels would be acceptable during the daytime (and the hours proposed for operation of the carwash). In the garden of the property, at head height, noise levels are predicted to be between 42 and 46dBA (Leq). This is less than the current background and compares favourably to World Health Organization guideline levels for outdoor noise of 55dBA for the minimisation of annoyance.

The comments above only interpret the findings of the noise assessment (the sections specifically referenced) and try to put them into some context. Sources of noise from the car washing facility may be audible outside the boundaries of the site.

It is recommended that consideration be given to requiring (through a planning condition) noise monitoring following the change of use in order to demonstrate operation of the car washing facility has not given rise to noise levels (LAeq) at the nearest noise sensitive receptor - measurement positions to be agreed - exceeding the current background noise level (LA90). Should average noise levels be shown to exceed the current background noise level then additional mitigation measures should be installed to bring the average levels down to at least the current background of 47dBA.

#### Local Highway Authority

The Highway Authority previously raised concerns over the likely highway safety implications of the proposed development if it were to be undertaken. Whilst further information has been submitted by the applicant, this does not alleviate the highway authority's concerns regarding the proposals.

The objection relates to the intensification of use of the sub-standard access/egress arrangement and the lack of suitable internal stacking capacity within the site to cope with the peak demands resulting in a considerable highway safety risk.

Multiple site visits have been undertaken during working hours on weekdays but also at weekends. No vehicles have been observed entering or leaving the site during these visits.

Whilst the applicant has submitted information in an attempt to demonstrate forward visibility on approach to the site access exists, in practice the situation remains a concern.

It is not considered the amended plans overcome the fundamental highway safety concerns.

The objection of the Highway Authority remains.

Southern Water

No objection but highlight that it is for the applicant to make suitable provision for the disposal of surface water and there would be a need for the applicant to apply for a connection to the foul sewerage system.

Environment Agency (Hants & IOW)

No response received.

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

10 letters of objection received.

Issues raised:-

- the new fencing will be overbearing by reason of height and proximity to the boundary;
- jet washers and vacuum cleaners will cause noise, pollution and dust;
- additional traffic will cause more congestion and be a danger to highway safety because of the position of the access;
- increase risk of accidents on the roundabout due to traffic turning into the site or backing up waiting to turn;
- the access crosses a designated cycle route and is too close to the roundabout;
- build-up of dirt and debris from the washing of cars may block the drains;
- the current use is Sui Generis and there is no permitted change to the proposed use;
- the title deeds for the site contain a clause preventing uses which may cause disturbance to nearby occupiers;
- the rationale for refusing the mixed use scheme in 2007 still remains valid;
- the proposals are contrary to the Local Plan;
- the site is visually prominent and should be subject of a development brief;
- application has ignored the drainage requirements of the site given the waste water will be industrial waste and requires a licence from the Environment Agency to discharge into the foul sewer;
- the proposals will result in significant environmental impacts which have not been considered;
- there is insufficient capacity in the sewerage system to handle the volume of water associated with such a use;
- no consideration has been given to what may be present on the site as a legacy of previous uses;
- the noise reports includes a number of inconsistencies, errors, omissions and inaccuracies which give no confidence in its findings;
- there are already other similar facilities nearby and there is no need for another one;
- these sites are usually visually poor and untidy and detract from the character of an area;
- the activity associated with these uses are not suitable in such close proximity to residential properties;
- acoustic barriers are ineffective for this type of scheme due the scientific fact that sound waves are diffracted (bend round an obstacle) rather than being deflected or contained;
- proposed operating times (7 days a week) are unneighbourly;
- the proposals will be detrimental to local residents' quality of life;

- the vehicle crossover/access requires vehicles to cross over a pedestrian route used by large numbers of school children;
- potential impact on wildlife given proximity to the S.I.N.C;
- the flurry of support letters come from people who are not immediate neighbours, many live some distance away including outside the Borough. Many of the comments are factually incorrect. For example several people state that distances of several miles would need to be travelled to find an alternative car wash. The facts are, there are 3 existing car wash facilities, all less than 1.5 miles away from Privett Roundabout. The closest is a newly opened facility at Tesco Supermarket on Grange Road (less than 0.75 mile North), a 2nd at the Shell Petrol Station, Privett Rd (1 mile East) & a 3rd on Dock Road (1.5 Miles East).
- the comments give little attention to the increased risks associated with heavier traffic activity and backup queues at Privett Roundabout. Nor do they consider the additional hazards this will present to the large numbers of Bay House students crossing at the roundabout more than three times every working day (morning, afternoon & several times during the day to gain access to the playing fields at Military Rd). The risk that this development could precipitate an accident black-spot is shared by HCC Highways.

15 letters of support received.

Issues raised:-

- benefit to locals who do not have time to drive miles to the nearest alternative;
- ideal location as you do not have to get stuck in traffic jams on the A32 to get to it;
- supports a local business;
- ideal location for a car wash;
- ample space for cars to enter and leave the site;
- there has been a garage with car wash facility on this site for decades;
- the business is highly thought of locally, is well run and keeps the site/cars clean and tidy;
- the council should be supporting local businesses not preventing them from providing needed services.
- HCC Highways and Ecology raised no objection to the previous car wash application.
- the noise report states there will be no adverse impact on neighbours.
- other car washes in the area operate safely and have not caused traffic problems, there is no reason why this one would be different.
- there would be no increase in the likelihood of accidents at the roundabout;
- the road safety aspects of this site are far better than at the existing Grange Road site;
- the proposals accord with the NPPF which promotes economic growth and supports business.

### ***Principal Issues***

1. The Local Plan accords with the NPPF in its support for economic growth and the support of local businesses. The Council has adopted a positive and pro-active approach to supporting local businesses and one of the key priorities of the local plan is the retention of existing businesses and the establishment of new businesses within the Borough to reduce to current level of trips out of the Borough. However, new development proposals must accord with adopted policy requirements. The application should be judged on the merits and the unique circumstances of the application site itself. For the reasons set out below the site is not considered to be an ideal location for a car wash notwithstanding the benefits it would bring in terms of employment and the reduced travel demands for some local residents in having a facility closer to home. The noise report indicates there will be an increase, albeit small, in the background noise levels associated with the use, and the County Council, as Highway Authority, has indicated concerns for highway safety as a result of the increased use of the access and egress in such close proximity to the roundabout. The main issues for consideration are therefore highway safety and residential amenity.

2. The site has been in commercial use for many years, historically as a Petrol Station with a jet wash facility close to the southern boundary (approved in 1994) and latterly as a car sales and MOT servicing operation. Commercial activity is therefore established and, given the site is located within the Urban Area boundary, the principle of retaining or providing new commercial uses is acceptable subject to satisfying the relevant criteria of the Gosport Borough Local Plan 2011-2029 with regard to highway safety, residential amenity and character of the area.

3. The proposed car wash use would be likely to introduce significantly greater trips and activity throughout the day than the existing relatively low traffic generation associated with the operation of the car sales. Concerns have been raised that this increase in vehicle movements using an access in such close proximity to the roundabout will conflict with the free flow of traffic and increase the likelihood of accidents and congestion at the junction. Concern is also raised that the level of traffic movements through the roundabout has increased since the site was last used as a petrol filling station in approximately 2001/02.

4. Hampshire County Council, as Local Highway Authority, has reviewed the additional information provided by the applicant but remain of the opinion that the establishment of a commercial car wash on the site would be prejudicial to highway safety. Despite the additional information the Highway Authority remains concerned that at busy periods the limited availability of space within the site could lead to queuing on the highway at the westbound exit of the roundabout. There is also the strong likelihood of vehicles slowing whilst exiting the roundabout to turn into the site which would increase the likelihood of rear shunts. Furthermore, there is no practical way of preventing vehicles turning right into the site immediately across the west bound exit of the roundabout rather than going right-around the roundabout and turning directly in. This manoeuvre increases the potential for road traffic collisions and also, given the width of the road approaching the roundabout from the west, increases the likelihood of queuing traffic. To enter and exit the site cars would need to cross-over a designated and well used cycle and pedestrian path. This route is part of a continuous off road cycle network linking Lee-on-the-Solent and the town centre and is on a school route which has increased levels of usage around school opening and closing times by pupils and parents in addition to general usage during the remainder of the day. Increased movements and potential queuing and obstruction of this route would introduce a potential conflict with safe usage. Based on this advice it is considered that the proposals have not been demonstrated to be in accordance with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

5. The adjacent garden areas of 6 Gomer Lane and 7 Naismith Close are of reasonable size and currently enjoy good levels of sunlight and relative quiet, despite noise being audible from both traffic using Privett Road and the activities associated with the car sales business which includes an ancillary element of car cleaning. Both neighbours whose gardens would be directly affected maintain these spaces to a high standard and gain significant amenity value from sitting out areas placed alongside the shared boundary with the site. The applicant has employed a noise consultant with national experience dealing with car wash schemes and has submitted a revised noise impact assessment which identifies that with the mitigation measures proposed the levels of noise which would be audible within the habitable rooms of adjoining houses and the adjacent garden area would, for the majority of the time, not be audible above existing background noise levels. The report highlights that background noise levels from the nearby highway network are already high and that the manner in which the equipment will be housed and operated on site means that any noise levels above this existing background level will be limited so as to be negligible. The noise assessment indicates the impact on the garden areas adjoining the site will only be a little above existing background noise. The Head of Environmental Health does not disagree with the overall conclusions in the noise report and concludes that the issue of noise is finely balanced. However, in his summary he concludes that 'sources of noise from the car washing facility may be audible outside the boundaries of the site'. The suggested condition of seeing if the existing mitigation is sufficient and if proven not to be requiring further mitigation is not an acceptable condition from a planning perspective. It is not precise, or reasonable and is open ended. It leaves open the possibility of disturbance to the neighbours and an unknown cost to the applicant. Also, the level of further mitigation may not be acceptable in planning terms if it requires an acoustic fence of a height which impacts on the character of the area or the visual amenity of neighbours. Given that the Head of Environmental Health cannot confirm that the site would operate without causing a detrimental impact on residential amenity, and that residents should still expect to enjoy a level of amenity which is not harmed as a result of new development, the proposals remain unacceptable. Therefore, notwithstanding the conclusion of the noise report, the increase in activity and the nature of that activity, including the noise of water on the body of a car at high pressure for extended periods, is considered likely to detrimentally alter the current level of amenity enjoyed by the adjoining residents to the degree where it would be harmful. In coming to this view consideration



has been given to the existing car wash provision which is associated with the car sales. The existing arrangements for cleaning cars for sale are less frequent and involve one individual employed to wash static, unoccupied cars. For this reason, it is considered that the operation of a commercial car wash facility on this site and on this scale (given the proposed daily operating times) represent an unneighbourly use which is contrary to Policy LP46: 3 (Noise pollution) of the Gosport Borough Local Plan 2011-2029.

6. Consideration has been given to limiting the hours during which the use can operate through condition and the potential mitigation of providing landscape screening along the southern boundary to improve the visual impact on neighbours and the surrounding area and also to act as an additional sound buffer. However, no formal submission showing these details has been received and, even if they were, they would be unlikely to fully address the concerns set out above regarding the impact the increased activity and noise would have on the level of amenity currently enjoyed by neighbours in their private gardens.

7. Historic records associated with planning applications submitted to change the use of the former petrol station on the site indicate that the site was fully decommissioned at the time of the closure of the petrol station. As such the use does not represent a threat of pollution in accordance with Policy LP47 of the Gosport Borough Plan 2011-2029.

8. It is confirmed that there is an existing drainage system in place as a legacy of the former use which includes oil and other pollutant interceptors which would prevent such material getting into the drainage network or the affecting groundwater in accordance with LP47 of the Gosport Borough Plan 2011-2029.

9. It is confirmed that the drainage system has holding capacity for surface water and a regulated flow rate for dispersal of surface water that would prevent inundation of the drainage network or cause increased run-off onto adjoining sites in accordance with Policy LP39 of the Gosport Borough Plan 2011-2029.

10. It is not considered the proposals would have any adverse impact on wildlife in accordance with Policy LP44 of the Gosport Borough Plan 2011-2029.

11. The contents of title deeds for the site are not enforceable through the planning process. Therefore the existence of a clause preventing uses which may cause disturbance to nearby occupiers within the deeds would be a private matter to be resolved through civil law.

12. The proposed acoustic fence would be visible above the existing timber fence along the southern boundary of the site when viewed from the neighbouring gardens and rear windows. This fence could be conditioned to be set off the boundary and screened by new planting. This and the change in levels between the sites (the residential gardens sit at a lower level by approximately 0.6m) would mean that its visual impact could be satisfactorily addressed by condition should all other matters be found to be acceptable. Being on the north side of the residential gardens it would not cause any loss of light or shadowing. It is therefore not considered the provision of an acoustic fence in itself would be harmful to the amenities of neighbours or the character of the area.

13. The design of the acoustic barrier, and that of the plant and equipment required to facilitate the proposed use, could be controlled through condition to ensure the site retains an appearance appropriate for its location in compliance with Policy LP10 of the Gosport Borough Local Plan 2011-2029 in the event that the proposals were considered acceptable in all other respects.

### **RECOMMENDATION: Refuse**

For the following reason(s):-

1. The location of the site on a busy roundabout and the intensification of vehicular activity associated with the proposed commercial car wash business would increase the likelihood of road traffic collisions and introduce additional conflict with pedestrians and cyclists using the adjoining cycle/footway to detriment of highway safety and contrary to Policies LP10 (2) and LP23 of the Gosport Borough Local Plan 2011-2026.

2. The proposed commercial car wash business, by reason of its scale, operating times and the level of activity associated with it in immediate proximity to the boundary of residential properties represents an unneighbourly form of development resulting in levels of noise and disturbance which would be harmful to the amenities currently enjoyed in their rear private garden areas by the occupiers of adjacent properties contrary to Policy LP 46 (3) of the Gosport Borough Local Plan 2011-2029.

**ITEM NUMBER: 03.**  
**APPLICATION NUMBER: 17/00113/FULL**  
**APPLICANT: Mr Norman Taylor Wadworth & Co Ltd**  
**DATE REGISTERED: 15.03.2017**

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

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

1. The application site has been a public house known as the Fighting Cocks since the mid-18th Century and the building is a locally listed heritage asset. It is a detached two storey, brick and white painted property with a traditional Edwardian frontage wrapped around the north-west corner of the building. To the south (rear) of the property there have been a number of single storey additions and a garden area which is approximately 40-45m long and used as an amenity for the patrons of the public house. This garden area has been shown on historic maps dating to the early 19th Century as part of the application site. Currently it is totally enclosed with a 2.0m high solid wood fence and there are a two Ash trees to the south-east corner of the garden which are protected by a Tree Preservation Order (TPO), reference G.61. The existing single storey extension is currently being altered under planning permission reference 16/00377/FULL and is a flat roofed brick built structure, housing the toilets and dining area which extends from the rear elevation of the property by approximately 4.7m. To the eastern edge of the rear elevation a single storey hipped roof structure - has been connected to the application property, and extends to just over 9.0m from the original rear elevation. To the south of this is a single storey detached garage and an area of patio / hard standing.
2. The north elevation of the application property faces Clayhall Road and is built in line with the other residential properties to the east. However between it and those properties there is a group of industrial units set back from the road and surrounded by car parking / open space which extends the full length of the application site. To the west is a footpath heading south across open space approximately 22m wide, and an early-20th Century Church, St Francis'. Wrapping around the Church, open space and application site to the south and west is a housing estate built in the 1960/1970s. The southern boundary of the application site abuts two residential properties 8 Wilberforce Road and 19 St Francis Road. 8 Wilberforce Road is orientated with its side elevation towards the application site and is the most northerly property of a terrace of four; and 19 St Francis Road is orientated with its rear elevation towards the application site and is the most westerly property of a terrace of five.
3. Within the rear garden of the application site is some play equipment which takes the form of a wooden structure of two parts linked by a bridge. The play equipment is positioned along the west boundary of the site and is 11.3m away from the south boundary. It has replaced a fibreglass and plastic 'hollow tree' play structure which included a slide, swing and a raised platform section, similar in height to the play equipment that forms part of this application. The 'hollow tree' was situated to the west of the garden approximately 30m from the southern boundary. The play equipment has two parts which are 1.5m square and include a raised platform and a pitched roof. The southerly one has a boat structure at ground level and the northerly one has a slide off of it, both have ladders up to the platforms. The overall height of the wooden structure is 3.14m with the raised platforms and bridge at a height of 1.36m from the ground and the eaves of the pitched roofs are 2.3m above ground level. The area around the play equipment has been covered in bark and fenced off from the rest of the garden with an approximately 1m high undulating picket fence and gate. The picket fence joins a previously built dividing fence to the south, which is made of solid wood panels approximately 1.2m in height, with an approximately 1.8m high section to the west. The picket fence does not require planning permission as it is permitted development.

4. Retrospective planning permission was granted under reference 16/00401/FULL to retain the play equipment as well as extend the height of the boundary fence around all sides of the rear garden by 0.6m in October 2016. This permission was subject to conditions requiring the fence to be completed within 3 months of the date of the decision and that the play equipment's use limited to the hours of 1200-1800.

5. After approval was granted, however, it became evident that the boundary fence along the south and east sides of the rear garden were not within the ownership of the applicant and therefore the works to the fence cannot be completed in accordance with the planning permission.

6. The proposal seeks to retain the existing play equipment and to erect a new 2.6m high wooden fence and laurel hedge along the southern edge of the rear garden in front of the existing boundary fence only. It does not seek to extend or alter the fencing along the east or west boundaries of the rear garden. The application is supported by a Design and Access Statement.

7. A Garden Management Plan was submitted on the 10.05.17 in attempt to justify the need for an extension to the previously conditioned times of use for the play equipment as the limitation is having a negative economic impact on the public house business. It also included a structured action list for how they intend to manage the wider garden area in relation to activity related to the public house.

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

16/00401/FULL - retention of play equipment and erection of additional fencing - granted 21.10.16

16/00377/FULL - erection of single storey rear extension (as amplified by letter received 01.09.16) - granted 21.10.16

### ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

LP10

Design

LP13

Locally Important Heritage Assets

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

### ***Consultations***

Environmental Health

No objection but with a condition ensuring the Garden Management Plan use times is adhered to. Should the permission be granted and problems arise, Environmental Health has Statutory Nuisance legislation it could then enforce which is supported by a 24 hour response service. However with effective management at the premises this should not become necessary.

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

3 letters of objection (to original application)

Issues raised:-

- noise nuisance from children whilst on the play equipment
- noise nuisance from the pub in general and amplified music
- the play equipment's proximity to neighbouring residential properties is overbearing and reduces privacy
- picnic tables have been moved closer to neighbouring properties
- play equipment is not a replacement of the original equipment
- lack of car park and excessive on-road parking
- children not properly supervised
- patrons of the pub smoke, loiter and drink on the pavement
- this type of pub is inappropriate in a quiet residential area
- Gosport already has parks and play areas for children so no need for a play area in the pub beer garden
- the applicant is making a mockery of the planning process by not complying with their original permission, ignoring previous conditions and then reapplying
- it is inconceivable that the applicant, tenant or agent were unaware of the ownership of the boundary fencing
- The Regulatory Board have already considered the hours of use
- no restriction to age or height of users of the play equipment
- an increase in fence height on the southern boundary will not stop noise

1 letter of objection (post submission of Garden Management Plan)

Issues raised:-

- no monitoring of the play equipment occurring
- no details of staff training
- lack of relationship building with neighbours

### ***Principal Issues***

1. The playing of amplified music; patrons' behaviour and ability to supervise their children; the pub's management policy; the motivations of the applicant in submitting this application and their previous knowledge or lack thereof in relation to who owns which boundaries are not material planning considerations. The age and / or height of users of the play equipment would be limited by the safety parameters as laid out by the manufacturer of the equipment and would be controlled by the insurance requirements of the public house. The availability of public parks within the Gosport area is not a material consideration because this application is concerned with the provision of facilities for the patrons of the application property only. The positioning of moveable picnic tables within the rear garden of the application site would not require planning permission.

2. The replacement of one type of play equipment for another larger one within an established pub garden does not materially alter the use of the application site as a public house and so in planning terms cannot be considered to materially increase the car parking requirements of the application property. No additional parking provision, therefore, can be secured through this application. The existing position of the play equipment has not, and the fencing would not, impact on the trees protected by the TPO. The other trees within the site have been assessed and are not considered appropriate for protection by TPO.

3. The main issues in this case, therefore, are the appropriateness of the play equipment and the new fence along the southern boundary; their impact on the appearance of the locality and the locally listed building, and the impact of the play equipment, fencing and the extension of hours of use for the play equipment on the amenities of the occupiers of adjacent properties.

4. The built play equipment is of a style and design which is purposeful and functional, and the application site has had children-specific play equipment in the garden for a number of years, although it is noted that this was smaller and closer to the building. The open wooden structure is more in keeping with the garden location and locally listed building than the previous play equipment, a large brightly coloured plastic tree. It has been positioned in the garden at a sufficient distance to respect the setting of the main building whilst still offering a relationship with the existing outside seating areas. The pitched roofs are visible over the fence by users of the footpath to the

west of the site but are not considered overly intrusive or overwhelming in relation to the visual appearance of the application site of the setting of locally listed building. The proposed fencing would be to the north of the existing southern boundary fence and the top 0.6m would be visible over this, however it would be of a similar style and finish so would not significantly impact on the appearance of the application site as a whole. The laurel hedge, although not requiring planning permission in itself, is a welcome visual addition as it will soften the impact of fence in relation to the application property as it matures. It is therefore considered that the play equipment and the proposed additional fencing would not harm the significance of the locally listed building and would not have a harmful impact on the appearance of the locality, so would comply with Policy LP13 and this aspect of Policy LP10 of the Gosport Borough Local Plan 2011-2029. Further to this, it should be noted that although the purpose of the fence is not to mitigate noise there is potential that the Laurel hedge, when matured, could offer some noise absorption.

5. Due to the distances involved it is considered that the location of the play equipment would have the potential to physically impact only on the properties adjacent to the south boundary of the site, 8 Wilberforce Close and 19 St Francis Road, in relation to the proximity of the play equipment compared to the position of the previous equipment. The most southerly platform is approximately 11m away from the side elevation of 8 Wilberforce Close. There is a singular high level first floor window in this elevation and the existing fence and trees screen the garden and property. This screening will be increased by the proposed 2.6m high fence. There is a 25m distance from the most southerly platform of the play equipment to the westerly corner of the north, rear elevation of 19 St Francis Road. In accordance with the Gosport Borough Council's Design Supplementary Planning Document, this exceeds the recommended separation distance between two directly opposite structures with first floor views (the example in the Design Document is that of dwellings and windows). Taking into consideration the eaves height of the play equipment which is 2.3m and 0.3m lower than the proposed fence height, the southerly position of the adjacent dwellings to the play equipment and the distances involved it is considered that the play equipment would not harm the privacy of the adjacent neighbouring properties. The proposed fence would likely improve the privacy of the properties adjacent to the southern boundary as it would increase the physical barrier height between them and the users of the application property's garden area in general. It is also considered that due to the orientation and relationship with the neighbouring properties the play equipment and proposed fence would not have a visually overbearing effect or impact on the access to light for the occupants of adjacent properties.

6. It is noted that the application does not propose to increase the height of the fencing to the east or west of the rear garden as originally approved under permission reference 16/00401/FULL. However as the land on either side is not sensitive in terms of private open space related to residential development it is not considered necessary for the height of these fences to be altered to mitigate any privacy / overlooking issues.

7. The main impact of the proposal on residential amenity would appear to be the noise from the application site and the perceived increase in this since the completion of the new play equipment. The Environmental Health Service (EH) have confirmed that no other noise complaints have been raised in relation to either the play equipment or the application site as a whole since the approval of planning application reference 16/00401/FULL; however they are aware that the time of year may have impacted the use of the play equipment as well. However it is the EH's consideration that the actions laid out within the Garden Management Plan would enable proper management of the play equipment. They have also confirmed that they will monitor the source of noise should they have reason to investigate any noise complaints at the application site to enable proper recording should the noise be directly related to the play equipment.

8. The GMP includes a number of actions for the future management of the garden including liaison meetings with surrounding residents and staff training which are commendable as they seek to prevent public nuisance and to protect child users of the garden from physical harm linked to the use of the application property and site as a public house. These matters, however, would be more appropriately considered under the licensing legislation and not planning legislation. The GMP does specify hours of use and the signage specifications which would be considered appropriate methods of enabling proper use of the play equipment as such can be conditioned to mitigate the

harm to the amenity of the occupants of the neighbouring properties and therefore ensure the proposal complies with this aspect of Policy LP10 of the Gosport Borough Local Plan 2011-2029.

**RECOMMENDATION: Grant Permission**

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

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

2017017 001 and 2017017 002

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 approved fence must be completed within 1 month from the date on which this permission is granted.

Reason - In the interest of the amenity of occupants of neighbouring residential properties, 8 Wilberforce Road and 19 St Francis Road, in relation to overlooking, and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

3. The materials to be used in the approved fence shall match in type, colour and texture, those on the existing boundary fence to the south of its location unless otherwise agreed in writing with the Local Planning Authority.

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

4. The external area hatched green on the approved plan 2017017 001 shall be operated in accordance with the times laid out in the approved Garden Management Plan dated 10th May 2017.

Reason - In the interest of the amenity of neighbouring residential properties and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

5. No external lighting of the play equipment shall be erected.

Reason - In the interest of the amenity of neighbouring residential properties and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

6. The details of the permanent signage as described in the approved Garden Management Plan dated 10th May 2017 shall be submitted to the Local Planning Authority within 1 month from the date on which this permission is granted. The permanent signage shall be erected within 1 month of the details being approved, in writing, by the Local Planning Authority and thereafter retained.

Reason - In the interest of the amenity of neighbouring residential properties and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.





**ITEM NUMBER: 04.**  
**APPLICATION NUMBER: 16/00602/FULL**  
**APPLICANT: Mr Luke Walker**  
**DATE REGISTERED: 22.12.2016**

**ERECTION OF BUILDING TO PROVIDE 4 NO. TWO BEDROOM FLATS AND 2 NO. ONE BEDROOM FLATS WITH ASSOCIATED PARKING, BIN AND CYCLE STORAGE AND LANDSCAPING (as amended by plan received 23.01.17)**  
**Land To The Rear Of 107 Elson Road Elson Road Gosport Hampshire PO12 4AA**

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

1. The application site is located on the southern side of Elson Road and consists of land to the rear of number 107 Elson Road, which is a two storey building located within the Elson Road Neighbourhood Shopping Centre. Number 107 was formally the western half of a pair of semi-detached dwellings and now consists of a Class A1 retail unit at ground floor level and residential flat above. It has a flat roofed single storey rear projection that is 10m deep. The adjoining property, number 109, is currently a Fish and Chip Shop/Takeaway (Class A5) similarly with a flat over. There is a two storey residential dwelling to the west that is separated from 107 Elson Road by an approximately 3.75m wide shared driveway. To the north east of the site is Number 111 Elson Road that formerly operated as the Jack in the Bush public house. To the south of the site, set off the boundary by approximately 6.5m, is the Elson County Infant School, beyond a boundary of mature planting and trees. To the west of the site are the rear gardens of two storey properties that front Elson Road and Elson Lane.

2. On the southern side of Elson Road, the Neighbourhood Shopping Centre is characterised by two storey buildings with commercial uses at ground floor level and residential accommodation above. Many of the buildings in the locality have been extended at both ground and first floor level. Some have rear garden areas in the region of 20m to 25m in length. Whilst the buildings fronting this section of Elson Road are, for the most part, two storey, the locality is also characterised by larger, flatted residential development, set back from the highway. To the east and south-east of the application site, and set back over 30m from Elson Road, are the three storey flatted developments of Beaumont Court and Irwin Heights. These blocks of flats have pitched roofs with small areas of shared amenity space and formal areas of parking/associated garage forecourts. There is a bus stop within 30m of the site, with services to Gosport and Fareham Town Centres. Elson Recreation Ground, which is designated as an area of Open Space on the Policies Map, is located approximately 150m to the east.

3. Planning permission was granted in 2016 relating to 111 Elson Road and the land at the rear, under reference 15/00230/FULL, for the erection of a building to provide 4 two bedroom flats, 1 two bedroom maisonette and 1 one bedroom flat with associated parking, bin and cycle storage and landscaping. The approved building is L-shaped and positioned in the south-eastern corner of the site, adjacent to its eastern boundary. This development has commenced but is not yet completed. Vehicular access into this site is via an approximately 4.5m wide access road which passes between the side elevations of numbers 109 and 111 Elson Road.

4. The site defined within this application was formerly part of the rear garden areas of numbers 107 and 109 Elson Road. The site is approximately 18m wide and 27.5m deep. It is adjoining the land subject to planning permission reference 15/00230/FULL and is under the same ownership and also includes the single width access road from Elson Road which passes between the side elevations of numbers 109 and 111.

5. The proposal is for the erection of a building to provide 4 no. two bedroom flats and 2 no. one bedroom flats with associated parking, bin and cycle storage and landscaping. The proposed building has a similar footprint and appearance to that approved and under construction on the adjacent land. It would be sited within the south western corner of the site and would be orientated east-west. It would be 21.8m long and 5.9m wide and would be sited 0.5m to 1.1m from the uneven

boundaries. It would be located over 20m from the shared boundary with number 109 Elson Road to the north. There would be a separation distance of approximately 40m between the western elevation of the proposed building and the opposing rear elevations of the properties to the west which front Elson Lane. The eastern side elevation of the proposed building would be sited approximately 10m from the western elevation of the block of flats under construction at the rear of 111 Elson Road.

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

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

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

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

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

Relating to 107 Elson Road

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

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

Relating to 111 Elson Road

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

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

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

16/00438/VOC - variation of conditions 2 (approved plans), 4 (hard landscaping), 5 (soft landscaping), 7 (car parking), 8 (cycle and refuse storage) of application 15/00230/FULL - erection of building to provide 4 no. two bedroom flats, 1 no. maisonette and 1 no. one bedroom flat with associated parking, bin and cycle storage and landscaping to allow increase in ridge height of

building, alterations to car parking layout and amended cycle and refuse storage provision (as amended by plan and email received 21.10.16, 22.12.16 and 23.01.17) - pending

### **Relevant Policies**

Gosport Borough Local Plan, 2011 – 2029:

LP24

Housing

LP2

Infrastructure

LP10

Design

LP23

Layout of Sites and Parking

LP44

Protecting Species and Other Features of Nature Conservation Importance

National Planning Policy Framework (NPPF), March 2012

### **Consultations**

Streetscene Waste & Cleansing	No objection.
Building Control	Access to site needs to be 3.7m wide to allow for access for Fire Appliance.
HCC Ecology	No objection.
Natural England	No objection. The proposal is likely to increase the level of recreational disturbance along the coast, the impact of which will need to be satisfactorily mitigated.
Local Highway Authority	No objection. The six additional dwellings would likely add between 4 and 6 additional vehicular movements during each of the AM and PM peak periods together with a similar level of pedestrian/cycle trips. In this instance, this level of intensification cannot be considered severe as there are similar arrangements locally which currently serve a similar number of total dwellings. The widening at the site access to allow two cars to pass one another is likely to be suitable to accommodate these further dwellings. It should, however, be noted that the Highway Authority would be unlikely to support any further intensification of this site without physical improvement to the access from Elson Road to improve visibility. The parking provision for this application is provided in line with GBC Parking SPD standards and is, therefore, acceptable. The parking area for both 107 and 111 Elson Road has been amalgamated to provide full car parking and cycle storage collectively for the two development sites which is considered

appropriate. This amalgamation and redesign of the parking arrangements is subject to a separate variation of condition application (reference 16/00438/VOC) which the Highway Authority does not object too. On balance and having regard to the previous permission, the above comments, the previous use with an established access and that local highway circumstances have not changed significantly since the time of the earlier planning application for 111 Elson Road and is acceptable.

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

3 letters of objection (to original plans)

Issues raised:-

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

### ***Principal Issues***

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

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

3. The proposed development has a pitched roof design and is of an overall scale that is comparable to the nearby flatted developments on the adjacent site and in Beaumont Court and Irwin Heights to the east and which, overall, will help to achieve an appropriate level uniformity across the wider site. As the development would be sited to the rear of the properties fronting Elson Road, it would not be readily visible from the public highway. The provision of small, hipped roof, dormer windows adds visual interest to the roof slopes, while the provision of Juliet balconies, pedestrian access doors and the differing materials and finishes will ensure that there is appropriate

level of articulation to the external elevations. The specific external materials will be controlled by condition. There are no trees on the site that are worthy of retention or formal protection. The siting of the proposed development, set back from the road and to the rear properties fronting Elson Road, is characteristic of the adjacent flatted developments and appropriate in this location.

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

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

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

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

8. The parking layout is also subject to the consideration of application reference 16/00438/VOC that is currently pending. The plans submitted, however, show an access and parking layout that can provide a sufficient level of parking of eight spaces in front of the proposed building to serve the proposed development independent of the development at the rear of 111 Elson Road. The overall arrangement and number of the proposed spaces provides flexibility for the occupiers and other users of the sites. Given the above together with the number of parking spaces proposed in addition

to the fact that the proposed flats are one and two bedroom units only, the proposed development will not result in significant overspill parking in the local road network to the detriment of local amenity and/or highway and pedestrian safety. The site is also close to a number of local amenities and good public transport links, which will help to reduce the reliance on the use of a private motor vehicle. The layout of the spaces is such that vehicles will be able to manoeuvre safely and conveniently so as to exit the site in a forward gear. The comings and goings associated with twelve flats in total are unlikely to have a significant or harmful impact on local traffic characteristics or contribute to harmful congestion in the local highway network. Access to the site will continue to be provided safely and conveniently via the existing access and it is proposed to require details of the build outs on the access point to control the use of this access, by condition.

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

10. The proposal will introduce additional dwellings which is likely to result in increased recreational activity on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. To address this impact, a contribution towards appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, is required and will be secured by condition. There is no evidence that the site supports notable or endangered species and none are at threat as a result of the development. The proposal, therefore, complies with Policies LP43 and LP44 of the Gosport Borough Local Plan 2011 - 2029.

### **RECOMMENDATION: Grant Permission**

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

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

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

2. With the exception of the first and second floor windows in the rear elevation, the development hereby permitted shall be carried out in accordance with the following approved plans:

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

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

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

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

4. No development above slab level shall take place until details of the hard landscaping works have been submitted to and approved, in writing, by the Local Planning Authority. These details

shall include samples of the hard surfacing materials and lighting to the car parking area and shall be provided before the development is first occupied and thereafter retained.

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

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

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

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

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

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

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

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

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

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

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

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

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

11. Notwithstanding the details shown on the approved plan, 107ER-LW-003 issue 4, all windows at first and second floor level in the southern (rear) elevation of the building hereby permitted, shall be non-opening and glazed with obscure glass (minimum of level 4) to a height of 1.7m above finished floor level and shall be retained in that condition thereafter.

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

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

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



**ITEM NUMBER: 05.**  
**APPLICATION NUMBER: 16/00457/FULL**  
**APPLICANT: Mr Roland Brewer**  
**DATE REGISTERED: 20.09.2016**

**CHANGE OF USE OF LAND TO GARDEN (as amplified by email received 17.10.16)**  
**Land Adjacent 9 Monroe Close Gosport Hampshire PO12 2RT**

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

1. The application site is located on the south western side of the terminus of Monroe Close. The area is characterised by modern, planned housing with sections of landscaping in between. The area of land, for which permission is sought, is located to the north of the front garden of number 9 Monroe Close, which is a detached dwelling with a vehicular access from the turning head at the end of Monroe Close. The site is a grassed landscape strip that is approximately 16m long and 2m wide. The land separates the front garden from an adopted footpath that leads from Gomer Lane to Monroe Close and contains a lighting column. There is a further strip of land in front of the adjacent property to the west, number 11, and a larger area of open land beyond adjacent to Gomer Lane.

2. The proposal is for the change of use of the grassed area to the north of number 9 Monroe Close to incorporate it into the private garden of that property. It is proposed to plant a hedge upon the land. No other means of enclosure is proposed as part of this application.

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

Nil

### ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

LP23  
Layout of Sites and Parking  
LP10  
Design

National Planning Policy Framework (NPPF), March 2012

### ***Consultations***

Local Highway Authority

No objection. The proposed change of use would not have any direct or indirect impact on the operation or safety of the local highway. It is understood that the proposal includes planting of a low height hedge adjacent to the footway. The owner must ensure that the hedge is maintained so no encroachment onto the adjacent footway occurs. Access to the lighting column must be retained.

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

11 letters of objection

Issues raised:-

- there are covenants requiring the land to be kept open plan
- impact of hedge on underground services
- no details of long term maintenance of the hedge provided

- existing issues with cyclists using footpath
- hedge will harmfully change open character of footpath
- footpath is a main thoroughfare to Gomer and Bay House Schools
- hedge will affect ability of pedestrians to use footpath
- hedge will restrict views onto driveways of Monroe Close and would be harmful in terms of highway and pedestrian safety
- development will make footpath unsafe, particularly at night
- making pedestrian routes unsafe will increase car use

1 petition of objection (88 signatures)

### ***Principal Issues***

1. Covenants are private legal matters between the interested parties. The planting of a hedge does not need planning permission. The impact of hedges on underground services is not a material planning consideration. The applicant will be made aware of their responsibility to allow access to the lighting column on the site by way of an informative. Whether any hedges encroach onto the adopted footpath is a matter for the Local Highway Authority. The main issues in this case, therefore, are the principle of the proposal, the impact of the development on the visual amenity of the locality, the impact on the amenities of the occupiers of the neighbouring properties and highway and pedestrian safety.

2. The existing landscaped area does not make a significant contribution to the streetscene being a relatively small area and of low quality and was previously overgrown. There are also a number of other, larger managed grassed areas close to the property and others areas in close proximity. The application does not propose any built means of enclosure over the land. To ensure that the land remains visually appropriate, a condition is proposed to remove 'permitted development' rights preventing the erection of any walls, fences or other means of enclosure on the land without the need for planning permission. Subject to the above condition, the development would not have a significant visual impact and would not diminish the open character of the estate or visually enclose the footpath that forms a link to the larger area of open land alongside Gomer Lane. The incorporation of the land into the garden of number 9 Monroe Close would not, therefore, have a detrimental impact on the wider character and appearance of the area and would not, visually, be materially different from its current state. The use of the land as garden associated with the application property would not have a detrimental impact on the occupiers of the adjacent properties in terms of disturbance or loss of light, outlook or privacy. Overall, therefore, the proposal is appropriate to this locality and is in compliance with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

3. The adjacent narrow footpath is adopted and maintained at public expense and although the footpath is frequently used by pedestrians for access to and from Gomer Lane, the change of use of the land to private garden would not affect the comings and goings along the footpath. As stated above, planning permission is not required for the planting of hedges and this area could be planted with an uncontrolled amount of trees without the need for a planning application. In order to ensure appropriate level of intervisibility between the users of the adjacent footpath and vehicles manoeuvring to and from the adjacent driveways, however, it is considered appropriate to require the provision of a visibility splay and ensure that the height does not exceed 0.6m through the imposition of a planning condition. Subject to the above condition, the development would not have a harmful impact on highway and pedestrian safety and is in compliance with Policy LP23 of the Gosport Borough Local Plan, 2011-2029.

### **RECOMMENDATION: Grant Permission**

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

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

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

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

Plan A

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

3. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no gate, fence, wall or other means of enclosure permitted by Part 2, Schedule 2, Class A shall be erected on the land outlined in red on the approved plan, Plan A.

Reason - In order to ensure a satisfactory visual appearance and to comply with Policy LP10 of the Gosport Borough Local Plan, 2011 - 2029.

4. The land shall not be brought into use until details of any soft landscaping works have been submitted to and approved, in writing, by the Local Planning Authority. These details should include planting plans, written specifications (including cultivation and other operations associated with plant establishment); schedules of plants noting species, plant sizes, the proposed number/densities and an implementation programme.

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

5. Notwithstanding Condition 3 above, no landscaping or domestic paraphernalia over 0.6m in height above ground level shall be placed or permitted to remain within the areas hatched green on the approved plan, Plan A.

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



**ITEM NUMBER: 06.**  
**APPLICATION NUMBER: 17/00153/FULL**  
**APPLICANT: Mr & Mrs Terry Kellett**  
**DATE REGISTERED: 07.04.2017**

**DEMOLITION OF BUILDING AND ERECTION OF REPLACEMENT DWELLING AND DETACHED DOUBLE GARAGE (CONSERVATION AREA) (as amended by plan received 19.05.17)**

**Delden Fort Road Gosport Hampshire PO12 2DT**

***The Site and the proposal***

1. The application property is a detached two storey, dwelling positioned on the northern side of Fort Road, within the Anglesey Conservation Area. The application site is located between a section of Edwardian development to the south east and more modern housing to the north west. The buildings to the south east vary between two storeys and three storeys in height. The individual designs of these buildings reflect the architectural conventions of their time, with examples of ornate, two storey bay windows and forward projecting gables present. The special architectural and historic interest of a number of the properties (Kinfauns, Singleton, Lisnamandra, Lyndhurst, Solent House, Cramsholme, Fleetlands House and Morfa & Morfa 2) is protected via Article 4 (2) Directions which requires that alterations to the exterior of the buildings that would ordinarily be 'permitted development' need planning permission.
2. The buildings to the north west of the application site consist of a variety of post war suburban development and have a mixture of hipped and pitched roofs, including one, 67 Crescent Road, that has flat roofed sections. There are examples of properties with south facing balconies/roof terraces to the north west, notably at Fort Cottage, however, there is no overriding character in this section of Fort Road.
3. The application site is approximately 64m deep and varies in width between approximately 15m wide at the front and approximately 30m wide at the rear. The existing dwelling is set back from Fort Road by approximately 10m and is set off the north western boundary with Fort Cottage by approximately 1.6m and from Seaforth to the south east by approximately 3m. Delden appeared after 1931 and before 1952, based on map evidence, and sits within a standardised form of suburban housing that began in that era and reflects much of what is familiar in post war design. It is 'L' shaped and has a plain form. It is finished in white painted render under a hipped, tiled roof and has a porch adjacent to the forward projecting section. There is a large chimney on the north western side of the dwelling and a 4m deep conservatory on the western side of the rear elevation. There are no upper floor windows in the side elevations.
4. Fort Cottage, to the north west, is positioned approximately 3m further back and at an angle to the application dwelling. It has a flat roofed, single storey extension with set of doors and first floor bedrooms windows on the south western elevation. There are no openings in the side elevation. This property has a balcony/roof terrace on its north western elevation and a lawned front garden. To the north west, within the former garden of Fort Cottage and fronting Crescent Road, is the newly constructed property, 62 Crescent Road. This property is located in excess of 25m away from the application site. To the south east of the application site is Seaforth which is a two storey dwelling with front and rear dormer windows. It is set forward of the application dwelling by approximately 1m and has a first floor bedroom window in the opposing side elevation. There is an existing access from Fort Road and a private road at the rear which serves the application site and also provides an access to 62 Crescent Road together with Seaforth and Kinfauns that front Fort Road. Beyond the private road is Crescent Gardens. On the opposite side of Crescent Road beyond their boundary walls and mature hedging, are pairs of three storey semi-detached Regency villas with painted stucco elevations. These Grade II Listed Buildings date from the 1830's as does the adjoining grand curved terrace of Grade II\* Listed Buildings known as The Crescent.

5. Planning permission was granted last year, at appeal, under reference 15/00125/FULL for the erection of first floor front, part single storey and part two storey rear extensions, alterations and extension to the roof to form additional living accommodation, the provision of a roof terrace and the erection of a detached double garage.

6. The approved rear extension would have been 3.8m deep at ground floor level and 1.8m deep at first floor level. The ground floor section would have covered the full width of the dwelling. The upper floor section would have been on the eastern side and would have been 8.4m wide. There would have also been a further 2.4m deep glass canopy at the rear. The extension to the front would have consisted of a curved section to infill the area of the existing porch that is adjacent to the forward projecting section. There would have been three first floor windows in the front elevation and three in the rear, as is existing. The central first floor window in the front elevation would have been curved to match the profile of the dwelling. There would also have been a new first floor bathroom window inserted into the south eastern elevation. The roof would have been removed and a roof terrace formed that would have been 0.3m higher than the existing eaves level. Over this terrace, on the south eastern side of the dwelling would have been the upper floor section that would comprise a 2.7m high, 8.1m wide and 7.7m deep section that would have had doors and windows in the south western and north western elevations that open onto the terrace and three windows in the norther eastern, rear elevation. The top of the upper floor section would have been 0.2m higher than the ridge of the existing, hipped roof. Overall, the approved dwelling would have a contemporary, modern, design with flat roof and roof terrace. It would have been finished in white render, highlighting the art-deco influences of the design with the upper floor section being finished in grey zinc. The dwelling would have had dark grey wood/aluminium composite windows and steel rainwater goods. The approved plans show the balcony being set 1.2m from the north western edge of the building and a 1.7m high glazed screen on the north western side and to the area at the rear of the chimney.

7. The approved garage was shown to be set off the north western boundary by 1.8m and approximately 50m from the rear elevation of the extended dwelling. It would have been 6.2m wide and deep. It would be finished in timber cladding and with plain clay tiled roof. The approved plans showed the provision of a vehicular access from the private road at the rear of the site and the creation of a parking area.

8. This proposal is for the demolition of Delden and the erection of replacement dwelling and detached double garage. The new dwelling would be of similar appearance, footprint and scale to that approved and set back from Fort Road by the same distance. The north western side elevation would now be angled to follow the line of the adjacent site boundary and, as a result, the new dwelling would be 13.1m wide at rear, rather than 12.3m wide, as previously approved. The approved building would have been 10m deep on the western side and 11.8m deep on the eastern side at ground floor level and 6.3m and 9.8m deep at first floor level respectively. The proposed dwelling would, however, be 8.5m deep on the western side and 10.4m deep on the eastern side at ground floor level and 8.5m and 10.3m deep at first floor level respectively. The proposed plans do not include the previously approved flat roofed rear section or the 2.4m deep glass canopy at the rear. The proposed dwelling would have a 0.5m wide curved projection on the south eastern elevation and windows with a greater horizontal emphasis in the front elevation and a chimney that would be 0.8m lower than approved. The window in the upper floor north western side elevation of the proposed dwelling has been omitted. The glazing in the rear elevation would now consist of a large glass wall on the western side, a tall window over the three floors of accommodation, a ground floor window, first floor window and two at third floor level.

9. The proposed upper floor section would be 0.6m wider and 0.21m deeper than previously approved and would have a curved appearance rather than square. The roof would have two flat roof sections with the highest being 0.5m higher than approved. The terrace would be set back from the western edge of the building by 2.8m, which is 1.6m further than the approved scheme. It would be 4.7 deep rather than 5.6m and the front and eastern sides would be bound by a 1.1m high glazed screen instead of the 1.7m high glazed screen previously approved. Originally, it was proposed for the screen to not extend beyond the western end of the roof terrace. Amended plans,

however, have been submitted that show the screen extending across the full front elevation of the building, set in 0.4m on both sides. There would be no screen on the western edge of the terrace.

10. Internally, the dwelling would have two bedrooms, bathroom, a utility/kitchen and garden room at ground floor level. The first floor would have lounge, kitchen and dining areas. There would also be a balcony area within the curved section on the front elevation accessed from the lounge area. The upper floor would contain the third bedroom together with an en-suite bathroom and dressing room.

11. The proposed garage would now be sited within the north eastern corner of the site, set off the common boundary with Seaforth by 4m. It would be the same size and footprint as the approved garage and would be finished in timber cladding and with plain clay tiled roof. The proposed plans show the provision of a vehicular access from the private road at the rear of the site and the creation of a parking area. The creation of the access and the provision of a parking area within the curtilage of the dwelling do not require planning permission.

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

15/00125/FULL - erection of first floor front extension, part single storey and part two storey rear extension, alterations and extension to roof to form additional living accommodation and provision of terrace and detached double garage (Conservation Area) (as amended by plans received 22.12.15) - refused 02.03.16 - allowed at appeal 09.07.16

### ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

LP10

Design

LP12

Designated Heritage Assets: Conservation Areas

LP23

Layout of Sites and Parking

LP24

Housing

LP44

Protecting Species and Other Features of Nature Conservation Importance

Supplementary Planning Documents:

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

Gosport Borough Council Parking: Supplementary Planning Document: February 2014

National Planning Policy Framework (NPPF), March 2012

### ***Consultations***

HCC Ecology

No objection. The roof of the house is in good general condition with respect to having limited bat access potential, the ridge tiles appear well-set and the soffits all appear tight to the external walls, thus affording negligible access opportunities. An advisory note in respect of bats, however, should be added to any planning permission.

Natural England

No objection, subject to the impact of recreational disturbance along the coast being satisfactorily addressed.

Southern Water	No objection, a formal application for connection to the public sewer system will be required.
Streetscene Waste & Cleansing	No objection.
Building Control	No response received.
Local Highway Authority	No objection, subject to conditions in respect of parking provision, hard surfacing and the new access from the private road.
The Gosport Society	The Gosport Society is mindful that a similar building in this style has already gained planning permission on this site. Having reviewed the latest plans for this replacement building, the Gosport Society has concerns with the proposed increased height of the roof level (particularly the height of the Master bedroom/dressing room/en-suite section), as this rises above the roof height of the current building. We are also concerned that the issues previously raised by various parties in relation to the privacy of the neighbours should be properly addressed in the plans and or by condition. While we do not object we would recommend restrictions that formally address the neighbours prior concerns.
Environmental Health	No objection.

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

#### 5 letters of objection

##### Issues raised:-

- concerns over disturbance and asbestos during demolition works
- use of access will result in additional wear and tear on private access road
- Delden does not have deeded access on to private access road
- no need for new vehicular access from the rear as existing access and parking area from Fort Road is adequate
- garage and parking will introduce a built form, traffic movement and disturbance into important open area of Conservation Area
- garage will result in loss of outlook to 62 Crescent Road
- new dwelling will be higher than the existing
- modern design, addition of upper floor and materials are not in keeping with Conservation Area
- low screens to terrace and lack of parapet will result in loss of privacy to the bedrooms, patio and garden of Fort Cottage
- front balcony will result in overlooking
- shiny finish to upper floor would be highly reflective, causing problems on Fort Road and be unpleasant for residents to the West in the afternoon sun

#### 5 letters of support

##### Issues raised:-

- only significant change to plans approved are that new build will allow for modern technology and building techniques to be used
- exciting modern design that will lift the area and enhance Fort Road



- stunning example of modern architecture
- Art Deco style will compliment eclectic nature of properties along Fort Road

### ***Principal Issues***

1. The site is located within the Urban Area Boundary where the principle of development is acceptable provided that the details of the application accord with the relevant policies of the Gosport Borough Local Plan, 2011-2029. A certain level of disturbance is inevitable during the construction period but if it becomes a nuisance, the matter can be dealt with through the Environmental Health legislation. Asbestos removal is a matter for the Health & Safety Executive. Rights of access and the future maintenance of the rear access is a private matter between the interested parties. The creation and use of the rear access does not require planning permission. The principle of the appropriateness of the overall design and layout, and the impact upon the character and appearance of the Conservation Area was considered and approved, at appeal, under reference 15/00125/FULL, in 2016. There would be no change in the number of dwellings on the site and, as such, no impact in terms of recreational disturbance. The main issues in this case, therefore, are the acceptability of the proposed development in terms of its design and the impact on the character and visual amenity of the locality, whether the proposal preserves or enhances the character and appearance of the Anglesey Conservation Area, whether the development would harm the significance of the nearby Listed Buildings, the impact on the amenities of nearby residents, the adequacy of access and parking arrangements and the provision for cycle parking, refuse storage and collection and the interests of nature conservation.

2. At present, the application site is located in an area in the streetscene between the smaller scale, modern two storey dwellings to the north and west and the older, larger scale dwellings to the south east. The application dwelling is located on a curve and given the staggered arrangement of the properties, is highly visible when travelling east along Fort Road and is currently in poor condition and does not make a positive contribution to the character and appearance of the Conservation Area. The loss of the existing building, therefore, is acceptable. Whilst there are no examples of flat roofed, modern buildings of this design in the locality, given its position within the context of the properties on the northern side of Fort Road, it is considered that this is a location where it could be appropriate for a contemporary, dwelling of the overall scale proposed and this view was endorsed by the Planning Inspectorate in consideration of the appeal of application reference 15/00125/FULL. There are examples of balconies/roof terraces in the immediate vicinity of the application site. The extended dwelling would remain set back by an appropriate distance from Fort Road and the existing front access to the site would be retained. In terms of its rhythm within the streetscene, the dwelling would not be significantly extended to the sides and the horizontal detail ensures that a consistent eaves level, when viewed from the south, particularly from Lifeboat Lane and Stokes Bay, is retained. The visible mass of the building below the existing eaves level is largely unchanged. Although the overall height of the building would be increased over the existing house and that approved, given the separation distances between and overall heights of the neighbouring properties, the scale and set back position of the upper floor section, together with the muted materials of the upper floor in contrast to the rendered finish of the main dwelling, it is considered that this upper floor section would not visually dominate the building or harm the character and visual amenity of the locality. The application proposes high quality materials and the rendered finish is reflective of the existing dwelling and the modern design proposed, and will be controlled by condition. The roof is appropriate for a dwelling of this contemporary design and the external materials, windows and rainwater goods complement the design of the dwelling and are appropriate to this context. For the above reasons, the proposal would not harmfully impact the character and visual amenity of the locality, would not harm the significance of the nearby Listed Buildings and would preserve the character and appearance of the Anglesey Conservation Area. As such, the development complies with Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan, 2011-2029.

3. Whilst the development proposes a building of greater depth at first floor level than the existing and previously approved, due to the orientation of and separation distances between the properties, the building would not have a harmful impact on the amenities of the occupants of Seaforth to the south east or Fort Cottage and 62 Crescent Road to the north west in terms of loss of light or

outlook. In terms of privacy, the application proposes to erect 1.1m high glazed screens to the front and eastern side edge of the roof terrace, which would be 0.6m lower than the screens previously approved, and omit the approved screen on the north western edge. The proposed terrace, however, is shown to be set back from the north western edge of the building by 2.6m (1.6m further back than approved) which, due to the viewing angles, would serve to prevent any harmful views back into the rooms or down into the most private areas of the garden of Fort Cottage. The windows in the front elevation of Fort Cottage are at an oblique angle to the roof terrace and the proposed front balcony and whilst some views of the adjacent garden would be afforded from the windows in the front elevation and from the roof terrace, this is a common arrangement in urban areas, including from the existing balcony at Fort Cottage, and would not be harmful in this instance. The impact of the rear facing windows in the upper floor section is also a common arrangement in urban areas and these would not result in harmful loss of privacy over and above the existing arrangement. Given the relationships between the properties it is unlikely that the use of the terrace would result in harmful levels of noise or disturbance. It is considered appropriate, however, to require the submission and approval of a Construction Environment Management Plan which will include controls over the working hours to ensure that the development is carried out without cause harm in terms of noise and disturbance to the neighbouring occupiers. The development, therefore, would not have a harmful impact on the amenities of the occupiers of the neighbouring properties, in compliance with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

4. Although the proposed garage would be sited in the opposite corner of the site, it would be no taller than the garage previously approved and would remain lower in overall height in than the newly constructed property to the north-west, 62 Crescent Road. It would be constructed of appropriate materials, which will be controlled by condition. Given the location and scale of the neighbouring properties together with the position of the trees located alongside Crescent Road and within Crescent Gardens, the garage would not have a significant impact on the streetscene and would not harm the setting of the Conservation Area or the Listed Buildings on the opposite side of Crescent Road. Given the separation distance between the garage and the neighbouring properties, it would not have a harmful impact upon the amenities of the occupiers of the neighbouring dwellings. The creation of an access from Crescent Road that would utilise the private access road does not need planning permission and the use of the access for a single dwelling is unlikely to result in unacceptable additional noise and disturbance or be harmful in terms of highway safety. The existing access and frontage parking would not be affected and there is sufficient space on the site to meet the three parking spaces required for a dwelling of this size. The development is unlikely, therefore, to result in overspill parking in the local road network and vehicular movements associated with a three bedroom dwelling are unlikely to have a harmful impact on the traffic characteristics of the locality, to the detriment of pedestrian or highway safety. Adequate facilities for visitor and long stay cycle parking and for the storage of refuse can be provided on site, the details of which will be controlled by condition. The Site Plan also indicatively shows the position of an amended front boundary wall. No details of a wall, however, have been provided and this is not under consideration as part of this application. Any new wall proposed on the front that exceeds 1m in height would need planning permission. Given the above, the proposal is in compliance with Policies LP10, LP11, LP12 and LP23 of the Gosport Borough Local Plan, 2011-2029.

5. There is no evidence that the site supports notable or endangered species and none are at threat as a result of the development. It is proposed to attach an informative, however, to ensure that the applicants are aware of their obligations in the event that bats are found during works. The proposal, therefore, is in compliance with Policy 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:

3389/07C and 3389/22G

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

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

- (a) The location of the site compound and any buildings within it;
- (b) The means of enclosure of the site compound;
- (c) The provisions to be made for the parking of contractors, site operatives, employees and visitors;
- (d) Measures to control the emission of dust and dirt;
- (e) Any screening or hoarding;
- (f) Hours of demolition and construction works;

The development shall thereafter 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 and to comply with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029.

4. No development above slab level shall take place until details, including samples, of all external facing materials for the dwelling and garage, including details of the roofing and fascia materials, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - In the interests of amenity and to ensure that the appearance of the development is acceptable and would enhance the character and appearance of the Conservation Area and to comply with Policies LP10 and LP12 of the Gosport Borough Local Plan, 2011-2029.

5. No development above slab level shall take place until details of the proposed windows and doors, including horizontal and vertical sections at a scale of 1:10, colour finishes and reveals, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason - In the interests of amenity and to ensure that the appearance of the development is acceptable and would enhance the character and appearance of the Conservation Area and to comply with the NPPF and Policies LP10 and LP12 of the Gosport Borough Local Plan, 2011-2029.

6. The development hereby permitted shall not be occupied until cycle storage facilities have been provided in accordance with a scheme to be submitted to and approved, in writing, by the Local Planning Authority. The approved cycle storage facilities shall thereafter be retained in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

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

7. The development hereby permitted shall not be occupied until refuse storage facilities have been provided in accordance with a scheme to be submitted to and approved, in writing, by the Local Planning Authority. The approved refuse storage facilities shall thereafter be retained in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

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

8. The development hereby permitted shall not be occupied until the accesses and the areas shown on the approved plan, 3389/07C, for the parking of vehicles have been made available,

---

surfaced and marked out in accordance with a scheme to be submitted to and approved, in writing, by the Local Planning Authority and these areas shall be retained for those purposes at all times.

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

9. The roof terrace shall not be first used until the glazed screens shown on the approved plan, 3389/22G, have been constructed and obscure glazed to a minimum of Pilkington Level 4 (or equivalent). The glazed screens shall thereafter be retained in that condition.

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

**ITEM NUMBER: 07.**  
**APPLICATION NUMBER: 17/00114/DETS**  
**APPLICANT: Gosport Borough Council**  
**DATE REGISTERED: 22.03.2017**

**REGULATION 3 - DETAILS PURSUANT TO APPLICATION 15/00465/OUT - PROVISION OF RECREATION FACILITIES - ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE**

**Alver Valley Country Park Western Gateway Cherque Way Lee On The Solent Gosport**

***The Site and the proposal***

1. The site is located on the eastern side of Cherque Way and adjacent to the existing roundabout and recently constructed car park. The site is approximately 0.6 hectares in area. There are a number of tracks leading from the car park adjacent to the highway and across the site. The site is largely rough grass, with some sporadic planting, mainly around the outside of the site close to Cherque Way. Whilst generally level, there is some undulation and there is a ditch that runs north to south, close to the roundabout junction on its eastern side. There is a bund along the western edge of the site which prevents unwanted vehicles accessing the site and also assists in screening the space from Cherque Way. The site is located outside of the Urban Area, in the Settlement Gap and in an area designated as Open Space within the Gosport Borough Local Plan 2011-2029. The Wildgrounds SSSI, Halls Alders SINC and the West of the River Nature Reserve are located to the east and beyond Sandhill Lane. To the west of Cherque Way are the residential properties of the Cherque Farm development which are situated beyond existing planting and a shared cycle/footpath.

2. Planning permission was granted under application reference 15/00465/OUT in October 2015. This granted full planning permission for the provision of a car park, access road and associated works and outline planning permission (with all matters reserved) for the provision of recreation facilities, toilets and associated works. The car park has been constructed and brought into use.

3. This application seeks the approval of all the reserved matters (access, appearance, landscaping, layout and scale) for the provision of recreation facilities. The application comprises a range of play equipment to provide senior, junior and toddler play areas along with picnic areas. The proposed play equipment includes a 12 metre high slide tower, a play fort, mounds, structures, zip wires, other lower level play equipment and features. The toilets which also formed part of the outline permission would need to be the subject of a further application.

***Relevant Planning History***

15/00465/OUT - Regulation 3 - Hybrid application comprising: provision of car park, access road, and associated works (access, appearance, landscaping, layout and scale) and provision of recreation facilities, toilets and associated works (all matters reserved) - permitted 28.10.2015.

***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

- LP1
- Sustainable Development
- LP3
- Spatial Strategy
- LP8
- Alver Valley
- LP10
- Design
- LP35

---

Protection of Existing Open Space  
 LP44  
 Protecting Species and Other Features of Nature Conservation Importance  
 LP46  
 Pollution Control  
 LP47  
 Contamination and Unstable Land

National Planning Policy Framework (NPPF), March 2012

### ***Consultations***

Hampshire & Isle Of Wight Wildlife Trust	No objection.
Natural England	No objection.
HCC Ecology	No objection.
HCC Local Lead Flood Authority	No objection.
Environmental Health	No objection. Highlights requirement of Condition 9 of outline permission for the implementation of the measures to deal with possible contamination from the excavated materials as set out in 'Alver Valley Western Gateway Rev B' dated 9 October 2015.
Streetscene Parks & Horticulture	No objection.

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

Nil

### ***Principal Issues***

1. The principle of the use of the site to provide recreational facilities has been established by the outline permission. The main issues to be considered, therefore, are the acceptability of the proposed access, appearance, landscaping, layout and scale of the development.
2. Pedestrian access to the proposed play areas would be via the existing car park and adjacent tracks. The layout of the proposed play equipment would accord with the indicative layout submitted with the outline application, and would provide a separate area for pre-school children with the main play space providing a range of equipment suitable for 5-9 year olds and 10-14 year olds. The proposed access arrangements are considered acceptable and in accordance with Policy LP23 of the Local Plan.
3. The scale of the proposed play equipment would vary with the largest being the feature slide tower at 12 metres high, the play fort at 5.3 metres high and the zip wire at 3.75 metres high. Having regard to the location of the site the proposed layout is considered acceptable and in accordance with Policy LP10 of the Local Plan. The site is located over 65 metres from the nearest residential property which is located within the Cherque Farm Estate to the west. The proposal is therefore unlikely to result in any harm to the amenities of the occupiers of neighbouring properties and would accord with Policy LP10 of the Local Plan.
4. The play equipment would be colour finished to make the area welcoming, bright and attractive to users. The use of bright colours is entirely appropriate given the intended use of the site and would accord with Policy LP10 of the Local Plan.

5. The submission indicates a range of hard and soft landscaping in and around the play equipment, however full details of plant species have not been provided. The landscaping proposals are considered appropriate and in accordance with Policy LP10 of the Local Plan, however full details should be secured through the imposition of a suitably worded condition.

6. The submitted details are considered acceptable in all respects and with the safeguarding conditions on the outline permission would not affect protected species or give rise to any harm associated with land contamination or flooding.

**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 Location Plan; 6/34218 – Site Outline; 6/34218 – Mounds and Drainage; 6/34218 – Play Equipment ; Elevations Issue B and Details of Basket & Flat Seat Swing; Buddy Board; 30m Cable Runway; Embankment Slide & Wavy Slide; Freestanding Double Panel; Kifaru; Pick Up Sticks; Rope Swing Crusader; Spring Mobiles; Rota Play Rock 'n' Bowl & Swirl; Rubber Mushrooms; Slide Tower; Talking Flowers & Tau Trail

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

2. The development hereby approved shall not be brought into use until full details of the soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details should include a planting scheme showing species, numbers, densities, heights and a future maintenance scheme.

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

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

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





**ITEM NUMBER: 08.**  
**APPLICATION NUMBER: 17/00055/GR3**  
**APPLICANT: Gosport Borough Council**  
**DATE REGISTERED: 13.03.2017**

**REGULATION 3 - INTERNAL AND EXTERNAL ALTERATIONS TO CONVERT GROUND FLOOR OFFICE INTO 1 NO. ONE BEDROOM FLAT AND 1 NO. TWO BEDROOM FLAT (LISTED BUILDING IN A CONSERVATION AREA)**  
**84 North Street Gosport Hampshire PO12 1DJ**

***The Site and the proposal***

1. The application site is located on the southern side of North Street, to the east of the junction with Clarence Road. The site is located within the Urban Area Boundary and the High Street Conservation Area. The High Street Principal Shopping Centre is located approximately 40 metres to the south. The site is identified as having archaeological potential and, due to previous uses in the locality, is identified as being potentially contaminated. The area is predominately characterised by residential properties, including blocks of flats. To the north-west of the site, and on the northern side of North Street, is a car parking area (for a maximum of four cars), which is for use by permit holders who reside in the adjacent residential estate. There is another private parking layby to the north east of the site, which provides sufficient space for parking 6 no. cars. The layby is located within a cobbled cul-de-sac. Parking restrictions (in the form of single and double yellow lines) apply on the western sides of the site, on both sides of the highway. A number of Council operated Public Car parks in North Street are located approximately 80 metres to the east/south-east. There are also parking bays available on Clarence Road that are unrestricted in the evening.

2. Number 84 North Street is a three storey, Grade II Listed property. Originally, the ground floor of the building comprised an Inn/Public House. The original, glazed tiling has been retained on the front elevation. There are three doors in the front façade and the first and second floors include a number of timber sliding sash windows. There is a first floor extension on the western elevation of the property which extends over an underpass that provides access to a private, communal parking area at the rear of the site. The first floor addition is attached to the adjacent block of flats, Crown Mews, a modern development constructed from red brick. There are currently two doors in the side elevation of the application property which provide access to a cycle store and lobby area. There is also a door on the western elevation of the underpass, which provides access into the adjacent Crown Mews development.

3. The ground floor is currently vacant, having last been used as an office. It is proposed to remove two lengths of internal, partition walls and to convert the premises to provide 1no. one bedroom flat and 1 no. two bedroom flat. A new internal wall would be erected in order to subdivide the space to create the two separate residential units. The two bedroom flat would be located at the front of the premises. It would be accessed via an existing door on the eastern side of the front elevation. The two other existing doors in the front elevation would be retained. One of the doors would serve a bedroom and would, therefore, be fixed shut. The second door would remain openable, in order to provide a means of escape from the second bedroom. The appearance of the front elevation would remain unchanged.

4. It is proposed to retain the two door openings in the side elevation of the application property. One of the doors, which would provide access to the one bedroom flat, would be replaced with a timber, panelled door with a more domestic appearance. The remaining door, would continue to be used to provide access to the cycle store. A new window, to serve a bathroom would also be installed between the doors, together with two meter boxes. There would be no other external alterations to the building.

5. It is not proposed to provide car parking at the site. Refuse bins would be stored within the underpass, adjacent to the side wall of the application property as is the existing arrangement.

6. The first and second floors of the property would continue to be used as flats.

### **Relevant Planning History**

K14418/4 - change of use of ground floor from community use to offices (Class B1(a)) - permitted 14.04.04

14/00500/FULL - Regulation 3 - internal and external alterations to convert ground floor office into 1 no. one bedroom flat and 1 no. two bedroom flat - withdrawn 16.05.2015

14/00501/LBA - listed building application - internal and external alterations to facilitate the conversion of the building into residential accommodation - withdrawn 16.05.2015

14/00056/LBA - Listed Building Application - internal and external alterations to facilitate the conversion of the building into residential accommodation - pending

### **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

LP23

Layout of Sites and Parking

LP24

Housing

LP42

International and Nationally Important Habitats

LP44

Protecting Species and Other Features of Nature Conservation Importance

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 SPA mitigation being secured and restriction on use of heavy machinery during overwintering bird period.
Southern Water	A formal application will need to be made for a connection to the foul and surface water sewer.
Hampshire Fire And Rescue Service	No response received.
HCC Ecology	No objection subject to SPA mitigation.
Local Highway Authority	No objection. This is a very accessible location and the proposal is only for 2 no.

---

	units. The provision of no on-site car parking is, on this occasion, therefore, acceptable. Cycle parking facilities should be provided.
Building Control	No objection.
Property Services	No response received.
Economic Prosperity	No response received.
Streetscene Waste & Cleansing	No objection. Adequate space is shown for the storage of refuse bins.

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

2 letters of objection.

Issues raised:

- no parking provision in area of inadequate provision;
- application includes errors and inaccuracies;
- loss of privacy;
- future sub-letting should be notified to Management Company.

### ***Principal Issues***

1. The Design and Access Statement is a document provided by the applicant in order to describe/outline and support the development proposal. The acceptability of the development is, however, assessed following a site visit and based on the submitted drawings. The arrangements of the Management Company are not a material planning consideration in the determination of this planning application. The application has been advertised in accordance with the statutory requirements and the Council's Statement of Community Involvement. The main issues for consideration in the determination of this application, therefore, are the acceptability of development in land use terms; the acceptability of the design and layout; whether the proposal will preserve or enhance the character and appearance of the High Street Conservation Area; the impact of the development on the historic and architectural character and integrity of the Listed Building, and its setting; the impact of the development on the amenity and access of adjacent occupiers; whether appropriate provision can be made for access, car and cycle parking, refuse storage/collection and servicing and; whether the development can be delivered without having a harmful impact on the interests of archaeology, nature conservation and land contamination.

2. The application site is located within the Urban Area Boundary, where the principle of residential development is acceptable, provided that the details of the application comply with all the relevant local and national planning policies. The site is located on the edge of the town centre and is surrounded by residential properties. The provision of two additional flats would not, therefore, be uncharacteristic of the area. The proposed flats, by reason of their internal layout, would provide an appropriate living environment for prospective occupiers. Whilst it is noted that that vehicles would pass beyond the proposed window in the western elevation, the window would serve a bathroom. It is not considered, therefore, that the use of the underpass by vehicles would have a harmful impact on the amenity of prospective occupiers in terms of noise or fumes. The occupiers of the proposed flats would not have access to any private or shared amenity space, however, this is not unusual in town centre locations and residents would have access to a number of local, public parks. Under the circumstances, the proposed residential development is considered acceptable in land use terms, in accordance with the NPPF and Policy LP1 of the Local Plan.

3. The proposed external alterations are very minor. The provision of two small meter boxes and a bathroom window, set back within the underpass, where they will not be readily visible from public view, will not harm the appearance of the building. The replacement door will be fitted within the existing opening and will have a simple design which is compatible with others in the area. A condition will be used requiring the new window and replacement door to be constructed from

timber. A condition will also be used requiring the meter boxes to be brown in colour, which will give them a subdued appearance against the background of the facing brick. The continued storage of refuse bins within the underpass is acceptable and it is not anticipated that it will encourage instances of anti-social behaviour, which must be reported to the police. The bins would be set back from the public highway and will only be readily visible when stood directly opposite the application site. On balance, therefore, and subject to the above conditions, it is not considered that the continued storage of refuse bins within this area would harm the visual amenity of the locality or the character or appearance of the High Street Conservation Area.

4. The comings and goings associated with the proposed flats are unlikely to exceed those associated with the previous use of the ground floor as offices and the use will not, therefore, alter the character of the Conservation Area. The proposed development will, therefore, preserve the character and appearance of the High Street Conservation Area, in accordance with the NPPF and Policy LP12 of the Local Plan.

5. The new window and meter boxes will be fitted in areas of modern brick work, thereby preserving the historic fabric of the Listed Building. These simple alterations will not harm the historic and architectural character and integrity of the Listed Building, or its setting. The internal walls to be removed are modern additions that do not contribute positively to the character of the building and their removal is, therefore, acceptable. The provision of a new central wall, to subdivide the 2 no. proposed flats, will help to bring a currently vacant Listed Building back into use and will not harm the historic integrity of the building, particularly as the works will be reversible. Under the circumstances, the development will not harm the historic or architectural character or integrity of the Listed Building, or its setting, in accordance with the NPPF and Policy LP11 of the Local Plan.

6. As the ground floor previously operated as an office, it is not considered that the comings and goings associated with 1 no. one bedroom and 1 no. two bedroom flats (including the continued use of the two doors in the side elevation) would result in harmful levels of disturbance to the adjacent occupiers. Given the location of the proposed bathroom window, relative to existing windows, this aspect of the development will not harm the amenity of neighbouring occupiers in terms of overlooking. Whilst the internal alterations will provide a lounge at the rear of the ground floor, such an arrangement is not uncommon in town centre locations and notwithstanding the fact that there are windows in the rear elevation, it is not considered that the proposed internal layout will result in an unacceptable level of overlooking of the shared car parking area at the rear of the site. Under the circumstances, the development will not harm the amenity of any neighbouring occupiers, in accordance with the NPPF and Policy LP10 of the Local Plan.

7. The Council's Parking SPD sets out the parking requirements for development proposals. It makes provision for applicants to justify their car parking provision where a development proposal does not comply with those standards. For this development, a total of 4 no. allocated car parking spaces are required (including 1 no. visitor space), unless it can be justifiably demonstrated that an under provision will not result in harmful overspill parking in the local road network. The proposed development will provide no on-site car parking. The Town ward has the lowest average car ownership levels in the Borough and the site is located in very close proximity to Gosport High Street (where a number of local services and facilities are available) and is also accessible by a number of modes of transport. It is within walking distance of the Gosport Bus Station and Ferry Terminal, reducing the reliance on the use of the private motor vehicle and the Council operated car parks in North Street are also within walking distance. Cycle parking facilities will be provided at the site, and this will also provide sustainable travel alternatives to the private motor vehicle. Under the circumstances, the lack of provision of on-site car parking is acceptable in this particularly accessible location, noting also that the ground floor previously operated as an office. It is acknowledged that the character and pattern of parking associated with a residential use is different from that of an office use (i.e., an increased requirement for evening and overnight parking). Notwithstanding this, for the reasons outlined above, it is not considered that the development will result in harmful overspill parking in local road network, to the detriment of highway or pedestrian safety. Parking restrictions are in place on the adjacent highway and this will help to control inappropriate on street parking. The development is, therefore, considered to comply with the NPPF and Policies LP22 and LP23 of the Local Plan.

8. Even when accounting for the storage of refuse bins, the underpass provides adequate width to allow vehicles to continue to safely access the rear car parking area. This arrangement will not, therefore, harm the interests of highway safety. The two doors in the side elevation will continue to open inwards, and this will ensure that their use does not interfere with the safe use of the underpass by vehicles. This arrangement will be controlled by condition. It is not uncommon in mews type developments to have shared pedestrian and vehicular accesses and it is not considered that the use of the doors will harm the interests of highway or pedestrian safety, particularly given the low vehicle speeds. The development, therefore, complies with the NPPF and Policy LP22 of the Local Plan.

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

10. No ground works are proposed and the development will not, therefore, harm the archaeological interests of site, in accordance with the NPPF and LP11 of the Local Plan. For the same reasons, the proposals will not expose existing or prospective occupiers, or neighbouring land uses, to unacceptable risks associated with land contamination. The development, therefore, complies with the NPPF and Policy LP47 of Local Plan.

### **RECOMMENDATION: Grant Permission**

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

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

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

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

PTL1846-01; PTL1846/02; and PTL1846/03.

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. Details of the new window and replacement door, which shall be of timber construction, including elevations at a scale of 1:10 shall be submitted to and approved, in writing, by the Local Planning Authority before works related to that part of the development are commenced. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To preserve the character and appearance of the Conservation Area and to ensure the historic and architectural character and integrity of the Listed Building is not harmed, and to comply with the National Planning Policy Framework and Policies LP11 and LP12 of the Gosport Borough Local Plan 2011-2029.

4. The two meter boxes hereby approved shall be brown in colour.

Reason - To preserve the character and appearance of the Conservation Area and to ensure the historic and architectural character and integrity of the Listed Building is not harmed, and to comply

---

with the National Planning Policy Framework and Policies LP11 and LP12 of the Gosport Borough Local Plan 2011-2029.

5. The window and doors hereby approved shall be installed in such a manner so as to be incapable of opening out over the adjacent undercroft access.

Reason - To ensure that the development does not harm highway or pedestrian safety and to comply with the National Planning Policy Framework and Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029.

6. Before the development hereby permitted is first brought into use cycle storage facilities shall be provided and thereafter retained in accordance with a detailed scheme submitted to and approved, in writing, by the Local Planning Authority.

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

7. The development hereby approved shall not be occupied until refuse storage facilities have been provided in accordance with the details shown on approved drawing PTL1846/02. The refuse storage facilities shall be retained in accordance with the approved details thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

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

**ITEM NUMBER: 09.**  
**APPLICATION NUMBER: 17/00056/LBA**  
**APPLICANT: Gosport Borough Council**  
**DATE REGISTERED: 13.03.2017**

**LISTED BUILDING APPLICATION - INTERNAL AND EXTERNAL ALTERATIONS TO FACILITATE THE CONVERSION OF THE BUILDING INTO RESIDENTIAL ACCOMMODATION (CONSERVATION AREA)**  
**84 North Street Gosport Hampshire PO12 1DJ**

***The Site and the proposal***

1. The application site is located on the southern side of North Street, to the east of the junction with Clarence Road. The site is located within the Urban Area Boundary and the High Street Conservation Area. The High Street Principal Shopping Centre is located approximately 40 metres to the south. The site is identified as having archaeological potential and, due to previous uses in the locality, is identified as being potentially contaminated. The area is predominately characterised by residential properties, including blocks of flats. To the north-west of the site, and on the northern side of North Street, is a car parking area (four cars), which is for use by permit holders who reside in Farriers Walk. There is another private parking layby to the north east of the site, which provides sufficient space for parking 6 no. cars. The layby is located within a cobbled cul-de-sac. Parking restrictions (in the form of single and double yellow lines) apply on the western sides of the site, on both sides of the highway. The North Street Public Car parks are located approximately 80 metres to the east/south-east.

2. Number 84 North Street is a three storey, Grade II Listed property. Originally, the ground floor of the building comprised an Inn/Public House. The original, glazed tiling has been retained on the front elevation. There are three doors in the front façade and the first and second floors include a number of timber sliding sash windows. There is a first floor extension on the western elevation of the property which extends over an underpass that provides access to a private, communal parking area at the rear of the site. The first floor addition is attached to an adjacent block of flats, Crown Mews, a modern development constructed from red brick. There are currently two doors in the side elevation which provide access to a cycle store and lobby area. There is also a door on the east facing elevation of the underpass, which provides access into the adjacent Crown Mews development.

3. The ground floor is currently, having last been used as an office. This application is for Listed Building Consent for internal and external alterations in order to convert the ground floor into two flats. It is proposed to remove two lengths of internal, partition walls and to convert the premises to provide 1 no. one bedroom flat and 1 no. two bedroom flat. A new internal wall would be erected in order to subdivide the space to create the two separate residential units. The two bedroom flat would be located at the front of the premises. It would be accessed via an existing door on the eastern side of the front elevation. The two other existing doors in the front elevation would be retained. One of the doors would serve a bedroom and would, therefore, be fixed shut. The second door would remain openable, in order to provide a means of escape from the second bedroom. The appearance of the front elevation would remain unchanged.

4. It is proposed to retain the two door openings in the side elevation of the application property. One of the doors, which would provide the access to the one bedroom flat, would be replaced with a timber, panelled door, with a more domestic appearance. The remaining door would continue to be used to provide access to a cycle store. A new window, to serve a bathroom, would be installed between the doors, together with 2 no. meter boxes. There would be no other external alterations to the building.

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

K14418/4 - change of use of ground floor from community use to offices (Class B1(a)) - permitted 14.04.04.

14/00500/FULL - Regulation 3 - internal and external alterations to convert ground floor office into 1 no. one bedroom flat and 1 no. two bedroom flat - withdrawn 16.05.2015.

14/00501/LBA - listed building application - internal and external alterations to facilitate the conversion of the building into residential accommodation - withdrawn 16.05.2015.

16/00055/GR3 - Regulation 3 - internal and external alterations to convert ground floor office into 1 no. one bedroom flat and 1 no. two bedroom flat - pending.

### ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

LP11

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

National Planning Policy Framework (NPPF), March 2012

### ***Consultations***

Historic England	No objection.
Society Protection Ancient Buildings	No response received.
Twentieth Century Society	No response received.
Georgian Group	No response received.
The Gosport Society	No objection in principle. Comment on inaccuracies in submission and proximity of entrance door to vehicular access.
The Victorian Society	No response received.

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

2 letters of objection.

Issues raised:

- no parking provision in area of inadequate provision;
- application includes errors and inaccuracies;
- loss of privacy;
- future sub-letting should be notified to Management Company.

### ***Principal Issues***

1. This application is for works to the building which require Listed Building Consent. The only issues in this case, therefore, are the effect of the proposals on the architectural and historic integrity, character and appearance of the Grade II Listed Building and its setting. Matters relating to car and cycle parking, refuse storage, residential amenity and the responsibilities of the Management Company are not material considerations in the determination of this application for Listed Building Consent and will be addressed in the consideration of planning application reference 17/00055/GR3.

2. The proposed external alterations are very minor in nature. The provision of two small meter boxes and a bathroom window, set back within the underpass, where they will not be readily visible



from public view, will not harm the appearance of the building. The replacement door will be fitted within the existing opening and will have a simple design which is compatible with others in the area. The new window and meter boxes will be fitted in to modern brick work, thereby preserving the fabric of the Listed Building. A condition will be used requiring the new window and replacement door to be constructed from timber. A condition will also be used requiring the meter boxes to be brown in colour, which will give them a subdued appearance against the background of the facing brick. Subject to the above conditions, these simple alterations will not harm the historic and architectural character and integrity of the Listed Building, or its setting.

3. The internal walls to be removed are modern additions that do not contribute positively to the character of the building and their removal is, therefore, acceptable. The provision of a new central wall, to subdivide the two proposed flats, will help to bring a currently vacant Listed Building back into use and will not harm the historic integrity of the building, particularly as the works will be reversible. Under the circumstances, the development will not harm the historic or architectural character or integrity of the Listed Building, or its setting, in accordance with the NPPF and Policy LP11 of the Gosport Borough Local Plan 2011-2029.

### **RECOMMENDATION: Grant Listed Building Consent**

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

1. The works 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 18 of the Planning (Listed Buildings and Conservation Area) Act, 1990 (as amended).

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

PTL1846/02 and PTL1846/03.

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. Details of the new window and replacement door, which shall be of timber construction, including elevations at a scale of 1:10, shall be submitted to and approved, in writing, by the Local Planning Authority before works related to that part of the development are commenced. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure the special architectural character of the Listed Building is not harmed and to comply with the National Planning Policy Framework and Policy LP11 of the Gosport Borough Local Plan 2011-2029.

4. The two meter boxes hereby consented shall be brown in colour.

Reason - To ensure the special architectural character of the Listed Building is not harmed and to comply with the National Planning Policy Framework and Policy LP11 of the Gosport Borough Local Plan 2011-2029.