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**10 April 2018**

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

**MEETING:** Regulatory Board  
**DATE:** 18 April 2018  
**TIME:** 6.00 pm  
**PLACE:** Council Chamber, Town Hall, Gosport  
**Democratic Services contact:** Lisa Young

MICHAEL LAWThER  
BOROUGH SOLICITOR

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### **MEMBERS OF THE BOARD**

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

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

Councillor Allen  
Councillor Beavis  
Councillor Bergin  
Councillor Carter  
Councillor Earle  
Councillor Farr

Councillor Foster-Reed  
Councillor Hammond  
Councillor Hicks  
Councillor Raffaelli  
Councillor Ronayne

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

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

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#### **IMPORTANT NOTICE:**

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

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

**AGENDA**

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST  
*All Members are required to disclose, at this point in the meeting or as soon as possible thereafter, any disclosable pecuniary interest or personal interest in any item(s) being considered at this meeting.*
3. MINUTES OF THE MEETING OF THE REGULATORY BOARD HELD ON 28 FEBRUARY 2018
4. DEPUTATIONS – STANDING ORDER 3.4  
*(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Monday, 16 April 2018. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*
5. PUBLIC QUESTIONS – STANDING ORDER 3.5  
*(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Monday, 16 April 2018).*
6. LAND AT THE FORMER HMS DAEDALUS  
*To advise the Board of a request from Wates Ltd to vary the Section 106 Agreement dated 28 January 2016 (the 'Agreement') relating to the redevelopment of land at the former HMS Daedalus.*
7. REPORT OF THE HEAD OF PLANNING AND REGENERATION  
*Schedule of planning applications with recommendations.  
(grey sheets pages 1-29)*
8. ANY OTHER ITEMS  
*Which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.*

Debbie Gore  
5455

**A MEETING OF THE REGULATORY BOARD  
WAS HELD ON 28 FEBRUARY 2018 AT 6PM**

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

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

**103. APOLOGIES**

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

**104. DECLARATIONS OF INTEREST**

Councillors Hook and Mrs Hook declared a personal interest in grey pages agenda items 2  
Councillors Ronayne and Miss Kelly declared a personal interest in grey pages agenda item 3.

**105. MINUTES**

**RESOLVED:** That the Minutes of the Regulatory Board meeting held on 17 January 2018 be approved and signed by the Chairman as a true and correct record.

**106. DEPUTATIONS**

Deputations had been received on the following items:

- Agenda Item 1 of the grey pages – 17/00496/FULL – Land to the West of the Control Tower, Solent Airport, Daedalus Way
- Agenda Item 2 of the grey pages – 17/00486/FULL – 31 Frater Lane
- Agenda Item 3 of the grey pages – 17/00579/FULL – 35 Elmhurst Road
- Agenda Item 4 of the grey pages – 17/00502/FULL – 9 Harwood Road

**107. PUBLIC QUESTIONS**

There were no public questions

**108. REPORTS OF THE HEAD OF PLANNING AND REGENERATION**

The Head of Planning and Regeneration 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:

- 109. 17/00496/FULL - ERECTION OF FIVE MIXED USE HANGARS (COMPRISING CLASS C3 DWELLING AND CLASS B1(A) OFFICE) WITH ASSOCIATED ACCESS, PARKING AND CYCLE & REFUSE STORAGE FACILITIES (as amplified by additional supporting information received 09.1.2018 and amended by revised plans received 12.01.2018)**  
**Land West Of Control Tower Solent Airport Daedalus Drive Le on-**  
**the-Solent Hampshire PO13 9FZ**

Consideration was given to the report of the Head of Planning and Regeneration requesting that consideration be given to planning application 17/0496/FULL.

The Board was updated that it had been agreed with the applicant that the kitchen and cloakroom to the ground floor of the proposed buildings as shown on the submitted plans were to be considered as part of the commercial element of the proposed mixed use. This would equate to approximately 8 square metres of floor space increasing the overall level of non-residential floorspace to 44 square metres. The proportion of the each building to be used for non-residential purposes would therefore be just under 12% of the total floor area of the building.

The Board was also advised that the applicant had submitted additional supporting highway information relating to access and servicing.

The Board was advised that the Airport Manager had advised that under the terms of the CAA licence for the aerodrome, the licence holder was authorised to make comments on behalf of the CAA and that the licence holder was responsible for ensuring compliance with all conditions of the licence.

The Board was advised that Gosport Borough Council's Transport Officer had provided comments on the additional highways-related information and had raised concerns about the practicality of the proposed access arrangements if used by vehicles larger than a private car. Deliveries or servicing by vehicles larger than a medium sized van could not be carried out within the site and would require vehicles to stop on Daedalus Drive.

The Board was advised that the clarification of the extent of the non-residential element of the proposed building did not alter Officer's views on the unacceptable nature of the proposal.

The Officers advised that their view was that the additional highways-related information that had been submitted demonstrated that the site could be accessed by private cars and small vans. Any vehicles larger than this (for example a refuse collection vehicle) would not be able to enter the site and would have to stop on Daedalus Drive. Whilst this section of Daedalus Drive was currently an un-adopted cul-de-sac it would, in due course, be open to through traffic via the junction with Stubbington Lane that was currently under construction and would be adopted as part of the public highway. This part of Daedalus Drive was relatively narrow such that vehicles stopping on Daedalus Drive for loading or unloading would have the potential to disrupt the free flow of traffic and interfere with vehicles using any junction forming part of the emerging residential development of land immediately to the south of the site. In addition, the layout of the access road would not allow vehicles to pass if a small delivery (or similar) vehicle was unable to use the echelon parking and had stopped in the carriageway. The additional highway information demonstrated that the proposal would not provide safe and convenient access by the range of vehicles likely to visit the site.

The Board was advised that an additional reason (number 6) for refusal for the application was to be added in that;

*The proposal fails to demonstrate that safe and convenient access would be provided to serve the range of vehicles likely to visit the site. The proposal is therefore potentially prejudicial to the safety and convenience of future occupiers of the site and the users of the adjacent road network. The proposal is therefore contrary to Policies LP10 and LP23 of the Local Plan and to the Parking Supplementary Planning Document.*

Mr Mansbridge was invited to address the Board, he advised that he was representing Lee-on- the-Solent Residents Association.

He advised that the Association did not object to the principle of the proposal of Hangar Homes but objected to the proposed location by the Solent Airport Control Tower as it prejudiced the future viability of the Airfield and the Solent Enterprise Zone (SEZ).

The Board was advised that the applicant had advised the previous meeting of the Regulatory Board that the proposed plans met Civil Aviation Authority (CAA) regulations and requirements and, that as

the CAA had not replied, they had no concerns regarding the proposal. Mr Mansbridge advised the Board that this was not the case as the CAA had not responded because their advice was provided through the objection letter of the Airfield Manager who was delegated to do so and who supported Mr Mansbridge's deputation.

The Board was advised that the objections centred around breaches of safety, and breaches of CAA and Border Force requirements with the end result being that approving the application in its present location would likely prejudice the future viability of the airport as a self-sustaining venture.

The Board was advised that any compromise to security and government regulations would undermine the principle for setting up the SEZ and the overall Daedalus plan. There was also a Government circular that required Planning Authorities to safeguard aerodromes.

The Board was advised that Fareham Borough Council had objected to the proposal as it had not been demonstrated adequately that the proposal would not have an adverse impact on the operation of the airport and that it had been indicated by the leader of Fareham Borough Council that the airfield had to be viable to continue with the progression of the SEZ as the loss of this would jeopardise the industry and jobs that Gosport was keen to retain.

It was reiterated to the Board that the Residents Association was not objecting to the principle of the proposal, but the location proposed and felt it should only be approved with adequate safeguards so as to not impact on safety, customs and Border Force requirements. It was suggested that there may be space for the proposal in the Hangars North and Hangars East sites and that the Residents Association had not objected to these hangars. The Board was advised that given the importance of the airfield and the vital contribution of it to the SEZ any potential risk to it must be taken seriously.

In answer to a Member's question, Mr Mainsbridge advised that the objections to the proposals could not be mitigated as the proposed location of the properties would give access to the runway which would breach Border Force requirements and present a security risk and as a result restrict the use of the airfield.

Mr Day and Mr Tutton were invited to address the Board. They advised that they did not agree with the recommendation of the Planning Officers as the proposal included four-bedroom dwellings for which there was a need in Gosport and that the Gosport Borough Local Plan 2015 stated that there was a need for mixed use development and that the proposal for four-bedroom properties with hangar and office space would be a good mixed use as the offices were allocated for employment.

The Board was advised that Daedalus SPD should help decision making and be sufficiently flexible to allow such proposals and that the document would take a long period to implement and was progressive as opposed to prescribing an end design.

Mr Tutton reiterated that there was a need for four-bedroom properties in the Borough and that these were often difficult to build as a result of environmental constraints and that this was an ideal opportunity to provide them in the Borough.

The Board was advised that the applicant would make the necessary SPA mitigation payment should the application be approved.

Mr Tutton advised the Board that the National Planning Policy Framework advised that local authorities should not stifle innovative design and that the proposal was innovative and well supported. 41 letters of support had been submitted in respect of the application

The Board was advised that the aviation consultant had rejected the safety concerns raised by the Planning Officers and supported the view that the proposal would bring mixed residential and employment use to the site. The Board was also advised that the proposal would add a level of protection from the airfield to the 200 additional homes to be built.

Mr Day concluded by advising the Board that the proposal would work closely with CEMAST and would put Gosport on the map.

A Member stated that they acknowledged that there had been a number of letters of support for the proposal, but that the majority of these were not local residents of Lee-on-the-Solent.

In answer to a Member's question, the Board was advised that with regard to the Border Force's concern about safety, the applicant had provided details about the proposed safety measures, including details of access from the hangar to the homes, and self-closing coded doors but had received no response from the Border Force to the proposals.

In answer to a Member's question the Board was advised that three staff would be working for Mr Day in his own hangar to help build the new velocity kit aircraft which would be the first in the UK and that if approval was given to be the business agent for the UK and Ireland to make additional aircraft, this could be extended to use the students at CEMAST. The Board was advised by Mr Day that the bulk of the employment generated by the units would be located on the opposite side of the airfield in the hangars and that it was believed the proposal would generate a total of about 20-25 jobs.

It was clarified that the hangars underneath the properties would be used for the storage of personal aeroplanes, with the exception of a potential temporary use of the applicant's hangar for the construction of the velocity kit aircraft.

The Board was advised that the kitchen and the toilet located on the ground floor would be ancillary to the ground floor office space.

In answer to a Member's question, the Board was advised that one of the prospective residents was a business owner in the innovation centre but Members felt that overall the proposal would not address the shortage of four-bedroom properties as the take up of the proposed properties would be from people currently living outside the Borough.

Mr Day advised that the Airport Manager had been obstructive in not allowing the Airport Safety Assessor access to the Airfield and that as a result the proposed drawings showing the distance between the Airport Tower and the proposal were based on Ordnance Survey Maps and had to be undertaken as a desktop exercise. Mr Day advised that the proposals met the 21.5m clearance required by the CAA. Members were also advised that planes would only use the taxiway if they were taxiing to or from the runway.

In answer to a Member's question, the Planning Officer advised that large vehicles stopping on Daedalus Drive whilst serving the proposed development would block one side of the carriageway.

Councillor Beavis advised that he was Ward Councillor for the area and advised that he supported the deputation of the Lee-on-the-Solent-Residents Association. He advised that the proposal was 88% residential and 12% business use and was not an appropriate development for this location. The Board was advised that there had been seven objections to the proposal from the Airfield Managers acting on behalf of the CAA all on the grounds of security and safety. In addition, Fareham Borough Council was the land owner and it was not believed that they would sell the land to allow the proposal to be developed as they themselves had made three objections to the proposal. He concluded by advising that he agreed with the Planning Officers and that the proposal was inappropriate for the location.

Councillor Carter, Ward Councillor, advised that he also agreed with the Officer's recommendation to refuse, as he felt that the proposal, whilst acceptable in America where there was vast real estate, was an inappropriate proposal for Lee-on-the-Solent.

Members expressed concern that the proposal did not have the support of the Airport Manager and that this was representative of the CAA's views. Members also expressed concern at the potential disruption to the highway and the impact on the wider development of the Daedalus site.

Members accepted that it was a difficult application to consider and that the project was innovative. It was also reiterated that the proposal was on land owned by Fareham Borough Council. Members felt

that there were other obstacles that would prevent the airfield from being a success, but that the proposal was not included in this.

Members expressed concern that the airport operator had refused to meet the applicant to discuss the proposal and that as a result, the information provided had been a desktop exercise.

Members also expressed concern that any future occupants of the properties would jeopardise the safety of the airport.

Some Members expressed concern that the proposal did not present enough employment opportunity and that the opportunities proposed were not within the homes and units proposed.

The Head of Planning and Regeneration advised the Board that should the Board wish to approve the application authority would need to be delegated to the Head of Planning and Regeneration to complete a section 106 agreement and attach appropriate conditions to the application as considered necessary.

The Board was advised that it was difficult to control use of floor space within this type of proposal and that the purchasers and end users of the proposal could not be controlled. The Board was advised that attempts to control the balance of commercial and residential use in previous live/work units in St George's Barracks had been unsuccessful and these units were now in residential use.

It was proposed and seconded that the application be approved subject to authority being delegated to the Head of Planning and Regeneration to attach appropriate conditions and complete a Section 106 agreement as necessary for the following reasons:-

1. The proposed development would enhance the provision of employment in the Daedalus Regeneration Area and the Solent Enterprise Zone, initially during the development phase and thereafter by generating and promoting additional use of the operational airfield facility. As such the proposal is seen to align with Policy LP5 of the Gosport Borough Local Plan 2011-2029 and the Daedalus SPD.
2. The proposed development would because of its modest density have minimal impact on adjacent industrial or business units and would make an effective and efficient use of land in accord with Policy LP24 of the Gosport Borough Local Plan 2011-2029.
3. Future residential occupiers will be aware that there may be excessive noise and disturbance associated with the proximity of the adjacent operational airfield. But this application is not seen to introduce such a significant rise in air traffic that would increase the current risk above that which currently exists. As such this is not believed to be inconsistent with Policies LP10 and LP46 of the Gosport Borough Local Plan 2011-2029.
4. It is not considered that the proposed residential accommodation would, by reason of its layout and juxtaposition give rise to an unacceptable outlook. Future occupiers would be aviation enthusiasts who would welcome the opportunity to accept the amenities provided to enable their enjoyment and use of the on-site airfield facilities. Given the nature of the aircraft operating environment being somewhat different to that of a residential development, it is considered that in this case the provision of an appropriate standard of accommodation is satisfied in accordance with Policy LP10 of the Gosport Borough Local Plan 2011-2029
5. It is not considered that there would be a harmful impact due to additional recreational disturbance over and above that which currently exists from the existing or proposed business, Commercial and industrial use of the site. As such it is not considered to be contrary to policies LP2 and LP42 of the Gosport Borough Local Plan 2011-2019 and the Solent Special Protection Areas, Gosport Bird Disturbance Mitigation Protocol 2014.



**RESOLVED:** That planning application 17/00496/FULL be approved subject to the completion of a Section 106 agreement to control the use of the floorspace within the units and/or appropriate conditions to control the development and that authority be delegated to the Head of Planning and Regeneration to enter into a Section 106 agreement if necessary and/or attach appropriate conditions.

**110. 17/00486/FULL - ERECTION OF TWO STOREY SIDE AND REAR EXTENSION (RESUBMISSION OF 17/00370/FULL) (as amended by plans received 18.01.2018)  
31 Frater Lane Gosport Hampshire PO12 4AU**

Councillors Hook and Mrs Hook declared that they lived in close proximity to the site and left the room and took no part in the discussion or voting in respect of this application.

Consideration was given to the report of the Head of Planning and Regeneration requesting that consideration be given to planning application 17/0486/FULL.

The Board was advised that Members had attended a site visit.

Mr Wright was invited to address the Board. He thanked Members for the opportunity to speak and for attending the site visit.

He advised the Board that the proposal had been amended from its original plans to make it more sympathetic and that it would enhance the lives of a young family who wished to remain in the area as they were settled.

He advised the Board that there were a number of different designs of properties in the street and that it was difficult to understand that the proposal was not sympathetic to the streetscene as there was great variety of properties in the road.

Members advised that following their visit to the property they did not feel that the proposal was overbearing or incongruous and that the proposal could not be seen from the rear service road.

Members noted that there were no objections from the neighbouring properties.

It was proposed and seconded that the application be approved and that authority be delegated to the Head of Planning and Regeneration to attach appropriate conditions to the application.

This was unanimously agreed by Members.

**RESOLVED:** That planning application 17/00486/FULL be approved subject to appropriate conditions and that authority be delegated to the Head of Planning and Regeneration to attach such conditions as considered appropriate

**111. 17/00573/FULL- CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION WITH SEVEN BEDROOMS (SUI-GENERIS) 35 Elmhurst Road Gosport Hampshire PO12 1PQ**

Councillor Mrs Kelly declared a personal interest, left the meeting room and took no further part in the discussion or voting in respect of this application.

Councillor Ronayne declared a personal interest and remained in the room to allow him to address the Board as Ward Councillor. He took no part in the discussion or voting in respect of this application.

Consideration was given to the report of the Head of Planning and Regeneration requesting that consideration be given to planning application 17/00573/FULL

Mr McDermott was invited to address the Board. He thanked Members for allowing him to address the Board.

Mr McDermott advised the Board that he would like them to consider the difference in harm between what could be completed under permitted development, and what required planning permission. The difference between the two was one bedroom.

Mr McDermott advised the Board that the proposal accommodated the required parking as it included a garage.

In answer to a Member's question the Board was advised that the proposal development would be most likely used by blue- and white-collar workers, as that was the demographic within the landlord's existing portfolio, but that this could not be guaranteed.

Members expressed concern that, should the proposed rooms be occupied by blue- and white-collar workers, that there was a risk that all of the occupants, some rooms being double rooms, would have cars and that this would increase the pressure on parking conditions in the locality.

Mr McDermott advised that it was felt that the property would be attractive to those that worked in the Town Centre.

Councillor Ronayne was invited to address the Board as the Ward Councillor.

He advised the Board that, although the property was described as a two-storey mid terrace property, it was in fact now a three-storey property, and that this had been achieved by the addition of a dormer window, that did not require planning permission, but covered the entire rear of the roof.

He advised the Board that extensive drainage work had been undertaken with changes to the plumbing and sewerage to accommodate the additional four bedrooms in the property.

Councillor Ronayne expressed concern that adding an additional storey, with two additional bedrooms and en-suites in the roof space did not require planning permission and expressed concern that any similar terraced house in Gosport could do the same. In addition, he expressed concern that the work already undertaken had more than doubled the number of bedrooms in the property and that some, but not all, of the bedrooms were capable of being occupied by two residents and that as a result this would indicate that the total number of residents in the proposal would exceed seven and potentially be up to 11.

Councillor Ronayne advised the Board that under legislation contained in the Housing Act in 2004, subsequent changes in 2010 meant that Houses of Multiple Occupation for up to six people would be permitted development and not require a planning application. He advised that permitted development rights allowed a Class C3 family dwelling to become a Class C4 House of Multiple Occupation without the need for planning permission. He advised that the application proposed would clearly exceed six persons and as a result was a Sui Generis use and would require planning permission. He advised that Section 55 of the Town and Country Planning Act 1990 stated that a development required planning permission if there had been a material change of use of the building and suggested that the increase from six people to even seven people, with the capacity for more, constituted a material change of use and therefore required planning permission.

Councillor Ronayne advised that there had been no assessment by the highway authority and provided the Board with photographs showing the level of congestion and lack of parking within Elmhurst Road. He also advised that access for emergency services was becoming increasingly problematic and that the vehicles currently far exceeded what was intended for the properties

when they were built and that the proposal would further exacerbate the diminished amenity of residents in Elmhurst Road and similar neighbouring streets.

Councillor Ronayne advised the Board that paragraph six of the Planning Officer's report stated that houses of four or more bedrooms should make provision for three off street parking spaces, and also stated that the fall-back position was that the property could be occupied by up to six people with no off street parking. He advised the Board that given the fall-back position, it was considered that the proposed use as a seven-bedroom HMO with a garage to the rear did not conflict with Policy LP23 of the Local Plan.

He advised the Board that the property had seven bedrooms and would house an undetermined number of people and as a result the additional demand for on street parking as a result of the proposal would have a detrimental impact on the already diminished level of parking. The Board was advised that the report stated that the proposal had the potential to increase traffic movements, but that there was no evidence to suggest that it would increase any more if the house was occupied as a HMO in comparison to a family of six persons.

Councillor Ronayne advised the Board that he had knowledge of the rear access way of the property as he had previously been a resident of St Edwards Road. He advised that the access lane was barely wide enough for the existing service road and that there was little provision for oversize bins. In addition, he advised that the access way was susceptible to fly tipping and the insufficient provision of refuse bins would worsen this.

Councillor Ronayne concluded by advising that the proposal set a dangerous precedent for properties of this type in the Borough and requested that the Board make a site visit before determining the application.

In answer to a Member's question, the Board was advised that the dormer that had been constructed was permitted development and did not require planning permission.

It was clarified to the Board that the dormer construction and the change to a six bedroom HMO (Class C4) could be undertaken under permitted development and that planning permission was only required to change the property to a seven bedroomed HMO, a sui-generis use .

Members accepted that the fall-back position did not require there to be any parking provision and that the current proposal only required the provision of one off road space. Concern was expressed, however, that the agent had stated that the proposed occupants were likely to be blue- and white-collar workers, which would increase the likelihood of them having vehicles as opposed to the low income occupants usually associated with HMOs.

Members requested that consideration be given to the amendment of the Local Plan to apply a requirement for additional parking for such properties.

The Board was advised that the licensing of the HMO was not a material consideration for the Regulatory Board and that the licence would dictate the number of occupants based on the size of the rooms and the layout of the property. The Planning Officer advised the Board that a license was would restrict the number of occupants to 10.

It was proposed and seconded that the application be deferred for a site visit.

This was unanimously agreed.

**RESOLVED:** That planning application 17/00573/FULL be deferred for a site visit.

**112. 17/00502/FULL RETENTION OF AND FURTHER WORKS FOR THE ERECTION OF A FRONT AND REAR DORMER AND HIP TO GABLE ROOF EXTENSION 9 Harwood Road Gosport Hampshire PO13 0TU**

Consideration was given to the report of the Head of Planning and Regeneration requesting that consideration be given to planning application 17/00502/FULL.

The Board was advised by the Planning Officer that a visit had been undertaken to the property and that the rear dormer window had now been completed.

Miss Briggs was invited to address the Board. She advised that she was the owner of the property and that she had recently sold her café business to allow her to extend her residential property to allow her to support the young people in her care. She told the Board that she had been advised by officers that she did not require planning permission for the changes that she has made.

She advised the Board that initially she had allocated one room of her property to supporting young people, but had subsequently moved her own bedroom into the front room of the property to allow her to accommodate an additional young person as she was considered to be a competent and supportive carer.

Miss Briggs advised the Board that she had spent £40,000 on alterations to the property which had included replacing doors and ceilings to meet building regulations and commissioning suitable cladding for the dormer to ensure it was acceptable.

She advised the Board that she did not drive and as would not be bringing any vehicles to the property and that the provision of a 101 room was desperately needed to support young people in difficulty or that required emergency accommodation.

Members thanked Miss Briggs for her deputation and commended the work that she undertook in supporting young people in difficulty.

In answer to a Member's question, Miss Briggs advised the Board that she had changed builders midway through the project as they had misinformed her and that a visit from Building Control had confirmed that additional work was needed with the installation of fire doors, replacement ceiling and built in fire alarms.

In answer to a Member's question, the Board was advised that that the length of stay of the young people varied depending on the level of help and support required. She advised that the loft room would provide her with her own bedroom and bathroom facility and that young people could be placed with her from Social Services or the Police depending on their circumstances.

Miss Briggs advised that she was registered to undertake the care work that she did and that there was a shortage of facilities of this type available.

In answer to a Member's question, the Planning Officer advised that the rear dormer could be built under permitted development if it was finished to an acceptable standard and material to match the main roof, but that the front dormer would need planning permission.

The Board was advised that for the front dormer to be acceptable it would need to be reduced in size and be of a material that was in keeping with the existing roof finish. It would also require submission of new plans showing this proposal and this would be subject to the statutory publicity and consultation period.

In answer to a further question, the Board was advised that there would be no method of control regarding the required number of car parking spaces should the applicant move on and the property revert to use as a dwellinghouse with no element of care.

It was proposed, seconded and unanimously agreed that the application be deferred for a site visit.

**RESOLVED:** That planning application 17/00502/FULL be deferred for a site visit.

**113. 17/00540/FULL - ERECTION OF DETACHED DWELLING  
Land To Rear Of 181 Portsmouth Road Lee-On-The-Solent Hampshire**

Consideration was given to the report of the Head of Planning and Regeneration requesting that consideration be given to planning application 17/00540/FULL.

The applicant was invited to address the Board but advised that he did not wish to speak.

A Member advised the Board that the proposal was for a two storey property that would be built in the rear garden of 181 Portsmouth Road and would overshadow a bungalow in Queens Road and affect the privacy of the owners. The Board was advised that it was the intention that the garage at 2 Queens Road would be converted to a bedroom and that this would be overshadowed by the proposal.

Some Members felt that they considered the proposal to be garden grabbing and that it should not be granted permission.

Members compared the proposal to others within the locality and questioned whether the parking provision for the site was acceptable as the proposal appeared to have less provision than other nearby redevelopments and advised that the use of on-road parking for the proposal was inappropriate as Portsmouth Road was already congested.

The Board was advised by the Head of Planning and Regeneration that the proposal included the recommended number of car parking spaces within the Gosport Borough Council Parking Supplementary Planning Document.

Members discussed the car parking provision for the proposal, some Members felt that the provision was acceptable, but others were not satisfied that the provision of parking and the resulting sight lines would be acceptable.

It was proposed and seconded that the application be deferred for a site visit. This was subsequently agreed.

**RESOLVED:** That application 17/00540/FULL be approved deferred for a site visit.

**114. 18/00008/FULL - ERECTION OF TWO STOREY REAR EXTENSION  
30 Bay Road Gosport Hampshire PO12 2QA**

Consideration was given to the report of the Head of Planning and Regeneration requesting that consideration be given to planning application 18/00008/FULL.

**RESOLVED:** That application 18/00008/FULL be approved subject to the conditions contained in the report.

**115. ANY OTHER BUSINESS**

The Board was advised that the three appeals had been determined by the Planning Inspectorate.

142 Portsmouth Road – The Planning Inspector upheld the Council's refusal to grant planning permission and dismissed the appeal and supported the protection of wildlife through the Solent Mitigation Policy.

The Victualler – Gosport Borough Council had successfully prosecuted the owner of The Victualler for non-compliance with the enforcement notice and been awarded costs. The Planning Inspector had also supported the removal of the furniture, using even stronger wording than the LPA with reference to the impact on the Listed Building. .

Netherton Road – An appeal had been made against the Council's refusal of the application on the grounds of size, mass and access. The Planning Inspector did not consider that the size or mass of the proposal would cause harm and noted that the dispute regarding access rights was a private legal matter between the parties. The applicant had been awarded partial costs for the Council's unreasonable behaviour in determining the application and the Planning Inspector noted in the decision letter that planning officers had made it clear to the Board that private access rights were not a planning consideration.

The meeting concluded at 20.08

CHAIRMAN

## AGENDA ITEM NO. 06

<b>Board/Committee:</b>	REGULATORY BOARD
<b>Date of Meeting:</b>	18 APRIL 2018
<b>Title:</b>	LAND AT THE FORMER HMS DAEDALUS
<b>Author:</b>	BOROUGH SOLICITOR
<b>Status:</b>	FOR DECISION

### **Purpose**

To advise the Board of a request from Wates Ltd to vary the Section 106 Agreement dated 28 January 2016 (the 'Agreement') relating to the redevelopment of land at the former HMS Daedalus.

### **Recommendation**

That the Board agrees to vary the planning obligations relating to the provision of Affordable housing contained in the Agreement as set out in paragraphs 2.3 and 2.8.

#### **1 Background**

- 1.1 The Regulatory Board at its meeting on 29 March 2012 resolved to approve, subject to conditions and the completion of a Section 106 Agreement, an application for Outline Planning Permission for an employment-led mixed use scheme including up to 69,992 sqm of commercial floor space in new buildings and re-use of existing buildings (use classes B1, B2 and B8); up to 1,075 sqm of retail (use classes A1, A2, A3 and/or A4); up to 200 residential units (use class C3); up to 32 units of care accommodation (use class C2); up to 1,839 sqm of community uses (use class D1); up to 8,320 sqm of hotel use (use class C1); up to 2,321 sqm of leisure (use class D2); new and upgraded vehicular and pedestrian access arrangements; hard standing and car parking; open space provision; landscaping; and associated works. Other than the access arrangements all matters were reserved.
- 1.2 The Section 106 Agreement was to secure a number of matters including the provision of Affordable housing. The Section 106 Agreement was completed on 28 January 2016 and the Outline Planning Permission was issued on 28<sup>th</sup> January 2016.
- 1.3 On 27<sup>th</sup> July 2016, the Regulatory Board resolved to vary the Agreement to amend the definition of the Affordable Housing provision. The Variation to the Agreement made provision for Starter Homes – a form of affordable housing that would be sold to first time buyers under the age of 40 for a price which is 20% below the open market value of the property subject to a cap of £250,000.

#### **2 Report**

- 2.1 The Regulations needed to provide Starter Homes on the Daedalus site have not been brought forward by Central Government. In January 2016 the Government announced that the 200 dwellings to be built at Daedalus would be directly commissioned to accelerate construction and bring forward the delivery of new

homes.

- 2.2 Homes England (formerly known as the Homes and Communities Agency) who own the site, have commissioned and implemented the provision of on-site infrastructure in the form of internal roads, drainage and other utilities needed to deliver the regeneration of the wider site. These works are due to be completed in April 2018.
- 2.3 Homes England have entered into a contract with Wates Ltd to deliver the 200 dwellings (including 80 Affordable homes) within a two year period. In order not to delay the delivery of the Affordable housing, Wates have requested that the planning obligations in the Agreement as varied relating to Affordable housing be changed so that the tenure of the Affordable housing to be provided on the land will be Shared Ownership instead of Starter Homes.
- 2.4 The change in tenure to Shared Ownership will widen the opportunity for more people to take the first step towards home ownership as the qualification criteria are wider than was indicated for Starter Homes.
- 2.5 Shared Ownership would also allow a Registered Provider (Housing Association) to recycle the majority of the capital receipt gained in the first percentage sale and subsequent 'step up' sales, to help provide more Affordable housing in the future. In addition, the selling of the owned percentage (should the lease holder sell before stepping up to 100% ownership) allows the property to remain affordable for the next would-be homeowner, as opposed to Starter Homes which would only offer a one-off discount to the first buyer.
- 2.6 It is proposed that the Agreement be further varied so that the Affordable housing to be provided on the land is Shared Ownership.
- 2.7 The Agreement included clauses requiring 50% of the Affordable housing units to be completed before 50% of the Open Market Sale (OMS) units are occupied and subsequently not to occupy more than 90% of the OMS units before 100% of the Affordable units have been completed.
- 2.8 The accelerated construction program now envisaged for the delivery of the 200 homes is such that the approved completion schedule would not be met. Wates have therefore also requested that the planning obligations in the Agreement relating to the delivery of the Affordable housing be changed such that the Affordable and OMS units would be delivered as set out in the following table.

OMS Completions	Affordable Completions
20%	10%
30%	28%
71%	40%
80%	70%
90%	93%
95%	100%

- 2.9 Wates have confirmed that they have completed the sale of the affordable units to their partner Radian who will be responsible for the long-term management of the Affordable Housing,



- 2.10 The proposed change to the timing of the delivery of the Affordable housing will allow the accelerated construction to deliver the 200 homes within two years and not prejudice the ability to secure the timely delivery of the Affordable Housing.
- 2.11 It is proposed that the Agreement be varied so that the Affordable housing is delivered alongside the Open Market housing in accordance with the schedule set out in paragraph 2.8 and the occupation of the Open Market be restricted until the relevant Affordable housing has been completed.

### **3 Risk Assessment**

- 3.1 If the S106 Agreement is not further varied, the accelerated delivery of the 120 open market and 80 Affordable dwellings is likely to be delayed. Such a delay would be prejudicial to the delivery of much needed housing within the Borough.

<b>Financial Services comments:</b>	None
<b>Legal Services comments:</b>	Contained in the report
<b>Crime and Disorder:</b>	None
<b>Equality and Diversity:</b>	None
<b>Service Improvement Plan implications:</b>	None
<b>Corporate Plan:</b>	The proposal will contribute to the corporate priority to empower our residents
<b>Risk Assessment:</b>	Contained in Section 3
<b>Background papers:</b>	Reports to Regulatory Board 29 March 2012 and 27 July 2016
<b>Appendices/Enclosures:</b>	None
<b>Report author/ Lead Officer:</b>	Borough Solicitor

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

**18th April 2018**

### **ITEMS WITH RECOMMENDATIONS**

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

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01.	3-6/1	17/00502/FULL	9 Harwood Road Gosport Hampshire PO13 0TU	Refuse
02.	7-10/1	17/00573/FULL	35 Elmhurst Road Gosport Hampshire PO12 1PQ	Grant Permission subject to Conditions
03.	11-16/1	17/00540/FULL	Land To Rear Of 181 Portsmouth Road Lee-On- The-Solent Hampshire	Grant Permission subject to Conditions
04.	17-22/1	17/00498/FULL	1 Nottingham Place Lee-On- The-Solent Hampshire PO13 9LZ	Grant Permission subject to Conditions
05.	23-29	18/00012/FULL	Hazeldene Rest Home 20 Bury Road Gosport Hampshire PO12 3UD	Grant Permission subject to Conditions

**ITEM NUMBER: 01.**  
**APPLICATION NUMBER: 17/00502/FULL**  
**APPLICANT: Ms Sophia Briggs**  
**DATE REGISTERED: 12.12.2017**

**RETENTION OF FRONT AND REAR DORMER WINDOWS AND HIP TO GABLE ROOF  
EXTENSION**  
**9 Harwood Road Gosport Hampshire PO13 0TU**

***The Site and the proposal***

1. This application was considered by the Regulatory Board on 28 February 2018 when Members resolved to defer it for a site visit.
2. This application property is a two-storey, two-bedroom, end terrace on the north-west side of Harwood Road and finished in brick, light coloured render with a dark tiled roof. It has a hipped roof on the south-west elevation and the main door is in the same side elevation. The terraced row is set back from Harwood Road behind approximately 6m long front gardens and a public footpath, highway verge and parking layby. To the rear of the property is an approximately 15m long garden which has two outbuildings running along the south-west boundary. The garden is surrounded by approximately 1m high fencing and there is an access onto James Close beyond. James Close is made up of a series of single storey properties facing the rear of the properties in Harwood Road.
3. The terraced row is uniform in appearance and surrounded by very similar short terraces and semi-detached dwellings all of a similar size, style and age. Although a number have rear extensions and alterations, there are very limited alterations to the frontages facing Harwood Road. There is only one visible example of a front roof dormer in the locality which was permitted in 2009 (2 Harwood Road - reference K13387/1), prior to the adoption of the current Local Plan and Supplementary Guidance. Off road parking provision along Harwood Road is limited with the majority of properties relying on the shared parking laybys which are regularly at capacity and require additional on road parking to be sought by residents.
4. The attached property to the north-east is 11 Harwood Road. It has been built with its rear elevation protruding beyond that of the application property by approximately 0.75m and has a modest single storey front extension. The adjacent property to the south-west, 7 Harwood Road, is part of a hipped roof semi-detached pair and set away from the side elevation of the application property by approximately 2.5m. It is also positioned closer to the road meaning its front elevation is forward of the application property's by 3.75m.
5. The application is for retention of a hip to gable roof extension and front and rear dormer windows. The new gable has the same eaves and ridge height as the existing roof and has been completed in matching materials. The front and rear dormers mirror each other in dimensions, they are 2.1m high, 5.1m long and 2.9m deep. They are positioned in line with the ridge of the roof and extend nearly the full width of the property. There is a singular window in the front dormer positioned above the first floor window and of similar proportions. The rear dormer has two windows again positioned above the existing first floor windows. The front dormer has been completed in pale cladding and the same is proposed for the rear one.
6. It is worth noting that if the hip to gable roof were to be built on its own it would not require planning permission. However, the hip to gable extension facilitates the front dormer and has to be considered as part of the planning application. A rear dormer of the size proposed would likely be permitted development if it were completed in materials similar to those on the existing dwelling. In this case, however, the use of pale cladding is not a similar material and so the rear dormer window also requires planning permission.

## ***Relevant Planning History***

2 Harwood Road

K13387/1 - erection of front and rear dormer windows - permitted 24.03.09

## ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

LP10

Design

LP23

Layout of Sites and Parking

Supplementary Planning Documents:

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

Gosport Borough Council Parking: Supplementary Planning Document: February 2014

National Planning Policy Framework (NPPF), March 2012

## ***Consultations***

Nil

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

2 letters of objection

Issues raised:-

- council tax banding will be incorrect
- health and safety concerns during the build
- believe use of the extension will be for student accommodation
- disregard for the planning process
- the design and look of the proposal
- overlooking of 8 Harwood Road
- additional cars related to the development impacting the area

## ***Principal Issues***

1. Council tax banding is not a material planning consideration, nor are health and safety concerns in relation to the building practices on site. Any concerns regarding building practices should be directed to the Health and Safety Executive via Building Control. Planning permission would be required if the property were to be used for anything other than residential purposes. Residential purposes can include the individual renting out of rooms as long as all parties within the house use commonly-shared facilities such as kitchens, bathrooms, living spaces etc. limited to a maximum of 6 individuals before planning permission would be required. Planning legislation makes provision for retrospective applications and the Local Planning Authority is required to consider all submissions on their own merits. The main issues, therefore, are the appropriateness of the design of the development, its impact on the appearance of the locality and the amenities of the occupiers of adjacent properties, and its impact on the highway associated with an increased demand for parking.

2. Although the properties along Harwood Road are functional in design there is a strong street character with very few alterations to the roof form other than roof lights and a single example of a front roof dormer. The property with the front dormer is 2 Harwood Road which is positioned at the junction between Harwood Road and Chatfield Road to the south of the application property. It is part of a semi-detached pair at the end of the row of housing and in a set-back position. The dormer on no. 2 is completed in materials which closely match the colours of the existing roof and is less than half the width of the property.

3. The application property is central to the road and visually prominent and the front dormer negatively impacts upon the terrace row of which it is a part by drawing undue attention and creating a visually top-heavy roof. This is due, in part, to the dormer's near full-size width and pale colour in contrast to the dark tiled roof. It is appreciated that an attempt has been made to follow the features of the application property by positioning the window in the front dormer over the existing windows in the front elevation of the application property. This, however, further exacerbates the front dormer's impact on the character of the road as the resulting expanse of pale cladding is prominent and out of character with the material used in the immediate vicinity. As such it is considered that the front dormer is not compliant with Policy LP10 of the Gosport Borough Local Plan 2011 - 2029 or the Council's Design Supplementary Planning Document.

4. The rear dormer is of equal size and prominence and has also been completed in pale cladding. Generally rear extensions of this nature would be less incongruous in the street scene and as such have less impact; however, with James Close being to the rear, the visibility of the dormer from the public realm is significantly increased. The use of pale cladding again draws undue attention to its size and creates an incongruous feature within the rear elevations visible from James Close. Therefore the rear dormer also does not comply with Policy LP10 of the Gosport Borough Local Plan 2011 - 2029 and the Council's Design Supplementary Planning Document.

5. Due to the close grain of, and relationship between dwellings surrounding the application property, it is not considered that the roof alterations would have a significant impact on the outlook from or access to light for the occupants of the surrounding properties. The windows in the front elevation would predominantly overlook the roads and the frontages of the properties opposite, including 8 Harwood Road, and behind, which are areas already visible from the highway. The windows in the rear dormer have views of the gardens of the properties on either side but is not considered to increase the existing amount of overlooking to such levels as to constitute harm. The development is therefore not considered to harm the amenity of the occupants of neighbouring properties and so complies with this aspect of Policy LP10 of the Gosport Borough Local Plan 2011-2029.

6. The application property was a two-bedroom dwelling prior to the extension and has no off road parking. The submitted plans have shown that the roof extensions are intended to be used as a bedroom and study. However the study is of a size that could be used as a bedroom and so has to be considered as such. The development therefore has extended the application property from a two- to a four-bedroom dwelling, but has failed to provide any off road parking. The Council's Parking SPD states that a two-bedroom house should have two off road parking spaces provided and a four-bedroom house should have three off road parking spaces. The development can only be required to provide for the increased demand and as such the provision required for this development would be one off road parking space. This has not been provided nor has any justification been offered as to why this lack of provision is acceptable. Any additional vehicles related to the development would therefore be required to park on the highway, adding to the already constrained parking availability, and thus constituting an interruption in the free flow of traffic and pedestrian movement to the detriment of road safety and the amenities of the occupants of neighbouring properties. Whilst the current use of the property may not generate any additional parking demand at present, the age and mix of occupants lawfully occupying a Class C3 dwelling as a single household cannot be controlled by the planning process and a different mix of occupiers could generate additional parking demand in the future. The development therefore does not comply with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011 - 2029 and the Council's Parking Supplementary Planning Document.

### **RECOMMENDATION: Refuse**

For the following reason(s):-

1. The front dormer, by reason of its unsympathetic design, excessive size and inappropriate materials, and the rear dormer, by reason of its inappropriate materials, would represent unacceptable additions to the property and form visually incongruous features that are out of

keeping with the character and appearance of the recipient property and the surrounding area. The proposal is therefore contrary to Policy LP10 of the Gosport Borough Local Plan 2011-2029 and to the Gosport Borough Council Design Guidance Supplementary Planning Document.

2. Adequate provision has not been made for off-street parking provision within the site clear of the highway (including footway) resulting in the likelihood of parking of vehicles on the public highway which would interrupt the free flow of traffic (including pedestrians) to the detriment of highway safety and to the detriment of the amenities of the occupiers of neighbouring properties. No justification has been provided for such an under-provision. This is contrary to Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029 and the Gosport Borough Council Parking Supplementary Planning Document.

**ITEM NUMBER: 02.**  
**APPLICATION NUMBER: 17/00573/FULL**  
**APPLICANT: Mr D Rose**  
**DATE REGISTERED: 20.12.2017**

**CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO HOUSE IN MULTIPLE  
OCCUPATION WITH SEVEN BEDROOMS (SUI-GENERIS)**  
**35 Elmhurst Road Gosport Hampshire PO12 1PQ**

***The Site and the proposal***

1. This application was considered by the Regulatory Board on 28 February 2018 when Members resolved to defer it for a site visit.
2. The application site comprises the curtilage of number 35 Elmhurst Road, a two-storey, mid-terraced property located on the western side of the street. The site is flanked to the north by the adjoining property number 37, a two-storey terraced dwelling. To the south is number 33, also a two-storey terraced dwelling. To the west (the rear) is an adopted service road running to the rear of properties in Elmhurst and St Edward's Roads. To the east of the site is the junction of Percy Road with Elmhurst Road.
3. The property the subject of this application has recently been extended and altered with additional accommodation being provided in the roofspace that has been enlarged by the erection of dormer windows to the rear. These works are permitted development and as such do not require planning permission. The property has also been extensively altered internally. These works are not development and are outside of planning control.
4. This application seeks planning permission for a change of use of the property from a single dwelling, within Class C3, to a seven bedroom House in Multiple Occupation, a sui generis use.
5. The property was a three bedroom dwelling, but is currently being extended and altered without the need for planning permission. The submitted plans indicate that the property would have two bedrooms and a shower room together with communal living space to the ground floor, three bedrooms with en-suite shower rooms to the first floor and two further bedrooms with en-suite shower rooms in the roofspace. Some (but not all) of the bedrooms could be capable of being occupied by two persons.

***Relevant Planning History***

Nil

***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

- LP10  
Design
- LP23  
Layout of Sites and Parking
- LP24  
Housing

Supplementary Planning Documents:

Gosport Borough Council Parking: Supplementary Planning Document: February 2014

National Planning Policy Framework (NPPF), March 2012



**Consultations**

Environmental Health	No objection. Confirms requirement for HMO license.
Crime Prevention & Design	No objection.
Building Control	No objection.
Streetscene Waste & Cleansing	No objection. Confirms waste storage requirements.

**Response to Public Advertisement**

12 letters of objection

Issues raised:

- exacerbation of existing parking issues;
- loss of privacy from new windows serving accommodation in roofspace;
- increased rubbish generation and inadequate storage provision;
- increased traffic;
- increased noise and disturbance;
- increased fire/safety risk;
- works already carried out.

1 letter of observation

Issues raised:

- extensive works to property already carried out and completed.

**Principal Issues**

1. The enlargement of the property that has been carried out does not require planning permission and as such is not directly relevant to the determination of this application. The HMO licensing regime will address issues associated with fire safety. The main issues to be considered are whether the proposal is acceptable in principle and whether it is acceptable in amenity, design and highway terms.

2. Whilst this application seeks planning permission for a change of use of the property from a single dwelling within Class C3, to a seven bedroom House in Multiple Occupation (HMO), regard must be had to the 'fall-back' position created by the General Permitted Development (England) Order (GPDO). The GPDO in effect grants a deemed planning permission for a change of use from a single dwelling within Class C3 to a Class C4 HMO which could be occupied by up to six people. In considering the proposal, regard must be had to the fall-back position and consideration restricted to the likely additional impacts associated with occupation of the property by more than six persons. Whilst outside of planning control, the HMO licensing regime would limit the maximum number of occupants to no more than 9 or 10 persons.

3. The Local Plan contains no policies which make specific reference to HMOs. Policy LP24 encourages that "proposals for new housing development should include a mix of dwelling types, sizes and tenure to meet the needs of Gosport's current and future population". HMOs can make a valuable contribution towards meeting the housing needs of the Borough by providing accommodation for those on lower incomes. Given the relative proximity (within 200m) of the site close to Stoke Road and the fall-back position, it is considered that the proposal is acceptable in principle and is in accordance with Policy LP24 of the Local Plan.

4. The current lawful use of the property is as a single dwellinghouse, a use which includes no limits on the size of a family that could occupy it. Whilst the proposed use could lead to an increased level of activity than the occupation of the property as a dwelling or smaller HMO (within Class C3), there is no evidence to suggest that such a use would give rise to significant harm to the occupiers of

neighbouring properties. Accordingly the proposal would not conflict with Policy LP10 of the Local Plan in this regard.

5. The proposal would involve no external alterations to the building beyond those already carried out as permitted development. Accordingly the proposal has no design implications and would not conflict with Policy LP10 of the Local Plan in this regard.

6. The site is host to a garage at the rear which faces the service road that could be used to provide a single off-street car parking space, however, there is no current requirement that this be used for parking. The Parking SPD does not include a standard for HMOs, however, it should be noted that houses of four or more bedrooms should make provision for three off-street parking spaces. The fall-back position is such that the property could be occupied as a Class C4 HMO by up to six people with no off-street parking. Given the fall-back position, it is considered that the proposed use of the site as a seven bedroom HMO, with the provision of one off-street parking space which can be secured through the imposition of a suitably worded planning condition, would not conflict with Policy LP23 of the Local Plan.

7. Whilst the proposal has the potential to increase traffic movements, there is no evidence to demonstrate that the proposed use would necessarily lead to significantly more vehicle movements that could be associated with the occupation of the property by a family with multiple cars or as a HMO occupied by 6 persons without the need for planning permission. Accordingly it is considered that the proposal would not be likely to harm the safety or convenience of users of the surrounding highway network.

8. The rear of the property is also used to store refuse and recycling bins from where collections are made (from the service road). Whilst the proposed use would require larger refuse and recycling bins to be provided, the site is capable of accommodating them in an acceptable manner to allow collecting by the existing residential service. The provision of suitable bins and storage facilities can be secured through the imposition of a suitably worded planning condition.

### **RECOMMENDATION: Grant Permission**

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; and, Drawing No. PG.2058 17.2.

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

3. a) The use hereby permitted shall not commence until provision has been made for:

i) the on-site parking of a car in accordance with a detailed scheme that shall have been submitted to and approved, in writing, by the Local Planning Authority.

b) The car parking space shall thereafter be retained.

Reason - In the interests of the amenities of future occupiers and neighbouring residents and the safety and convenience of users of the surrounding highway network in accordance with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029.

4. a) The use hereby permitted shall not commence until provision has been made for the storage of two 1100 litre refuse and recycling bins (or any other alternative provision as may be agreed in writing by the Local Planning Authority) in accordance with a detailed scheme that shall have been submitted to and approved, in writing, by the Local Planning Authority.

b) The facilities of the storage of refuse and recyclable materials shall thereafter be retained.

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Reason - In the interests of the amenities of future occupiers and neighbouring residents and in accordance with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

**ITEM NUMBER: 03.**  
**APPLICATION NUMBER: 17/00540/FULL**  
**APPLICANT: Mr & Mrs Steve And Paula Murphy**  
**DATE REGISTERED: 21.11.2017**

**ERECTION OF DETACHED DWELLING**  
**Land To Rear Of 181 Portsmouth Road Lee-On-The-Solent Hampshire**

***The Site and the proposal***

1. This application was considered by the Regulatory Board on 28 February 2018 when Members resolved to defer it for a site visit.
2. The application site is the rear garden of a detached two storey dwelling located on the southern side of Portsmouth Road which also takes an additional access from Queens Road. The L shaped site is approximately 15m wide at the front and approximately 30m wide at the rear and is in excess of 35m deep. It is bounded by 1.8m high fencing and has a paved front garden with sufficient space for the parking of a minimum of two vehicles. The rear garden slopes down to the south and there is a detached pitched roof garage alongside the south western boundary. This garage is set back from Queens Road to the east by approximately 13m. The adjacent property to the west, number 183 Portsmouth Road, is a hipped roofed chalet style bungalow that is set off the eastern boundary by approximately 1.8m. The rear garden of this property is approximately 6m deep.
3. The property to the southwest, number 2 Queens Road, is a detached bungalow that has an adjoining garage alongside the common boundary with the application site. The curtilage of this property is at an angle to the application site and it has a triangular shaped rear garden with a maximum depth of approximately 19m. The north western end of the garden is raised with the approximately 8m deep flat section of garden next to the property being laid to lawn. There are three windows in the rear elevation that serve bedrooms and a kitchen. There is a surfaced area in the north eastern corner of the front garden that has been fenced off.
4. There is a further detached, art deco style dwelling to the east that has a detached garage adjacent to the common boundary. There is a car sales garage further to the north and a Public House on the opposite side of Queens Road. The locality is an area of mixed character with examples of both old and new two storey dwellings and bungalows in the immediate vicinity. The majority of properties are set back from the highway by between 6.5 to 7m.
5. An application for planning permission was made last year, under reference 17/00376/FULL, for the erection of a detached two storey dwelling in the rear garden of 181 Portsmouth Road following the demolition of the existing garage. That application proposed a dwelling that would have been at an angle to Queens Road and extended approximately 4.5m beyond the rear elevation of number 2 Queen Road. Concerns, however, were raised regarding the visual impact of that proposal and its impact upon the amenities of the occupiers of number 2 Queens Road in terms of loss of light and outlook and the application was withdrawn.
6. This proposal is for the erection of a part two, part single storey detached dwelling that seeks to overcome the previous concerns. The plans show the two storey front section of the proposed dwelling being in-line with the adjacent properties either side, set back from the highway by 7m. This section would be 7.5m wide and 8.6m deep, which is the same depth as the adjacent bungalow, number 2 Queens Road. This section would have an eaves height of 4.7m and an overall height of 7.4m to the top of the pitched roof. The single storey rear section would angle to the west to follow the line of the gardens and would be 4m deep on the southwestern side and a maximum of 7.4m beyond the rear of the two storey section. It would have an eaves height of 2.7m and an overall height of 5.6m to the top of the pitched roof.
7. The new dwelling would be accessed from a door in the south western side elevation and would have windows and Juliet balcony in the front elevation. The rear elevation would contain a set of

patio doors and there would be ground floor windows in the side elevations. There would be two first floor windows in the south eastern elevation, in the most forward section of the dwelling. The roof of the two storey section would contain eleven roof lights (seven in the south western roofslope and five in the south eastern). The roof of the single storey rear section would contain five more roof lights (three in the south western roofslope and two in the south eastern). The roof lights would be at a high level and more than 1.7m above the finished floor level. The proposed dwelling would be finished in a mixture of bricks and render with the upper floor being clad in vertical boarding. The door and windows are shown to be grey aluminium. Internally, the plans show the ground floor to contain a lounge/dining room/kitchen, a hallway, shower room, study and bedroom. The first floor would contain a bedroom with dressing room and bathroom.

8. The proposed dwelling would have an approximately 10m deep rear garden with the existing vehicular access used to provide two parking spaces in front of the dwelling. The plans show the existing dwelling to retain its existing parking area in front, accessed from Portsmouth Road and an approximately 7.5m deep retained rear garden.

### **Relevant Planning History**

17/00376/FULL - erection of detached dwelling (as amplified by letter received 28.09.17) - withdrawn 04.10.17

### **Relevant Policies**

Gosport Borough Local Plan, 2011 – 2029:

LP10

Design

LP23

Layout of Sites and Parking

LP24

Housing

LP42

International and Nationally Important Habitats

Supplementary Planning Documents:

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

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

National Planning Policy Framework (NPPF), March 2012

### **Consultations**

Streetscene Waste & Cleansing	No objection. Suitable wheeled bin storage - 240 litre domestic & 240 litre recycling wheeled bins required. Collection point, kerb-side, Queens Road.
Building Control	No objection.
HCC Ecology	No objection. The application site is an existing garden within a built-up suburban area. No concerns are raised in relation to protected species or habitats. The proposal will result in a net increase in residential units in close proximity to the Solent SPAs and therefore a contribution towards the Solent Recreation Mitigation Partnership (SRMP)

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will be necessary.

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. Refer to Standing Advice on protected species.

Environmental Health

No objection.

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

6 letters of objection

Issues raised:-

- garage of 2 Queens Road is to be converted into a bedroom, and will be adversely impacted
- area at front of 2 Queens Road is to be used as patio area, and will be adversely impacted
- bungalow would be a more appropriate form of development on site
- recent developments have contributed to unprecedented over-development of the area
- contrary to Article 8 of the European Convention on Human Rights
- 179 Portsmouth Road is listed as Art Deco and is of local and historic interest due to use as a café during WWII
- development is 'garden grabbing', which is a major anti-social issue
- inappropriate and unsympathetic to appearance and character of local environment
- modern looking building is out of character
- windows are too large and have character of commercial building, not a dwelling
- development is contrary to design guidance
- number of roof lights in excessive
- 2 Queens Road will look strange being between larger houses
- proposed dwelling will be overbearing and overshadow 2 Queens Road
- loss of light to 2 Queens Road
- loss of privacy
- additional strain on car parking

### ***Principal Issues***

1. Whilst the intentions of the occupiers of 2 Queen Road to convert the garage and make use of the paved area in front of the dwelling as a patio are noted, each application is required to be considered, as submitted, on its merits in light of the relevant national and local planning policies and on the basis of the circumstances at the time an application is considered. The Human Rights Act 1998 makes it unlawful, subject to certain exceptions, for a public authority to act in a way which is incompatible with a Convention right. When a planning decision is to be made, however, there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and the Council's decision-making takes into account this balance. It is not considered that there are sufficiently exceptional circumstances in this case that the Article 8 rights of the occupiers of the neighbouring property to private and family life, home and correspondence are sufficiently affected to justify refusing planning permission, particularly as the affected individuals have the opportunity to make representations to a democratic body within the planning system (in this case the Regulatory Board). Number 179 Portsmouth Road is not a Listed Building and whilst it may have historic associations to WWII, these associations have no bearing on the consideration of this application. The application site is located within the Urban Area Boundary where the principle of residential development is acceptable. The main issues in this case, therefore, are the impact on the character and visual amenity of the locality, the impact on 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 the interests of nature conservation.

2. The development would, at 25 dwellings per hectare (dph), be lower than the density range of 30-45dph set out in Policy LP24 of the Local Plan. This density is, however, in keeping with the density

of the surrounding area and does not constitute an overdevelopment of the site. Although the design guidance quoted in the objections is taken from the now superseded Gosport Borough Local Plan Review, 2006, broadly the same criteria can now be found within the "Residential Amenity" section of the adopted Gosport Borough Council Design Guidance: Supplementary Planning Document (Design SPD). That section of the Design SPD, however, provides illustrative commentary on distances between windowed elevations and opposing gable end walls in order to provide a reasonable outlook for occupiers and is it not directly applicable to this situation. It goes on to state that "...to achieve a reasonable degree of spatial separation it may be appropriate in areas where this character is predominant, to keep development at a distance of 1m from the plot side boundary to the building". In this instance the proposed dwelling would be set off the side boundaries by 1m. That notwithstanding, the key tests, however, remains as to whether the proposal complies with national and local policy, the overall aim of which is to prevent harmful development in inappropriate locations, having regard to the merits of each individual case. In terms of this proposal and its context within the streetscene, the proposed dwelling would have an active frontage and be on a comparable alignment with the adjacent buildings. Although it would be located next to, and 2m higher, than the adjacent bungalow, 2 Queens Road, the overall form and scale is in keeping with the existing varied built form within the area and is considered to be appropriate in the context of the surrounding buildings. The eaves and overall height are lower than the neighbouring two storey dwellings further to the south west and would not overpower the adjacent bungalow. Although the single storey section at the rear is on a different alignment to the front section, this element would not be readily visible from public view and would not harm the streetscene. The modern materials and the number and form of windows are acceptable in this coastal location and the details will be secured by condition. The creation of a parking area at the front of the dwelling is appropriate within this residential context. Within the NPPF, a key objective is that Local Planning Authorities continue to make effective use of land by re-using that which has previously been developed and overall, given the above, the proposal is not considered to be a harmful instance of 'garden grabbing'. It is of an acceptable design and would not harm the character and visual amenity of the locality, in compliance with Policies LP10 and LP24 of the Local Plan and Design SPD.

3. The proposed dwelling would be located on the southern side of numbers 181 and 183 Portsmouth Road. Given the separation distance between the buildings and the slope of the land, however, there would not be a harmful impact on the occupiers of those dwellings in terms of loss of light or outlook. With regard to number 2 Queens Road to the southwest, the rear garden is already overshadowed by the existing bungalow for large parts of the day. Furthermore, the orientation of the properties is such that any significant overshadowing from the two storey element of the proposed dwelling would only affect the garage and main roof of the bungalow, and not the rear garden or windows in the rear elevation. The rear, single storey, section of the proposed dwelling would be angled away from the rear elevation of number 2 and although it would result in some loss of light and some increased sense of enclosure and a consequential loss of outlook, this impact would not be harmful. With regard to privacy, the bottom edge of all rooflights would all be located more than 1.7m above the respective finished floor levels and would not, therefore, allow for any harmful levels of overlooking to the neighbouring properties. The only other upper floor windows would be those in the front elevation and the two windows in the south eastern elevation to take in views of the Solent. Although this would allow for some views of the adjacent front gardens, this is a common arrangement in urban areas and would not be harmful in this instance. In order to protect the amenities of the occupiers of the adjacent properties, it is proposed to control any future extensions, by condition. Adequate facilities and access to the highway will be available for the storage and collection of refuse bins. The proposed development would result in a parking area being located to the front of the dwelling and the location of the main pedestrian door in the southwestern elevation, however, having regard to the existing parking arrangements within this established residential area and the minor increase in activity, the proposal is unlikely to result in an unacceptable level of disturbance to adjacent occupiers. As such, the proposal is acceptable in terms of its impact upon the amenities of the occupiers of neighbouring dwellings and prospective occupiers and in this respect, complies with the Policy LP10 of the Local Plan and Design SPD.

4. The GBC Parking: Supplementary Planning Document (Parking SPD) recommends two car parking spaces for a two bedroom dwelling. The proposal includes that number of parking spaces in

front of the dwelling at a size that meets the recommendations within the Parking SPD. The demolition of the existing garage on the site would not significantly reduce the parking arrangements for number 181 Portsmouth Road, which would retain a minimum of two parking spaces. Adequate parking is, therefore, provided and the development would not increase the strain on on-street parking in the locality. Adequate areas for the storage of cycles will be made available on the site and controlled by condition. Subject to the above conditions, the proposal complies with Policies LP10 and LP23 of the Local Plan.

5. The proposal will introduce an additional dwelling which is likely to result in increased recreational activity on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. To address this impact, a contribution towards appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, is required and has been made. There is no evidence that the site supports notable or endangered species and none are a threat as a result of the development. The proposal, therefore, complies with the Policies LP42 and LP44 of the Local Plan.

### **RECOMMENDATION: Grant Permission**

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

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

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

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

Murphy-17-03, Murphy-17-01, Murphy-17-04 and Murphy-17-02

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

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

Reason - Such details have yet to be provided and to ensure that the appearance of the development is acceptable 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. The hard landscaping 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. The development hereby permitted shall not be occupied until boundary treatments have been provided in accordance with a scheme to be submitted to and approved, in writing, by the Local Planning Authority. The approved boundary treatments shall thereafter be retained.

Reason - To ensure the appearance of the development is satisfactory, to preserve the amenities of the occupiers of the neighbouring properties and prospective occupiers and to comply with Policy LP10 of the Gosport Borough Local Plan, 2011 - 2029.

6. The development hereby permitted shall not be occupied until the areas hatched red on the approved plan, Murphy-17-04, for access and parking of vehicles shall have been made available, surfaced, and marked out. These areas shall be retained for those purposes at all times.



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Reason - In the interests of highway safety and to ensure adequate access and parking is provided and retained, and to comply with Policies LP10 and LP23 of the Gosport Borough Local Plan, 2011 - 2029.

7. The development hereby permitted shall not be occupied until facilities for the storage of refuse for the dwelling has 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 be retained for that purpose at all times.

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

8. The development hereby permitted shall not be occupied until long and short stay 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 be retained for that purpose at all times.

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

9. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no alterations or enlargements permitted by Part 1, Schedule 2, Classes A, B and E shall be carried out to the dwelling without the prior permission, in writing, of the Local Planning Authority.

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

**ITEM NUMBER: 04.**  
**APPLICATION NUMBER: 17/00498/FULL**  
**APPLICANT: Mr & Mrs Roberts**  
**DATE REGISTERED: 02.11.2017**

**ERECTION OF A TWO STOREY DWELLING AND AMENDED ACCESS FOR 1 NOTTINGHAM PLACE (as amended by plans received 24.01.2018 and amplified by plans received 06.03.2018)**  
**1 Nottingham Place Lee-On-The-Solent Hampshire PO13 9LZ**

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

1. The application site contains a large, white rendered, two storey, 4 bed detached property within a generous plot measuring approximately 50m east - west by 21m north - south. Nottingham Place runs parallel to the north with Milvil Road to the east and the existing dwelling, no. 1, is situated perpendicular to Nottingham Place. To the east is an approximately 25m wide garden area and to the west is a 17m wide area which includes a driveway with access onto Nottingham Place. At the end of the driveway and set approximately 1m away from the west boundary is a detached double garage and outbuilding. The property and gardens are surrounded by approximately 1.8m high fencing and walls with areas of planting along. The southern boundary is densely planted with bushes and shrubs taking the average height to approximately 3m. The main pedestrian entrance into no. 1 is in the west elevation along with a series of ground and first floor windows and 2 roof lights. Extending from the north side elevation, facing Nottingham Place, is a mono-pitch conservatory.

2. Nottingham Place has an eclectic mix of residential dwellings along its length with a mix of single and two storey properties of varying ages, styles and designs, the majority of which are on compact sites with no. 1 being an exception. The majority of the properties along the south side of the road are two storey and set back by approximately 5m behind walls and fences varying in height up to approximately 1.6m. On the north side of the road the properties are predominantly single storey and set further back, closer to 8m, behind similarly enclosed frontages as the properties on the south side. Directly to the south of the application site is a heavily extended property converted into a retirement home called Shangri-La. It has a large, flat roofed, single storey extension which extends the full depth of the application site and is set back from the shared boundary by approximately 1.5m. The section of Shangri-La's northern elevation which faces the proposed location of the new dwelling has no windows or doors in it. To the west of the application site is a detached 2 storey dwelling, 3 Nottingham Place, which has 3 small obscure glazed ground floor windows facing the application site and is also set back from the shared boundary by approximately 1.5m. The two-storey rear elevation of no. 3 is positioned approximately 8m from the southern end of the shared boundary with an approximately 4m deep conservatory extending from it.

3. The proposal is for the erection of a two-storey, 2-bedroom detached property with integral garage on the driveway area to the west of the existing dwelling. The proposed new plot would measure 16.5m east - west and 21m north - south, and the proposal would also include landscaping. A new access from Nottingham Place for both no. 1 and the proposed property would be created and the existing access closed. The proposed new dwelling would occupy the western 10.5m wide section of the application site and the rest would be used to maintain 3 off road parking spaces for no. 1.

4. The initial scheme was amended significantly by plans submitted on the 24.01.2018. They reduced the height and depth of the proposed dwelling as well as repositioned the front elevation to align with the properties on either side. Other amendments included alterations to the garage and cycle storage, and some of the design features of the property including an external spiral stairway to the rear and a change in materials. A further amended plan submitted on the 06.03.2018 clarified the location of the privacy screen for the proposed spiral stairway.

5. The proposed dwelling would be setback from the road by 4.5m, from the west boundary by 1.6m and have a 5.5m deep rear garden. The integral garage would be adjacent to the new east boundary with the main body of the proposed dwelling set a further 3.5m back. The dwelling would have a gable roof form with bedrooms at ground floor level and living space on the first floor. There would be a plant room in the roof space for the property's sustainable energy features including solar panels, air source heat pump system (if required) and storage batteries etc. A spiral staircase would offer access into the rear garden from first floor level and it would have a 1.8m high glazed privacy screen on the western side of the landing. The proposed dwelling would be modern in style and be finished in white render with aluminium cladding and zinc roofing. There would be inset solar panels on the south plane of roof. The first floor would overhang the ground floor on the front and rear elevation and part of the driveway to the front of the integral garage. There would be ground and first floor windows in the front and rear elevations; large first floor obscure glazed panels and a high-level ground floor bathroom window in the west elevation and further large first floor obscure glazed areas in the east elevation. The integral garage would be 3m by 7.2m to include one off-road parking space and cycle storage; a second off-road parking space on the driveway and bins storage would also be provided.

6. The application was accompanied by a Design and Access Statement and the applicant has made an appropriate contribution to the Solent Recreational Mitigation scheme.

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

K4376/1 - Outline - dwelling and garage on land - refused 17.06.1980

This was for a large detached property of undetermined number of bedrooms with integral garage on a site 13m wide. It was refused on the ground that the size and shape of the site and its relationship with adjoining properties would give rise to an over-development of the site to the detriment of the appearance of the area.

### ***Relevant Policies***

Gosport Borough Local Plan, 2011 – 2029:

- LP10
- Design
- LP23
- Layout of Sites and Parking
- LP24
- Housing
- LP38
- Energy Resources
- LP39
- Water Resources
- LP44
- Protecting Species and Other Features of Nature Conservation Importance

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

### ***Consultations***

Local Highway Authority

No objection but conditions are recommended to ensure the proper closure of the existing access and construction of the proposed accesses.

Building Control

No objection.

Hampshire Fire And Rescue Service

No objection. Fire service access, materials used and fire safety measures should be in accordance with the appropriate Building Regulations.

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

2 letters of objection (to original plans)

Issues raised:-

- can the builders please make good damage to the verge and keep the road clear
- can the working hours be restricted during construction
- over development within a confined space so out of historic character with wider local area
- north facing roof slope not in line or comparable to adjacent properties
- out of character and detrimental to 1 Nottingham Place and its curtilage
- overlooking of the care home to the south and the rear garden of 3 Nottingham Place
- birds nesting in trees on the site maybe affected

1 letter of objection (to amended plans)

Issues raised:-

- fire safety concerns for the accessible roof space
- proposal would prohibit the comprehensive redevelopment of the site
- over shadowing of high level windows in east elevation of 3 Nottingham Place
- parking issues on Nottingham Place and impact of visitor parking and use of tandem parking on site

### ***Principal Issues***

1. Any damage to the verges would be dealt with by the Local Highway Authority; any obstructions to the public highway would be dealt with by the Police; any noise or dust issues impacting neighbouring residents would be controlled by Environmental Health Legislation and Building Regulations specify fire safety and access. The application site is within the defined urban area and the proposal would be considered reuse of previously developed land therefore the principle of development is acceptable. The main issues, therefore, are the appropriateness of the design of the proposal and its impact on the appearance of the locality; the amenities of the occupiers of adjacent properties and future occupants of the proposed dwelling; the provision of off road parking and highway access for the existing and proposed dwellings; and the impact on protected species and habitats.

2. Nottingham Place and the adjacent roads constitute a residential area with a variety of property types, predominantly two-storey, detached and of a similar size. Notwithstanding the similarly sized properties the plot sizes vary drastically from between 325 - 700 sqm with rear gardens lengths varying from a few metres to nearly 20m. The only similarity between the properties is their proximity to the road with the majority set back behind an enclosed parking or garden area. The existing dwelling, no. 1, is at odds to this in that it is positioned perpendicular to the road on a 1,100 square metre plot. The westerly, front, elevation has been purposely designed to be functional facing the driveway / garage. The more attractive and regularly formed eastern elevation looks out over the enclosed garden. The position of no. 1 in relation to the road creates a visual break at the end of the street scene before a change in character to larger properties on more generous plots along Milvil Road, further east. The proposal would divide the application site to create a new 235 square metre plot to the west and retain the rest of the site for no.1. This would maintain a functional and useable space to the west of no. 1. whilst having no impact on its more important eastern elevation. As such the proposal would not harm the character and setting of 1 Nottingham Place nor impact on any future development within the area.

3. The proposed new dwelling would be smaller than the surrounding properties (2 rather than 3 or 4 bed) and this is reflected in the smaller plot size and proposed footprint. The new dwelling would, however, be set back from the highway to align with the other properties along the south side of Nottingham Place. It would offer a 5.5m deep rear garden which is comparable to the mix of different garden sizes within the vicinity and considered to provide an adequate amount of useable private open space. It would be of a similar height to its neighbours and would be positioned away from the west boundary ensuring the rhythm of space between properties is maintained and although narrowing the original gap it would retain the clear division between no. 1 and the rest of the road. It is therefore considered that the proposal would be in keeping with the pattern of development along Nottingham Place.

4. Nottingham Place is not a historically sensitive area and is not part of a Conservation Area nor does it contain any listed or locally-listed buildings. The age of the properties on the road varies and they have largely been individually built over years with no strong design or genre to the housing stock as such a modern design would not be at odds to the local character and would simply show a progression of building styles through time. The proposed finish would use render, matching the properties at either end of Nottingham Place, and would include a modern cladding with high levels of glazing to enhance its aesthetics. It is therefore considered that the proposed new dwelling would be appropriate to its location and would not negatively impact on the character of the locality in compliance with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

5. The proposed new dwelling would use obscure glazing in the side elevations and an obscured screen on the spiral stairway landing to ensure the privacy of 1 and 3 Nottingham Place is retained. There would be a singular high level window in the west elevation for the ground floor bathroom which would not be obscure glazed but due to the cill height, the use of the room and the location of the window (facing the side elevation of 3 Nottingham Place and behind the existing and retained 1.8m high boundary wall) it is not considered to reduce the existing privacy of no. 3. The first floor rear facing windows would overlook Shangri-La to the rear but would predominantly view the roof of the large single storey element and would only have oblique views of the open space beyond which already has a level of overlooking from within the retirement home and the existing surrounding properties. It is therefore considered that any additional overlooking from the proposed new dwelling would not be to such an extent as to harm the amenity of the occupants of Shangri-La.

6. The proposal would create shadow but due to the location and orientation this would predominantly affect the frontage of the new dwelling itself with a lesser effect on the front area and side elevation of 3 Nottingham Place, predominantly in the early morning. The proposed new parking area of 1 Nottingham Place, would be mainly affected in the later afternoon. It is therefore considered that this impact would not harm the amenity of the occupants of either of these properties. There is a concern that the bulk of the new dwelling would reduce the light into the higher level obscure glazed ground floor windows in the side of no. 3. The light to those windows is, however, already compromised by the existing boundary treatment and garage. The proposed dwelling would be set approximately 0.5m further back from the boundary than the existing garage, and the existing boundary retained. Equally the proposed high level of glazing and pale finish on the new dwelling would increase the amount of reflected ambient light. It is, therefore, considered that any additional impact on the windows would not be to such a level as to constitute harm to the amenity of the occupants of no.3.

7. Due to the location, orientation and relationship with the surrounding buildings the proposal is not considered to impact on the outlook of the neighbouring properties and would offer a suitable level of amenity in terms of access to outdoor space, light and privacy for the future occupants of the proposed new dwelling. The proposal would also ensure that appropriate parking and access (see paragraphs 9, 10 and 11 below) and cycle and bin storage space to maintain the amenity of the occupants of 1 Nottingham Place and the proposed dwelling. Taking this all into account the proposal is considered not to harm the amenity of the occupants of the surrounding properties and to provide a suitable level of amenity for the future occupants of the proposed dwelling in accordance with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

8. The application site is within 400m of the Lee-on-the-Solent waterfront and High Street where there is a good provision of shops and community services as well as regular bus services to Gosport, Fareham, Portsmouth and Southampton which run in both directions at approximately half hourly intervals throughout the day. The roads between the application property and these facilities are predominantly residential with good pavement links. As such it is considered that the application site is within a sustainable location in terms of access to facilities without the requirement of a private vehicle.

9. To comply with the off-road parking provision for residential properties as laid out in the Council's Parking Supplementary Planning Document (SPD), residential dwellings of 2 bedrooms should have 2 off road parking spaces, and of 4 or more bedrooms should have 3 off road parking spaces. The proposal would provide 2 off road parking spaces, 1 in the garage and 1 on the driveway, for the proposed new dwelling and an area large enough to for 3 off road parking spaces for the existing property, which is acceptable. The proposed integral garage would be large enough to offer appropriate long and short stay cycle storage for the proposed new dwelling.

10. Nottingham Place has parking restrictions for Monday - Friday 8am - 5pm but other nearby residential roads do not and there is not a high level of on road parking in the wider area. The Parking SPD requires that visitor parking of 0.2 spaces per dwelling is provided. However, as the visitor requirement for this proposal is less than 0.5 of a visitor space and there is a good level of on street parking availability within the local area it is not considered appropriate to require the provision of visitor parking on site. Therefore it is considered that the proposed parking provision is acceptable and would not harm the amenity of occupants of the local area nor highway safety.

11. The proposal would create an independent access for each property onto Nottingham Place and the width, visibility, cross-over positions and linkage to the existing footpath are considered acceptable for residential dwellings. The existing access would need to be blocked up by reinstating the kerb to ensure pedestrian safety is maintained and it is recommended that this is conditioned. Due to the proposed tandem parking provision vehicles would need to be manoeuvred on Nottingham Place, however, the road is wide and straight, with good visibility and there are low levels of on road parking, so it is considered such vehicle movements can be undertaken without impeding the free flow of traffic along the road or the safety of other road users. Taking into consideration the proposed location, off road parking and access provision it is considered that the proposal would be in compliance with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029.

12. The proposal would introduce an additional dwelling which is likely to result in increased recreational activity on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. To address this impact, a contribution towards appropriate mitigation has been paid in accordance with the Gosport Bird Disturbance Mitigation Protocol. 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 LP42 and LP44 of the Gosport Borough Local Plan 2011 - 2029.

### **RECOMMENDATION: Grant Permission**

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

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

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

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

PA17-162:03 Revision C

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

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

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

Reason - In the interests of amenity and to ensure that the appearance of the development is acceptable and to comply with the NPPF and Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

4. The new dwelling hereby permitted shall not be occupied until

a) details of the hard surface for the two new driveways has been submitted to, and approved in writing, by the Local Planning Authority, and

b) the new driveways have been completed in accordance with the approved details.

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

5. The spiral staircase shall not be used until the obscure glazed screen shown on the approved plan, PA17-162:03 Revision C, has been provided. The obscure glazed screen shall thereafter be retained in that condition.

Reason - In order to protect the amenity of the occupiers of the 3 Nottingham Place and to comply with Policy LP10 of the Gosport Borough Local Plan, 2011 - 2029.

6. Unless otherwise agreed in writing by the Local Planning Authority, the dwelling hereby permitted shall not be occupied until

a) details of how the existing site access shall be blocked up have has been blocked up by been submitted to, and approved in writing, by the Local Planning Authority, and

b) the approved works completed in accordance with the approved details, and

c) the alterations to the existing dropped kerb have been carried out.

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

7. The new dwelling hereby permitted shall not be occupied until the garage and driveway as shown on approved plan, PA17-162:03 Revision C, have been provided and made available for the parking of 2 vehicles and thereafter retained.

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

8. The dwelling hereby permitted shall not be occupied until an off road parking area for 3 vehicles has been provided for 1 Nottingham Place and this shall be retained for vehicle parking at all times unless otherwise agreed, in writing, by the Local Planning Authority.

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

9. The dwelling hereby permitted shall not be occupied until facilities for the storage of cycles and bins as shown on plan PA17-162:03 Revision C have been provided and thereafter retained.

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

**ITEM NUMBER: 05.**  
**APPLICATION NUMBER: 18/00012/FULL**  
**APPLICANT: Mr Allan McGregor Firtree Associates Ltd.**  
**DATE REGISTERED: 10.01.2018**

**ERECTION OF A SINGLE STOREY REAR EXTENSION AND ROOF EXTENSION;  
INSTALLATION OF DORMERS, A THIRD FLOOR WINDOW AND ROOF LIGHTS; AND  
INCREASE IN HEIGHT OF LIFT TOWER TO FACILITATE THE CREATION OF 5 NEW  
BEDROOMS TO INCREASE THE NUMBER OF RESIDENTS FROM 29 TO 34  
(CONSERVATION AREA) (RESUBMISSION OF 17/00323/FULL) (amended by plans  
received 02.03.2018)**

**Hazeldene Rest Home 20 Bury Road Gosport Hampshire PO12 3UD**

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

1. The application site is occupied by a large, detached two storey property used as a residential care home. It has had multiple extensions and alterations to facilitate this use including a conservatory on the front elevation measuring 5.9m deep, 4.5m wide and 3.8m tall. The building is finished in a brown pebble dash with a red tiled roof. It is set back from Bury Road on the northern side by approximately 29m behind an approximately 1m high boundary wall, a drive and raised garden areas. The 2.5m wide drive continues between the east elevation of the property and the eastern boundary to the rear of the property underneath a 12.5m long section of the first floor which bridges over and abuts the eastern site boundary. To the rear (north) of the property is an approximately 19m long area of hard standing providing 7 useable car parking spaces, a detached flat roofed outbuilding used as an office and some informal cycle storage facilities. The east boundary is formed by the side elevation of the adjacent property, the support wall for the bridging first floor, an approximately 2m high boundary wall followed by approximately 1.8m high fencing. The northern boundary is an approximately 2m high wall, with a small section of fencing infill; and the west boundary is a mixture of fencing and walls starting at an approximate height of 1.8m at the northern end and reducing incrementally to approximately 1m at the southern end.

2. The application site is within 50m of a notable species habitat - Narrow Leaved Pepperwort. It is also within the Bury Road Conservation Area and the 2 properties to the east and 10 properties to the west are Listed. They are set closer to the road, are white / cream rendered and all of a similar style creating a strong character to the northern side of Bury Road. The property directly to the east, 18 Bury Road, has been divided into 3 separate dwellings and its two storey rear elevation is broadly in line with the front elevation of the application property. There are 3 ground floor windows and 1 first floor window in the west elevation of no. 18. The rear gardens of the 3 dwellings in no. 18 are to the north and enjoy relatively high levels of privacy relying on a tall evergreen hedge along the western boundary which screens them from the existing first floor windows in the east elevation of the application property. The property to the west, 22 Bury Road, is at a lower level than the application property and has a large garden to the north. It has a two storey rear projection which screens the main rear elevation from the majority of the existing windows in the west elevation of the application property, although the windows do have clear views over the rear garden of no. 22.

3. An application for amendments was refused in October 2017. The refused proposal included roof alterations with front and side dormers; a nearly full width replacement conservatory to the front with parking beyond; and a garden, scooter, bike and bin stores to the rear. The reasons for refusal are as follows:-

1. The proposed front dormer and conservatory would, by reason of their unsympathetic scale and appearance, represent inappropriate and incongruous addition to the recipient building harmful to the character and appearance of the Bury Road Conservation Area and the setting of the surrounding listed buildings, contrary to Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan 2011-2029.



2. The dormers and second storey windows in the east and west elevation would, by reason of their size, position and relationship with 18 and 22 Bury Road result in harm to the amenity of the existing and future occupants of those properties in terms of loss of privacy from the windows and loss of outlook from the dormers, contrary to Policy LP10 of the Gosport Borough Local Plan 2011 - 2029.

3. Inadequate provision has been made for the parking and manoeuvring of vehicles within the application site which would result in harmful overspill parking in the local road network and manoeuvring to the detriment of highway and pedestrian safety, contrary to Policies LP10 and LP23 of the Gosport Borough Local Plan 2011 - 2029 and the Gosport Borough Council Parking Supplementary Planning Document.

4. The proposed cycle and scooter storage provision is unsatisfactory and would not promote the use of such alternative methods of transport, contrary to Policies LP10 and LP23 of the Gosport Borough Local Plan 2011 - 2029 and the Gosport Borough Council Parking Supplementary Planning Document.

5. Adequate provision has not been made for the storage and collection of refuse, to the detriment of the amenities of occupants of the site and highway safety contrary to Policies LP10 of Gosport Borough Local Plan 2011-2029.

4. This proposal is for the erection of a single storey rear extension and roof alterations to extend into the roof space creating 5 new bedrooms and additional communal space. This along with a variety of additional internal alterations would increase the residential capacity of the application property from 29 to 34 and ensure all the bedrooms reflect the current care standards. The proposed single storey extension would be 8.1m long and 5.3m wide. It would have a 3.1m high flat roof with two lantern lights. There would be a set of patio doors and windows in the west elevation overlooking a newly created rear garden. The proposed roof alterations are:-

- a 10.3m flat roof extension incorporating the various valleys and slopes of the roof towards the rear of the property. This would include 1 obscure glazed second floor window in the west elevation, non-opening below 1.7m from the internal floor level, and 1 second floor window in the rear elevation;

- 2 dormers one in the rear and one in the east elevation. The rear dormer would be 0.8m wide, 1.2m high and 1.2m deep with a single rear facing window. The dormer in the east elevation would be 2.6m wide, 1m high and 1.4m deep with 2 obscure glazed windows both of which would be non-opening below 1.7m from the internal floor level;

- Increase in height of the lift tower by 2.4m thereby protruding above the roof ridge by 1.8m; and

- 5 roof lights within the flat roof, 2 roof lights within the front roof slope, 1 in both the east and west roof slopes and 1 second floor window in the front gable on the front of the property.

5. The current proposal differs from the refused proposal as it removes the front dormers and enlarged front conservatory; it retains and improves the boundary screening along Bury Road and alters the position of the parking, scooter store, bin and cycle store provision.

6. The alterations to the building would be completed in matching materials. It is proposed to create 13 parking spaces to the front and rear of the property and install mobility scooter, bike and bin storage sheds as well as Sheffield stand cycle storage along the western boundary of the site. A Design, Access and Heritage Statement was submitted with the application.

7. Amended plans were submitted on the 02.03.2018 which amended the location of bin, scooter and cycle storage to improve the vehicle turning area to the front of property and a the minor amendments including details of the roof lights and the east dormer.

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## **Relevant Planning History**

17/00323/FULL - extension of conservatory; extension of roof, installation of dormers, third floor windows and roof lights; and increase in lift tower height to facilitate the creation of 7 new bedrooms and increase the number of residents to 33 (conservation area) - refused 30.10.2017

K2575/12 - erection of single storey side and rear extensions and two storey side and rear extensions to existing rest home, and increase no. residents from 23 to 29 (Conservation Area) - permitted 27.06.95

## **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

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**

Local Highway Authority	No objection.
Building Control	A Building Regulations application is required. The open stair cases and access to the second floor in relation to the fire strategy would need to be considered. There is a high potential the proposed layout will create Building Control and fire safety related issues.
The Gosport Society	No objection as support the Conservation Officer's position but concerns remain for side dormers and lift tower and their effect on the external appearance of the original building.
Hampshire Fire And Rescue Service	No objection

## **Response to Public Advertisement**

2 letters of objection

Issues raised:-

- potential damage to side wall of 18 Bury Road due to parking and manoeuvring vehicles
- additional noise created from additional residents

- overlooking from east facing dormer
- loss of light due to bulk of dormer
- car parking and access related to additional usage would impact on highway safety
- bin storage directly adjacent to side wall and windows of 18 Bury Road

### ***Principal Issues***

1. Damage to private property is not a planning consideration. The main issues, therefore, are the appropriateness of the design of the proposal its impact on the appearance of the locality, the setting of the listed buildings and the character and appearance of the Conservation Area; the amenities of the occupiers of adjacent properties; off road parking provision; bin storage provision and protected species.

2. The proposal mainly seeks to change the roof form, by introducing dormers, extensions, additional windows and conservation roof lights, and add an extension to the rear of the application building. The majority of the works would be to the rear of the property which has been significantly altered and is not overly visible from Bury Road or within views through and into the Conservation Area. The proposed works to the front of the application property have been substantially reduced from those within the refused scheme, and would include a single side dormer, roof lights and a window in the gable. These are not considered to significantly harm the visual amenity of the building nor unduly alter its appearance. It is not a listed building but is within a Conservation Area and within the setting of a number of listed buildings; however the proposed alterations are not considered to materially alter the relationship of the application property with its surroundings. The proposed bin, cycle and scooter storage would be discreetly positioned to the rear and side of the application property. To improve the parking provision and turning capabilities within the site, as proposed, there would be a requirement for additional hard surfacing to the front of the property. However this would be largely screened and softened by extensive planting to the front boundary, thus ensuring the enclosed and verdant nature of the frontages along Bury Road are maintained and the character of this part of the Conservation Area enhanced. It is recommended that details of the screening planting are conditioned to ensure the plants used are appropriate. Taking this into consideration the proposal would be appropriately designed and would conserve the character and appearance of the Conservation Area as well as the setting of the surrounding listed buildings; it would overcome the issues raised in the previous reason for refusal and comply with Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan 2011-2029.

3. The proposal would increase the capacity for residents of the care home which has the potential of increasing the amount of disturbance; however the increase would only be a maximum of 5. The proposed movement of the car park to the front would mean that cars could be parked closer to the side elevation of 18 Bury Road, however, the driveway already runs along the side elevation as such the property is already impacted by the vehicle movements on site. Taking this into consideration the proposed increase in number of residents and associated comings and goings would not harm the amenity of the occupants of the adjacent properties in terms of potential increased noise nuisance and any isolated incidents of noise could be dealt with under the Environmental Health legislation. The proposal would not considerably alter the mass of the application property and as such is unlikely to create a significant loss of light for the properties on either side.

4. The additional windows in the side elevations of the proposal would serve bathrooms, be obscure glazed and non-opening below 1.7m from the internal floor level. The roof lights in the side elevations would also have cill heights of 1.7m and would be secondary windows in the rooms only. The roof lights in the front elevations would be lower to allow views out of them when they are the primary window in a bedroom. This is therefore considered to maintain the privacy of the occupants of the properties on either side whilst ensuring the amenity of future occupants of the 4 new bedrooms in the roof space. The additional roof alterations would be positioned within the envelope of the application property so are not considered to significantly alter the bulk of the existing building in relation to its impact on the outlook from or shadow over adjacent properties. Taking this into consideration the proposal is not considered to harm the amenity of the occupants of the adjacent

properties; it would overcome the issues raised in the previous reason for refusal and comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

5. The application property currently has access to 7 useable parking spaces. The proposal would increase the number of residents by 5 and the number of staff by 2.5 which would require 4 additional parking spaces. The proposal would provide 6 additional spaces which exceeds the parking need and they are of a form which meets the size requirements set out in the Council's Parking Supplementary Planning Document. Appropriate manoeuvring space has been provided for the rear and front parking spaces and it is evident larger vehicles such as delivery trucks and ambulances can access and egress the site in a forward gear. It is therefore considered that vehicles using the site would be able to safely exit the site in a forward gear without impacting on the safety of other users or the traffic flow of Bury Road. Cycle storage and scooter storage is appropriate to the use of the application property and is easily accessible for both residents and staff. The proposal therefore overcomes the issues raised in the previous reasons for refusal and complies with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011 - 2029 and the Gosport Borough Council Parking Supplementary Planning Document.

6. There is no specific requirement for refuse provision for a care home within the Council's Design Supplementary Planning Document (Design SPD), as this is a commercial use, and the proposal shows provision for 2 commercial bins which is 1 more than is currently available on the site so does constitute an improvement to the current situation. They would be stored 25m from the road side which is an acceptable distance for moving the bins to the road edge for collection. This provision is therefore considered acceptable; would overcome the issues raised in the previous reason for refusal and comply with Policy LP10 of the Gosport Borough Local Plan 2011 - 2029.

7. The site is located close to a habitat for a notable species. Whilst this of importance, having regard to the continued use and nature of the site and the type of the development proposed, the proposal is not considered to have a detrimental impact on this important habitat so complying with the 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 plan:

17010-130 O

17010-430 A

17010-431 A

17010-432 O

17010-433 O

17010-530 A

17010-630 O

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

3. The materials to be used, unless otherwise stated on the approved plans, shall match in type, colour and texture, those on the existing property unless otherwise agreed, in writing, with the Local Planning Authority.

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

4. The dormer windows in the side elevations, as outlined in green on Plan 17010-530 Revision A, shall be non-opening to a height of 1.7m above finished floor level and glazed with obscure glass (minimum of level 3) and shall be retained in that condition thereafter.

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

5. No additional occupation of the property shall occur until the off road parking spaces and vehicle manoeuvring areas as shown on plans 17010-432 O and 17010-433 O have been provided and made accessible. The spaces and manoeuvring areas shall thereafter be retained for vehicle parking and manoeuvring.

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

6. No additional occupation of the property shall occur until the details listed below concerning the 'New Screening' planting shown plan 17010-430 A and described in paragraph 10.3 of the Design, Access, and Heritage Statement (written by Martin Critchley, Chartered Architect and dated January 2018) has been submitted to and approved, in writing, by the Local Planning Authority.

The details required are:-

- Location, number, density of planting and height of each species; and
- A future maintenance scheme.

The planting shall then be carried out in accordance with the approved details in the next planting season and maintained in accordance to the approved maintenance scheme.

Reason - To safeguard the character and appearance of the area and preserve the Conservation Area and the setting of the nearby Listed Buildings in accordance with Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan 2011-2029.