

Public Document Pack

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24 November 2020

S U M M O N S

MEETING: Regulatory Board
DATE: 2 December 2020
TIME: 6.00 pm
PLACE: Virtual Meeting
Democratic Services contact: Lisa Young

PAUL GRANT
BOROUGH SOLICITOR AND MONITORING OFFICER

MEMBERS OF THE BOARD

(Councillor Hook (ex-Officio)
Councillor Mrs Huggins (Mayor) and Councillor Mrs Hook (Chairman)
Councillor Casey (Vice-Chair)

Councillor Bateman	Councillor Herridge
Councillor Mrs Batty	Councillor Mrs Jones
Councillor Carter	Councillor Miss Kelly
Councillor Earle	Councillor Murphy
Councillor Farr	Councillor Scard
Councillor Foster-Reed	Councillor Westerby
Councillor Hammond	

NOTE:

- i. Councillors are requested to note that, if any Councillor who is not a Member of the Board wishes to speak at the Board meeting, then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off or switched to silent for the duration of the meeting.
- iii. This meeting may be filmed or otherwise recorded. By attending this meeting, you are consenting to any broadcast of your image and being recorded.

AGENDA

RECOMMENDED
MINUTE FORMAT

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST
3. MINUTES OF THE MEETING HELD ON 14 OCTOBER 2020.
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 30 November 2020. 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, 30 November 2020).

6. LICENSING POLICY

Report to Follow

7. FAREHAM LOCAL PLAN 2037: PUBLICATION PLAN (REGULATION 19)

To consider and approve a response to the *Fareham Local Plan 2037: Publication Plan (Regulation 19) (FLP2037)* consultation which has been produced by Fareham Borough Council (FBC).

8. REPORT OF THE DEVELOPMENT MANAGER

*Schedule of planning applications with recommendations.
(grey sheets pages 1-73/1)*

9. ANY OTHER ITEMS

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Public Document Pack Agenda Item 3

Regulatory Board
14 October 2020

A MEETING OF THE REGULATORY BOARD WAS HELD ON 14 OCTOBER 2020

Councillor Hook (substituting for Councillor Batty)

Councillors Bateman, Carter, Casey, Mrs Cully (Substituting for Farr), Earle, Foster-Reed, Hammond, Herridge, Mrs Hook, Mrs Jones, Miss Kelly, Murphy, Scard and Westerby

16. APOLOGIES FOR NON-ATTENDANCE

Apologies for non attendance were received from Councillors Batty and Farr.

17. DECLARATIONS OF INTEREST

There were none.

18. MINUTES OF THE MEETING HELD ON 2 SEPTEMBER 2020

RESOLVED: That the minutes of the meeting of the Board held on the 2 September 2020 be signed as a true and correct record.

19. DEPUTATIONS - STANDING ORDER 3.4

Deputation was received on the following item:

- Wykeham Hall, Frobisher Block and Keith Cottages

20. PUBLIC QUESTIONS - STANDING ORDER 3.5

There were none.

21. CONSULTATION FROM FAREHAM BOROUGH COUNCIL

Consideration was given to a report of the Planning Policy Manager and Development Manager detailing a consultation received on proposals made by Fareham Borough Council for a development for up to 1,200 new homes (C3); 80 bed care homes (C2); a new 2 form entry primary school (D1); a local centre to comprise flexible commercial floorspace (up to 800sq.m) and Community Centre and Health Care Facility (D1 use up to 700sq.m).

In answer to a Member's question the Board was advised that it was too early to know the recommendation of the Planning Officer's at Fareham Borough Council as the application was still open for representations.

The Board was advised that Fareham Borough Council objected to applications that compromised the integrity of the strategic gap, and that the Leader of Fareham Borough Council had confirmed that the strategic gap should remain and it was hoped that the space could be used for rewilding, in line with Government requirements.

Members expressed concerned that the proposal would create additional pressure on the roads into and exiting the Borough, and was very car intensive and would impede on town that only had road access.

The Strategic Gap was key and approved only five years previously, and that the planning inspector had agreed that the gap between Fareham and Stubbington was justified and therefore any proposal for it should not be approved.

Resolved: That the Council raise objection on the following grounds for the reasons set out in paragraphs 2.3 to 2.23 of this report:

1. The proposed development is contrary to Fareham Borough Council's adopted Local Plan (Parts 1 and 2) for a number of reasons including that the development is outside the settlement boundary and is located within the Strategic Gap.
2. The proposal will have a detrimental impact on the road network serving Gosport Borough, both alone and in-combination with other potential speculative developments in the Strategic Gap.

That the development is contrary to the proposals and policies set out in the latest Regulation 19 version of the Fareham Local Plan 2036

22. REPORT OF THE DEVELOPMENT MANAGER

Consideration was given to a report of the Development Manager detailing application 19/00333/FULL

The Senior Development Manager updated the Board that the applicant had submitted a Construction & Demolition Environmental Management Plan setting out the measures to protect amenity associated with the various proposed demolition works within the proposal as follows.

Amended plans

In response to the comments set out in paragraph 10 of the Principle Issues section of the report, the applicant has submitted amended plans relating to the existing windows in the first floor of the east facing elevation of Frobisher Block. The applicant proposes to obscure glaze, and fix shut, the lower half of the sash windows to reduce the potential for the overlooking of the properties currently being built that front Kings Road. To provide increased light into the space served by these windows to be partially obscured, the applicant proposes to add a new window in the north facing elevation that would overlook a parking area.

Additional Consultee response

Environmental Health: No objection to submitted Construction & Demolition Environmental Management Plan being approved subject to a condition to secure its implementation.

Officer comment:

The submitted Construction & Demolition Environmental Management Plan is considered to meet the requirements set on in part a) of recommended Condition 6. This condition should

be amended to require the implementation of the measures set out in the submitted Construction & Demolition Environmental Management Plan.

The amended plans showing obscure glazing to the lower sash of the east facing first floor windows in the projecting wing of Frobisher are considered to address and overcome the potential for overlooking set out in the report. The proposed additional window would, given its position, not result in any additional issues associated with overlooking and loss of privacy and is also acceptable in design terms. The recommended condition (no 17) should be updated to require the implementation and retention of the obscure glazing and restricted means of opening.

Recommendation: Officer recommendation to Grant Planning Permission unchanged, subject to the following changes to conditions.

Condition 2: amend to include reference to the Construction & Demolition Environmental Management Plan as an approved document and the Drawing Numbers updated to reflect the amended plans for Frobisher.

Condition 6: delete part a) and amend part b) to require implementation of approved details.

Condition 17: amend to make reference to updated drawings and to require implementation of obscure glazing before occupation.

a) The windows in the south and east facing elevations of Frobisher Block (Building 142) hatched and annotated on Drawing No. 01318C_142_E_S_E Rev.P11 to be obscure glazed shall be fitted with obscured glass to a minimum of Level 4 of the Pilkington scale (or any other equivalent as may be agreed in writing with the Local Planning Authority) and only be openable in the manner described on the drawing, before the residential units which these windows serve are first occupied.

b) The approved obscure glazing and restricted means of opening shall thereafter be retained.

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

A deputation was read out by Borough Solicitor and Monitoring Officer on behalf of Kate Ives, as follows:

We are delighted that this second phase of residential development at Daedalus is being reported to the Regulatory Board this evening with a recommendation to grant planning permission. It's a reflection of the many months of hard work with your Officers to secure a viable future for an important part of the Daedalus site.

This latest proposal demonstrates our commitment to the on-going regeneration of Daedalus. And we're excited by the role these new homes can play in bringing these long vacant buildings back to life.

A total of 20 new homes are proposed, including six new family homes in the location of the former Dental Surgery. A total of 34 car parking spaces which meet Gosport's standards

are provided. Privacy measures have been incorporated into Frobisher Block to respond to nearby resident's concerns. In addition, new tree planting and dedicated bin/cycle stores are also proposed. An extensive programme of refurbishment works to Wykeham Hall and Frobisher Block will turnaround years of decline. Subject to your consideration of the proposal this evening, works could commence later this year.

We're proud of the homes we have delivered so far and they have proved to be very popular with local residents as well. The first phase of 'shared ownership' homes were all reserved within the first week of launching. And over 50 per cent of the private homes are now either reserved or home to a new family.

We're also proud of the work we have done to support local people in finding work and learning new skills as well as the amount of money which has been spent locally, including charitable giving to local organisations.

Members may be interested to know that:

- 98 local people have been employed on site – including five people recruited directly from our free two week 'Building Futures' employability and construction skills course;
- Over £18 million has been spent with local small businesses;
- Over £70,000 invested in local charities; and
- Wates' employees have volunteered their time to pick litter, serve Christmas lunches to isolated residents and supported the D Day celebration event and Gosport Marine Festival.

It's taken us longer than we would have liked to get to this stage, but Members will be aware of the issues and challenges facing the delivery of new homes in South Hampshire at this time due to requirement to demonstrate 'nitrate neutrality'. Nevertheless, we've worked hard with our partner Homes England, your Officers and neighbouring authorities to deliver a viable mitigation strategy to allow the development to proceed.

Our proposal preserves the most historic parts of the site and will reinforce the role these buildings play in the heritage of Daedalus by refurbishing and restoring them to their former grandeur.

We hope Members share our pride in the work we have achieved at Daedalus so far. We also hope that you are as excited as we are about the opportunities this next phase of homes can bring.

In answer to a Members question the Board was advised that the details of support to charities was not a material planning consideration, but that the information was available on the applicants website.

The Board was advised that the land proposed for mitigation measures fell under Winchester City Council and that it was former Homes England and had planning permission already in place. It was secured and would be transferred to the Parish Council and was currently agricultural land with Legal analysis in place to ensure the land was not double counted.

The Board was advised that it was normal practice to undertake a desk top contamination analysis, followed by a more detailed on-site analysis and remediation if required.

In answer to a Member's question, the Board was advised that condition 10 related to the ecological technical note and address the bat mitigation and that works needed to be done with an ecologist present to ensure that bats weren't residing in the current mitigation measures.

The Board acknowledged that the site had been a successful military base but that it was time to allow for development to enhance the locality. It was understood that people may

feel the proposal was a loss of buildings but it was accepted that the proposals were sympathetic.

RESOLVED: That Planning application 19/00333/FULL be approved subject to a section 106 agreement and the conditions in the report of the Development Manager.

23. ANY OTHER ITEMS

There were none.

CHAIRMAN

Concluded at 6.45 pm

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Agenda Item 6

Board/Committee:	Licensing Board
Date of meeting:	December 2020
Title:	Review of the Licensing Policy – Outcomes of Consultation
Author:	Head of Environmental Health
Status:	FOR DECISION

Purpose

This report sets out the updated Licencing Policy following a 12-week consultation, for approval and recommendation to Full Council.

Recommendation

That the Regulatory Board recommend to Council the approval of the Licensing Policy

1.0	Background
1.1	The Licensing Act 2003 took effect on 25 November 2005 and provided a unified system of regulation for the sale of alcohol, the provision of regulated entertainment and late-night refreshment. Most significantly it transferred to the local authority, as part of these new provisions, liquor licensing, which was previously carried out by the Magistrates' Court. The Council is the licensing authority in its area for the discharge of licensing functions under the Licensing Act 2003.
1.2	Section 5 of the Licensing Act 2003 requires each licensing authority to publish a statement of policy in respect of its licensing functions at the beginning of each five-year period. This policy must be kept under review and such revisions must be made at such times as it considers appropriate.
1.3	The present five-year period ends in March 2021 and therefore a Licensing Policy for 2021 - 2026 must be determined and published.
2.0	Report
2.1	The Licensing Board approved a draft policy for consultation at its meeting of 2 September 2020. The statutory consultation took place until 25 November 2020. There were no responses received.
2.2	Owing to receiving no representations, it is not considered necessary to amend the original draft policy, so this is now shown as the final draft at Appendix A.
3.0	Conclusion

3.1	This Council must adopt a five-yearly reviewed Licensing Policy issued under the Licensing Act 2003 for March 2021.
3.2	The reviewed Licensing Policy will be presented to the meeting of Full Council on 9 December 2020.

Financial Services comments:	
Legal Services comments:	<i>Contained within the report</i>
Equality and Diversity:	
Climate Change implications:	
Crime and Disorder:	
Service Improvement Plan implications:	
Corporate Plan:	
Risk Assessment:	
Background Papers:	
Appendices:	<i>Appendix A Final Draft Licensing Policy</i>
Report Author/Lead Officer:	



GOSPORT
Borough Council

Licensing Act 2003

Statement of Licensing Policy

March 2021 – March 2026

1. Introduction

- 1.1 The Licensing Act 2003 requires licensing authorities to publish a "statement of licensing policy" every five years, which sets out how they intend to exercise their functions. The policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits. The discretion of the licensing authority in relation to applications is only used if relevant representations are made
- 1.2 The Policy relates to all those licensing activities identified as falling within the provisions of the Act (Part 1 Section 1) namely:
- Retail sale of alcohol;
 - Supply of alcohol to club members;
 - The supply of hot food and/or drink from any premises between 11 p.m. and 5 a.m.;
 - Provision of "Regulated Entertainment" – to the public, to club members or with a view to profit. "Regulated Entertainment" is defined as:
 - A performance of a play
 - An exhibition of a film;
 - An indoor sporting event;
 - Boxing or wrestling entertainment;
 - A performance of live music;
 - Any playing of recorded music;
 - A performance of dance;
- 1.3 The Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 provide significant exemptions to some of the activities. These include licensed premises music exemptions.
- 1.4 The licensing authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives, which are:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm

- 1.5 The Authority must also have regard to this Statement of Licensing Policy and any statutory guidance issued by the Secretary of State. That does not mean that it has to follow the policy and guidance slavishly. It can depart from it if, having properly taken it into account, it has to have good reason to do so and where it is appropriate to do so to promote one or more of the licensing objectives.
- 1.6 In promoting the licensing objectives the licensing authority has a number of key aims and purposes which should be principal aims for everyone involved in licensing work and are therefore integral to the Policy. They include:
1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
 2. Giving the police, licensing officers and responsible authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
 3. Recognising the important role which licensed premises play in our local communities and economy by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises;
 4. Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
 5. Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

Consultation

- 1.7 In accordance with section 5 of the Act and prior to the publication of this Policy the licensing authority consulted with:
- Chief Officer of Police for the area (Hampshire Police)
 - Hampshire Fire and Rescue Authority
 - Persons/bodies representative of local holders of premises licences;
 - Persons/bodies representative of local holders of club premises certificates;
 - Persons/bodies representative of local holders of personal licences;
- 1.8 This Policy will come into effect on 9 February 2016 and remain in force for a period of five years. During this time the policy will be subject to regular review.

2. Profile

- 2.1 Gosport Borough is located in South Hampshire on the western side of Portsmouth Harbour opposite the city of Portsmouth. The Borough is a peninsula of 2,750 hectares surrounded on three sides by The Solent and Portsmouth Harbour with almost 39 kilometres of coastline. It is predominately urban in character and contains two principal settlements, Gosport and Lee-on-the-Solent, separated by the Alver Valley.
- 2.2 The population of the Borough in 2011 was 82,600 persons. The Borough is also one of the most densely populated areas in the South East Region, with an urban density of 32.6 people per hectare. There are approximately 35,400 households.

3. The Impact of Alcohol on Gosport

- 3.1 Figures from Public Health England state that “compares well to national and regional rates on many key indicators of alcohol-related health harms, admissions are on an upward trend. There were 1,734 admissions to hospital where alcohol was a direct cause or a contributing factor in 2018/19, a 44% increase from 2008/09. An area of concern is the increasing trend of hospital admissions where alcohol can be wholly attributed as a cause. There were 599 admissions in 2018/19, 35% increase since 2016/17 Gosport has a significantly higher rate of admissions (718 per 100,000 people) than England”
- 3.2 Public Health England state “Gosport has the highest rate of premises licensed to sell alcohol per square kilometre in Hampshire (7.3 premises per km²), significantly more than England¹. Figure 3 below show comparison to other districts in Hampshire.”

Licensing Process

- 4.1 Applicants are strongly encouraged to seek advice at the earliest possible stage from the licensing authority and other responsible authorities before making an application.
- 4.2 Applicants will need to comply with the statutory requirements or risk their application being invalid.
- 4.3 The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule, having regard to the type of premises (which includes a vessel i.e. ship or boat),

the licensable activities to be provided, the operational procedures, the nature of the location and needs of the local community.

- 4.4 It is recommended that applicants obtain planning permission and building regulation approval along with all other necessary permissions and licences for the premises prior to an application being submitted.
- 4.5 When formulating their operating schedule applicants will be expected to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account where appropriate.
- 4.6 When determining applications, the licensing authority will have regard to any guidance issued by the Government. Account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a neighbourhood, the licensing authority's consideration of those representations will be balanced against the wider benefits to the community.
- 4.7 When determining applications, the only conditions which should be imposed on a premises licence or club premises licence are those that are appropriate and proportionate for the promotion of the licensing objectives. Regard will be had to any local crime prevention strategies.

Operating Schedules

- 4.8 The operating schedule must form part of the completed application form for a premises licence. It should include information, which is necessary to enable a responsible authority or other person to assess whether and what steps have been taken or are proposed in order to promote the licensing objectives.
- 4.9 As and when appropriate the applicant should provide in the operating schedule such further relevant additional information/evidence where there is an apparent departure from the promotion of the licensing objectives.
- 4.10 It is strongly recommended that applicants and/or their legal advisors discuss with Council officers and representatives of responsible authorities the draft operating schedule before it is formally submitted. This will help ensure it properly addresses all relevant issues that might give rise for concern. This may avoid the

necessity for a hearing if the application otherwise passes without representation.

Representations

- 4.11 There is a prescribed period during which the licensing authority can receive a written representation to an application. This is usually 28 days from the date the licensing authority receives the application but varies depending on the type of application under consideration.
- 4.12 “Relevant representations” can include positive, supportive representations as well as objections.

Decision Making Process

- 4.13 It will be the licensing authority’s policy to provide an efficient and cost-effective service to all parties involved in the licensing process. Except for the approval and review of this Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation.
- 4.14 In accordance with DCMS Guidance the licensing authority has delegated licensing functions to sub-committees or in appropriate cases, to officials supporting the licensing authority as follows:

Matter to be dealt with	Board	Officers
Application for personal licence	If a police objection	If no objection made
Application for person licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases

Matter to be dealt with	Board	Officers
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.		All cases in consultation with the Chairman
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases

Matter to be dealt with	Board	Officers
Determination of a police objection to a temporary event notice		All cases
Determination of application to vary premises licence at a community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

4.15 If no relevant representations are received then the authorisation will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory or are consistent with the operating schedule accompanying the application. The licensing authority will have no conditions attached to the licence.

4.16 Where relevant representations are made and not withdrawn, the licensing authority must hold a hearing before the Licensing Board who will take such of the following steps as it considers appropriate for the promotion of the licensing objectives.

4.17 The steps are:

- grant the licence subject to the operating schedule modified to such extent as the Board considers appropriate for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
- exclude from the scope of the licence any of the licensable activities to which the application relates;
- to refuse to specify a person in the licence as the premises supervisor;
- reject the application.

Applications for Large Events

4.18 Events that the Council believe may require a co-ordinated approach to manage may be subject to a Safety Advisory Group (SAG) process. This will be at the discretion of the Council. Applicants will need to demonstrate to the members of the SAG they are supporting the licensing objectives.

- 4.19 An Event Management Plan needs to be submitted at least 6 months prior to the event to allow for the SAG process to be undertaken before any required licensing process.

Shops Selling Alcohol (Off Licences)

- 4.20 In 2013 the British Beer and Pub Association estimated that twice as much alcohol is bought in off-licensed premises as from pubs or other licensed premises. This was after years of seeing a steady increase in the amount of alcohol sold in off licences. Pre-loading with alcohol before a night out is much more frequent. This change in habit has the potential to negatively impact on the licensing objectives with on-licensed premises most at risk of the consequences. There are additional increased potential risks such as easier access to alcohol by children (given that consumption is not monitored / regulated), theft, increased street drinking and an increase in crime and disorder.
- 4.21 To address theft and access by children to alcohol the layout of premises, CCTV, where alcohol will be displayed and what steps will be undertaken to support the licensing objectives will be considered.

Temporary Event Notices (TENS)

- 4.22 The Licensing Act 2003 enables certain organised events for fewer than 500 people to take place following notification to the licensing authority, the Police and Environmental Health.
- 4.23 Guidance on giving Notice can be found in the Home Office Fact Sheet. www.gov.uk/government/publications/temporary-events-notices-factsheet.
- 4.24 Although the statutory legal minimum time required for the notification of a temporary event to the licensing authority, Police and Environmental Health is ten working days, or five working days for a late temporary event, it is essential that proper consideration of the proposed event is given. Statutory guidance allows the licensing authority to publicise its preferred timescale for notification.
- 4.25 Late temporary event notices must be received with five clear working days' notice. For the avoidance of doubt, applications submitted electronically, via .GOV.UK must be received by 23:59 on the Sunday for events occurring the following weekend. i.e. If an event is taking place on Saturday 7 March, the application must be received by 23:59 on Sunday 1 March.

- 4.26 The licensing authority will encourage bona fide community events. Giving TENs for existing licensed premises will not be encouraged where the proposal is simply to regularly extend the existing hours of operation. 4.27 . The licensing authority expects those who have given notice of a temporary event to have identified any particular issues having regard to their type of premises and/or activities, and to have in place written policies for addressing issues such as drunkenness, crime/disorder and drugs on their premises and for ensuring staff are trained on these policies.

5. Management of Premises

Designated Premises Supervisor

- 5.1 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person who holds a personal licence (or must be made or authorised by the management committee in the case of community premises).
- 5.2 The Licensing Act 2003 does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder always remain responsible for the premises .
- 5.3 The licensing authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The Authority expects that this will be in excess of 50% of a seven-day week.
- 5.4 The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.
- 5.5 Within all licensed premises, whether or not alcohol is to be sold, the licensing authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises licence.

Door Supervisors

- 5.6 The premises licence holder and DPS should ensure that their premises do not increase the fear of crime as well as actual crime in their locality. To this end they should ensure, so far as is possible, that customers do not cause nuisance or disorder outside the premises and that measures to ensure the safety of customers and prevention of nuisance are in place. Door supervisors have an important role in managing customers, not only on the doors but also in the immediate area of premises.

Dispersal Policies

- 5.7 The licensing authority accepts that licensed premises can have a diffuse impact. People can cause disturbance when returning to residential areas from later-opening premises elsewhere and people who use off-licences may locate to a remote spot to drink. These problems may not be within the direct control of any particular licensed premises. However, premises licence holders are generally expected to take measures to encourage people to leave their premises quietly and considerately. The Licensing Authority would encourage premises to adopt a dispersal policy where appropriate.

Risk Assessment

- 5.8 The licensing authority will expect that appropriate and satisfactory general and technical risk assessments, management procedures and documentation have been made available to the relevant responsible authorities and to the licensing authority, that demonstrate that the public will be safe within and in the vicinity of the premises.
- 5.9 At the time of drafting this policy the country was being affected by the COVID Pandemic. Any applications that are made whilst Coronavirus is still an issue will need to be accompanied by a COVID Risk Assessment. Any Licences or permissions granted whilst there are still national or local restrictions on activities, do not take precedent over those restrictions.
- 5.10 As a minimum the following matters must be taken into consideration:
- Whether the premises already have a licence which specifies the maximum number of people that can be present and, whether a risk assessment has been undertaken as to the maximum number of people who can be present in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency.

- Whether there are procedures in place to record and limit the number of people on the premises with opportunities for “pass outs” and readmission.
- Whether patrons can arrive at and depart from the premises safely.
- Whether there may be overcrowding in particular parts of the premises;
- Whether music and dance venues and performance venues will use equipment or special effects that may affect public safety (e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).
- Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services.
- COVID measures needed to ensure the activities are Covid Safe.

Promoters

- 5.11 The premises licence holder, DPS and personal licence holders remain responsible for activities taking place on premises when promotions take place. In addition, the licensing authority will expect premises licence holders to have in place written agreements to ensure that when hiring out venues to promoters, the responsibility for the management of the premises is clear. The Promoter and its employees or agents shall comply in all respects with all conditions, requirements and regulations of the local authority, licensing authority, police authority and fire authority and have regard to good practice for licensed premises.

Takeaway Premises (Late Night Refreshment Houses)

- 5.12 The Licensing Authority considers that it will normally be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises (“takeaway” premises).
- 5.13 It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol having left, or in some cases being ejected from, late night venues congregate there. Applicants are recommended to have clear written policies for dealing with disorder and nuisance.
- 5.14 Operators of takeaway premises (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption

elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from their premises. Applicants are also asked to consider the type of packaging container, whether it is always necessary and whether it can be sourced from sustainable materials.

- 5.15 Where the Licensing Authority considers it appropriate, it may impose conditions on a premises licence to require the operator of premises serving customers with hot food or drink to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers. It may require the proprietor to service those litter bins as part of their own waste management arrangements.

External Areas

- 5.16 The introduction of the requirement for smoke free public places under the Health Act 2006 has led to an increase in the number of people outside licensed premises. The provision of tables and chairs outside premises can enhance the attractiveness of a venue, but regard should be had to the need to ensure that the use of such areas will not cause nuisance to the occupiers of other premises in the vicinity. In particular, those with authorisations are expected to manage persons smoking in the vicinity of premises so they do not impede access to the premises and do not cause disturbance. In addition, they are expected to provide secure ash trays or wall mounted cigarette bins for patrons so as to minimise litter.
- 5.17 Licensees should also be aware of the possibility of breakages of drinking glasses and glass bottles in outside areas. Consideration should therefore be given to the use of toughened or “plastic” drinking vessels and other management controls to avoid or lessen the likelihood of broken glass in these areas.
- 5.18 The licensing authority has a number of concerns with respect to the development of external areas to licensed premises, and will consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective.

Vehicles

- 5.19 Under the Act, alcohol may not be sold on or from a moving vehicle and therefore any application for such will be refused. However, applications for Premises Licences will be considered for the sale of alcohol from parked or stationary vehicles relating solely to the place where the vehicle is parked, and the sale of alcohol will take place.

6. Cumulative Impact/Special Saturation Policy

- 6.1 The licensing authority will not take the “need” for an establishment into account when considering an application, as this is a matter for the market. The licensing authority however recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder in the vicinity of the premises.
- 6.2 If representations are received from a responsible authority or other persons suggesting that an area has become saturated with licensed premises, such degree of concentration making it a focal point for large groups of people to gather in surrounding areas, possibly away from the premises themselves, the licensing authority will consider on an evidential basis if this impact has an adverse effect on the promotion of the licensing objectives in addition to that created by the individual premises.
- 6.3 In these circumstances, the licensing authority will assess whether the imposition of conditions can address these problems or if the adoption of a special policy of refusing applications for new Premises Licences or Club Premises Certificates is needed because the area is saturated with licensed premises and that granting of any more would undermine at least one of the licensing objectives.
- 6.4 When considering whether to adopt a special saturation policy the Licensing Authority will consider a range of issues including the following:
- Evidence of identification of concern about crime and disorder or public nuisance;
 - Where it can be demonstrated that nuisance and/or disorder is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area;
 - Following consultation and subject to that consultation, inclusion of a special policy about future Premises Licence or Club Premises Certificate applications from that area; and
 - Publication of the special policy.
- 6.5 If a special policy is adopted it creates a rebuttable presumption that licence and certificate applications or material variations will normally be refused if relevant representations are received. Accordingly applicants will need to address the special policy issues in their operating schedules in seeking to rebut the presumption. Applicants would need to demonstrate that the operation of the premises involved would not add to the cumulative impact already being experienced.

- 6.6 If implemented, the licensing authority would regularly review any special saturation policies to see whether they have had the intended effect and are still required.
- 6.7 The licensing authority will not normally use special saturation policies solely;
- As grounds for removing a licence when representations are received about problems with existing licensed premises, or;
 - To refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits.
- 6.8 The licensing authority also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application having regard to the licensing objectives.
- 6.9 The licensing authority, having regard to the evidence currently available, considers that at present there is no particular part of the district where a cumulative impact exists, leading to an adverse impact upon the fulfilment of the licensing objectives. However, the cumulative impact of licensed premises will be kept under review.
- 6.10 Other mechanisms, both within and outside the licensing regime that are available for controlling cumulative effect are:
- Planning controls;
 - Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other Local Authority services;
 - Application of the powers of the Council to designate parts of the area as places where alcohol may not be consumed publicly;
 - Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices;
 - The prosecution of any holder of a Personal Licence or member of staff at such premises who is selling alcohol to people who are drunk;
 - The confiscation of alcohol from adults and children in designated areas;
 - Application of Police powers to close for up to 24 hours, any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder, or excessive noise emanating from the premises; and
 - Application of Police powers, other Responsible Authorities, local residents or businesses to seek a formal review of a licence/certificate.

7. Children

- 7.1 A child is anyone under the age of 18 years unless otherwise stated.
- 7.2 This statement of licensing policy does not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm.
- 7.3 When considering applications for premises licences, the licensing authority will take into account the history of a particular premises and the nature of the activities proposed to be provided when considering any options appropriate to prevent harm to children. The relevant matters include premises:
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
 - with a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises;
 - where entertainment of an adult or sexual nature is commonly provided;
 - where the supply of alcohol is the exclusive or primary purpose of the service at the premises.
 - in these circumstances, conditions may be attached to any licence to:
 - limit the hours when children may be present;
 - restrict the age of persons on premises;
 - exclude children from all or part of the premises when certain activities may take place;
 - require an adult to accompany a child;
 - set out a requirement for the presence of adult staff according to a set adult/child ratio where children are attending regulated entertainment;
 - exclude people under 18 from the premises when any licensable activities are taking place.
- 7.4 Where no licensing restriction is considered necessary, however, it is at the discretion of the premises licence holder or club to decide whether or not to admit children; however the licensing authority strongly supports the use of Challenge 25 policies, the recording of all refusals and training on all age restricted activity.
- 7.5 Where premises give film exhibitions, licensees must ensure that children are prevented from viewing age-restricted films classified according to the British Board of Film Classification.

- 7.6 Except as in 7.2 above the authority will not impose conditions restricting the admission of children to any premises believing this should remain a matter of discretion of the licence holder. The licensing authority encourages family friendly policies. It will take strong measures to protect children where any licence holder is convicted of serving alcohol to children, where premises have or acquire a known association with drug taking or dealing, where gambling takes place on the premises or where entertainment of an adult or sexual nature is commonly provided. In such circumstances while it may sometimes be necessary to impose a complete ban on the admission of children this would be rarely imposed, it would be more likely to require conditions as referred to above.
- 7.7 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and their protection from harm including control of access and egress and consideration may be given to include conditions concerning child/adult ratios
- 7.8 The licensing authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered appropriate to do so in order to protect them from harm
- 7.9 In the case of premises which are used for film exhibitions conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in a specific case where there are very good local reasons a certificate given to the film by the licensing authority itself.
- 7.10 Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.
- 7.11 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 7.12 The Act details a number of offences designed to protect children in licensed premises and the licensing authority will work closely with the police and other appropriate agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

8. Enforcement

- 8.1 It is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the approved operating schedule, the specific requirements of the 2003 Act and any licence conditions imposed. The licensing authority, in partnership with the responsible authorities, will make arrangements to monitor premises.
- 8.2 The licensing authority will work closely with the police, trading Standards and the other responsible authorities, liaising on a regular basis to establish enforcement protocols and concordats to ensure an efficient deployment of resources engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises.
- 8.3 The Act details a number of offences designed to protect children in licensed premises and the licensing authority will work closely with the police, Trading Standards and other appropriate agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol and tobacco products to children.
- 8.4 The premises licence holder is responsible to ensure the four licensing objectives are upheld:
- Prevention of crime and disorder
 - Public Safety
 - Prevention of public nuisance
 - Protection of children from harm
- 8.5 Where there is evidence to suggest the licensing objectives are being undermined, enforcement action will be taken in accordance with the principles of better regulation and the Regulator's Compliance Code. The aim is to have well run premises operating in our borough. Problems at premises will be identified by the relevant authorities and the licence holder will have responsibility to resolve the problem. Failure to address or respond to problems or isolated serious failures will normally result in a review application.

Agenda Item 7

AGENDA ITEM NO.

Board/Committee:	Regulatory Board
Date of Meeting:	2 nd December 2020
Title:	Fareham Local Plan 2037: Publication Plan (Regulation 19)
Author:	Manager of Planning Policy
Status:	For Decision

PURPOSE

To consider and approve a response to the *Fareham Local Plan 2037: Publication Plan (Regulation 19) (FLP2037)* consultation which has been produced by Fareham Borough Council (FBC).

RECOMMENDATION

That this Council makes the following representations (as expanded upon within sections 3-7 of this Report) to Fareham Borough Council (FBC):

- That this Council supports the extent of the Strategic Gap as shown on the latest Policies Map which now includes the land east of Newgate Lane East;
- That this Council supports that the land east of Newgate Lane East (formerly known as HA2) is no longer identified as a housing allocation in the FLP2037;
- That this Council supports that the FLP2037 does not include the formerly identified Strategic Growth Area in the Fareham, Gosport, Lee-on-the-Solent and Stubbington Strategic Gap;
- That this Council whilst supporting the overall intention of Policy DS1: Development in the Countryside it considers that amendments are required for reasons set out in the Report (paragraphs 3.9-3.27).
- That this Council objects to the detailed wording of the following policies or parts of policies as detailed in paragraphs 3.9-3.27 of this report:
 - Policy HP4
 - Policy HP6
- That this Council supports the employment allocations at Daedalus (Policies E1, E2 and E3).
- That this Council supports the following policies:
 - Policy E5 which protects employment sites including a number on the Gosport Peninsula;
 - Policy E6 on boatyards which aims to protect important marine

sites for employment purposes; and

- Policy E7 which aims to safeguard the Solent Airport at Daedalus
- Policy TIN2 which aims to ensure development does not have an unacceptable impact on highway safety and the residual cumulative impact on the road network is not severe
- Policy TIN3 which safeguards land to support the delivery of the South East Hampshire Rapid Transit scheme
- That Policy NE9 includes specific reference to the potential for green infrastructure improvements in the Fareham, Gosport, Lee-on-the-Solent and Stubbington Strategic Gap.

1 **Background**

1.1 Fareham Borough Council is consulting on its Fareham Local Plan 2037 Publication version (FLP2037)¹, often referred to as the Regulation 19 Plan. This is likely to be the final main consultation stage before it is submitted to the Secretary of State for independent examination. Consequently representations made at this stage will be considered by the Planning Inspector based on the 'tests of soundness'. Unlike the previous Regulation 18 consultation, the Council will need to complete a formal representation proforma and indicate whether it considers that the FLP2037 meets a numbers of tests which are set out below:

- **Legally Compliant:** Does the Plan meet the legal requirements for plan making as set out by planning laws?
- **Sound:** Has the Plan been positively prepared? Is it justified, effective, and consistent with national policy?
- **Complies with the Duty to Co-operate:** Has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?

1.2 The comments outlined in this report will be converted into a proforma and it is these comments that the Council will rely on at the Examination in Public (EiP) unless invited to make further representations by the Planning Inspector.

1.3 The FLP2037 is a consolidated Local Plan containing all the relevant proposals and policies as well as the inclusion of a Policies Map covering the Fareham Borough area outside Welborne. The planned new settlement will remain covered by the current Local Plan Part 3: *the Welborne Plan*. The FLP2037 will set out the development strategy and policy framework for Fareham and once adopted will be used to guide decisions on planning applications up to 2037. Comments are required to reach FBC by the **18th**

¹ A copy of the document can be viewed at the following link:
https://www.fareham.gov.uk/PDF/planning/publicationplan/Publication_plan_FINAL.pdf

December 2020.

1.4 Members will recall that this Council has made representations to three previous informal consultations (often referred to as Regulation 18 consultations). These representations related to:

- The Consultation Draft Fareham Local Plan (DFLP) which was reported to the Regulatory Board on 6th December 2017
- The Fareham Borough Local Plan 2036: Issues and Options which was reported to the Regulatory Board on 25th July 2019
- The Fareham Borough Local Plan 2036: Supplement which was reported to the Regulatory Board on 28th February 2020

1.5 Members will also recall that this Council made very strong objections to a number of proposals within these three documents which remained consistent throughout the process. The objections related primarily to residential development in the Fareham, Gosport, Lee-on-the-Solent, and Stubbington Strategic Gap with regard to land east of Newgate Lane East (known as HA2) and the potential for a larger scale Strategic Growth Area. Key reasons for objections included :

- The proposal would physically and visually diminish the long-established Strategic Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington;
- The proposals would negate the benefits being provided by the new improvements to Newgate Lane and the Stubbington Bypass with a negative impact on traffic flow and increased congestion to the detriment of Gosport residents and the local economy including accessibility to the Solent Enterprise Zone at Daedalus;
- The proposal would significantly harm the amenities of local Gosport residents with the introduction of new access points to existing residential areas, which due to the scale of the proposal would potentially lead to a significant increase of traffic on residential roads;
- The proposal, as described, would be very car dependent with no provision for public transport. This would increase the amount of trips using Newgate Lane and exacerbate existing congestion and air quality issues;
- There is insufficient information on supporting infrastructure required including education, medical and community facilities;

Report

2 Introduction

2.1 This report provides an overview of the FLP2037 with particular emphasis on those elements most relevant to Gosport Borough.

2.2 This report is broken down into several sections to reflect the content of the *FLP2037* with comments specifically relating to the implications for Gosport Borough. These sections are:

- Development Strategy (Section 3)
- Housing (Section 4)
- Employment (Section 5)
- Transport (Section 6)
- Other Policies (Section 7)

3 Development Strategy

3.1 The Development Strategy includes a key diagram which is included in Appendix 1 which highlights the main areas of housing and employment development as well as the protection of the Strategic Gap and important nature conservation areas. Further details are shown on the Policies Map.

3.2 The Development Strategy makes provision for:

- 8,389 new residential dwellings;
- 104,000m² of new employment floorspace;
- Strategic employment site at Daedalus (Solent Enterprise Zone) to deliver an additional 77,200m² of employment floorspace over and above that already planned for;
- Strategic opportunities in Fareham Town Centre that contribute to at least 428 dwellings as part of a wider regeneration strategy;
- Development allocations on previously developed land where available and on greenfield land around edges of existing urban areas in order to meet remaining housing and employment needs;
- Policies that protect the countryside, strategic gap and important landscapes.

Protection of the Fareham, Gosport, Lee-on-the-Solent and Stubbington Strategic Gap

3.3 Importantly the FLP2037 has made a significant change from the previous consultation versions with regard to the Strategic Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington. The Plan no longer identifies the previously proposed residential allocations and the Strategic Growth Area (SGA) within the Strategic Gap. This has consequently meant that the Strategic Gap protection as identified in the current adopted Fareham Local Plan has been reinstated in these areas. Therefore it can be confirmed that the previously identified HA2 housing allocation east of Newgate Lane East of between 370 and 475 dwellings has now been deleted and it is proposed to protect the land as part of the Strategic Gap.

3.4 Similarly previous indications of potential further development sites in the

Strategic Gap between Fareham and Stubbington in what was referred to as 'a Strategic Growth Area' (SGA) has also been deleted from the FLP2037.

- 3.5 In the light of these latest proposals in the FLP2037 it is proposed that this Council formally **supports** the extent of the Strategic Gap as shown on the Policies Map and the wording of Policy DS2 shown below which seeks to protect the Strategic Gap.

Policy DS2: Development in Strategic Gap

'In order to prevent coalescence of urban areas and to maintain separate identity of settlements, Strategic Gaps are identified as shown on the Policies Map between the following areas:

- 1) Fareham/Stubbington and the Western Wards (Meon Gap)*
- 2) Fareham/Bridgemary and Stubbington/Lee-on-the-Solent (Fareham-Stubbington Strategic Gap)*

Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements of the distinctive nature of settlement characters.'

- 3.6 This major change in FBC's Local Plan is likely to result in significant objections from a number of landowners and developers who have an interest in these previously identified allocations and proposals. Consequently these matters are likely to be heard at an EiP conducted by a Planning Inspector.

- 3.7 A Planning Inspector will consider all representations as part of the EiP received at the Publication Plan (Regulation 19) consultation including those supporting the Local Plan. However the Inspector will normally invite those that have objected to the Local Plan to the EiP sessions along with FBC. It is therefore important that in the Council's supporting comments for the revised proposals it is made clear why the Strategic Gap is so fundamentally important to Gosport Borough and in addition it is considered important that previous objections are appended to the representation in order that the Inspector can fully consider the reasons why this Council objected to the previous proposals, which the developers and landowners will be attempting to reintroduce.

- 3.8 In addition to supporting Policy DS2 and the extent of the Strategic Gap shown on the Policies Map the Council would also like to **support** the following:

- Fareham Local Plan 2037 Vision which states that Fareham Borough will retain its identity, and the identity of individual settlements within the Borough, through measures that seek to retain the valued landscapes and settlement definition; and
- Strategic Priority 2 which seeks to maximise development in the

urban area and away from the wider countryside, valued landscaped and spaces that contribute to settlement definition.

Development in the countryside

3.9 Policy DS1 relates to development in the countryside and the overall approach is to limit development in the countryside outside of the urban area boundaries as defined on the Policies Map. The policy sets out those circumstances where development will be supported outside the urban area boundary. In most instances these circumstances are limited in scope and scale. In addition the policy includes five criteria (i-v) which any of the identified exceptions need to adhere to. This includes requiring developers of any such exception to demonstrate that their proposal:

- requires a site outside of the urban area;
- would conserve and enhance landscapes;
- recognises the intrinsic character and beauty of the countryside;
- is not on Best and Most Versatile agricultural land; and
- if relevant the development does not significantly affect the integrity of a Strategic Gap.

3.10 Whilst many of these exceptions appear reasonable, particularly when assessed against the five criteria outlined above, there is concern relating to development cited in point e) in the policy which reads:

Proposals for development in the countryside, which is defined as land outside the Urban Area boundary, as shown on the Policies Map, will be supported where the proposal (inter alia)

e) is for housing development compliant with one of the following policies HP1, HP2, HP4, HP5 HP6 and HP11.

3.11 The Council does not have particular concerns with the link to Policies HP1, HP2 and HP11 nor the way these policies are worded. Policy HP1 is a standard 'housing in the countryside' policy relating to the conversion of existing buildings and replacement dwellings; Policy HP2 enables very small scale development of no more than 4 dwellings in scale with its surroundings; and HP11 is a standard criteria-based policy relating to sites for gypsies, travellers and travelling show.

3.12 However the Council has concerns over the following aspects:

- The link in Policy DS1 to Policy HP4 and the wording of Policy HP4;
- The link in Policy DS1 to Policy HP5, although the wording of HP5 is not a particular issue;
- The link in Policy DS1 to Policy HP6 and the wording of Policy HP6

3.13 Taking each in turn, Policy HP4 relates to the Five Year Housing Supply and where the Council cannot demonstrate a five year supply of land for residential development, additional housing sites outside the urban area boundary may be permitted where they meet all the following criteria:

- The proposal is relative in scale to the demonstrated five year housing land supply shortfall;
- The proposal is sustainably located adjacent to, and well related to, the existing urban area boundaries and can be well integrated with the neighbouring settlement;
- The proposal is sensitively designed to reflect the landscape character and setting of the settlement, is of a scale proportionate to its setting and recognises the intrinsic character and beauty of the countryside and, if relevant does not affect the integrity of a Strategic Gap;
- It can be demonstrated that the proposal is deliverable in the short term; and
- The proposal would not have unacceptable environmental, amenity and traffic implications.

3.14 The Council objects to the both the wording of **Policy HP4** and the link to DS1 policy as it implies that if Fareham's five year housing supply is not met, the first area of search is outside of the urban area boundary. Instead the policy should refer to sites within urban areas, brownfield land, underutilised employment sites, sites close to train stations, under-utilised town centre sites such as car parks and shopping precincts, consideration of using Council land assets and other public sector land, intensification of existing neighbourhoods, as well as opportunities to increase densities on existing allocations such as Welborne. These types of sites should be clearly identified as being preferential before greenfield land outside the urban area, particularly within the Strategic Gap, are considered.

3.15 It is understandable why the FLP2037 has a policy relating to this matter as the Government's National Planning Policy Framework (NPPF) requires local planning authorities to have a five year housing supply and if this cannot be demonstrated the relevant allocation policies in an adopted Local Plan (even a recently adopted one) becomes out of date and consequently housing can take place on sites previously not identified for housing. Both Councils have made representations to the Government in the past regarding this matter and how it is detrimental to a plan-led system by creating uncertainty for local communities and undermining the effective provision of infrastructure to serve these new residents. This is particularly the case when such sites can proceed on a cumulative and speculative basis without a comprehensive assessment of impacts that would normally be undertaken at the local plan-making stage.

3.16 This policy is therefore aiming to set out criteria to assess any proposal that comes forward that is not allocated in an adopted Local Plan. However it is this Council's view that the presence of the policy seems to direct development towards greenfield sites quite readily before other urban and more sustainable sites are fully considered.

3.17 **Policy HP5** relates to the provision of affordable housing on sites of 10 or more and the Council has no particular issue with the wording of HP5.

However when it is linked with Policy DS1 it could be interpreted that FBC will accept in principle the development of any affordable housing site outside the urban area boundary. Whilst the criteria i-v exists there is concern that unsuitable developments in the Strategic Gap could be developed in a piecemeal fashion with a number of different speculative sites coming forward adjacent to each other of varying sizes. It is considered that the inclusion of a link to HP5 does not provide sufficient certainty of what development will take place over the plan period; nor does it ensure that the environmental, transport and infrastructure implications of each affordable housing development has been fully assessed in combination with adopted allocations or other speculative proposals coming forward over the plan period.

- 3.18 Whilst it is not considered the intention of the policy it could potentially enable large scale housing development outside of the urban area boundary if it can be demonstrated that 40% affordable housing is being achieved.
- 3.19 In the light of this it is not proposed to amend the wording of Policy HP5 only that the link included in DS1 is removed. Instead if development does come forward in the countryside through other policy mechanisms this policy could still be used as each policy in the plan needs to be read in conjunction with all other relevant plans and consequently the affordable housing policy would still apply for developments over 10 dwellings. The removal of the reference in DS1 would remove this being cited as a primary reason for development in the Strategic Gap ahead of more suitable sites within the urban area in both Fareham and Gosport Boroughs.
- 3.20 **Policy HP6** relates to affordable housing exception sites and is a commonly used policy across England to allow small affordable housing sites adjacent to villages to be developed on land which would not normally be permitted to come forward. This would enable viable schemes to be implemented to meet very local needs. In principle the Council does not have an objection to such a policy nor its link to DS1 enabling such schemes to come forward outside the urban area. However the way in which the policy is worded could enable the development of significant schemes in the strategic gap The policy includes the following text:

Policy HP6: Exception Sites

The development of Rural Exception Sites will be permitted where:

- a) All dwellings are affordable (as defined in the NPPF); and*
- b) The affordable delivery is not meeting the affordable housing need and the development is relative in scale to the shortfall; and*
- c) The development is located adjacent to, and well related to, the existing urban area boundaries; and*
- d) The affordable rent products will be brought forward by, and will be*

managed by, a not for profit social housing provider who is regulated by Homes England; and

- e) The affordable housing meets the local needs of the adjacent settlement.*

The development of Entry-Level Exception Sites suitable for first time buyers (or those looking to rent their first home) will be permitted where:

- a) The site is adjacent to existing settlements; and*
b) All dwellings are affordable (as defined in the NPPF), and a range of affordable tenure types, including those that are suitable for first-time renters or buyers are provided; and
c) The site is less than 1 hectare or relative in scale (does not exceed 5% of the size of the adjacent settlement); and
d) It can be demonstrated, based on an up to date local housing needs assessment, that the need for the housing proposed will not be met through the allocations in the Plan or development with extant planning permission.

- 3.21 Whilst it appears from the accompanying justification text that the intention of the policy is to enable the development of small sites there is concern that the wording of the policy as shown above could be used to enable much larger scale development. For example the first part of the policy could potentially facilitate a single or a series of large scale affordable housing developments in the Strategic Gap. If such schemes are promoted speculatively in a number of locations in the Strategic Gap there would be no opportunity to assess the in-combination environmental, landscape or infrastructure implications for the Gosport Peninsula.
- 3.22 The second part of the policy would allow entry-level exception sites with a limit of 1 hectare and a proviso that the scheme does not exceed 5% of the size of the adjacent settlement. Potentially this could lead to a series of 1 hectare entry home exception sites to be developed adjacent to the Gosport Borough boundary and as the town is large the 5% restriction would be meaningless.
- 3.23 It is clear from the recent number of speculative applications in the Strategic Gap how both parts of the policy (together with HP4 and HP5) could be used by developers to argue a case for development in these locations with the detrimental implications as set out previously in the Council's objections to the Regulation 18 consultations (see Paragraph 1.4).
- 3.24 Whilst this does not appear to be the policy's intention the wording would certainly enable developers to argue this position. Consequently the wording of the policy needs to be amended to refer to existing settlements that are within Fareham Borough only. This would then provide clarity that development adjacent to Gosport Borough would not be considered under this policy. The policy also needs to set an upper limit of what is meant by

'small sites' as identified in the justification text (paragraph 5.46 of FLP) and this needs to be set out in the Policy itself. This will avoid unintended significant development south of Fareham in the Strategic Gap or east of Newgate Lane East. Finally there needs to be some explicit wording which resists successive one hectare parcels of land coming forward in the same vicinity.

3.25 Taking all these concerns together it is clear that the wording of the policies linked to DS1 could result in a series of small, medium and large scale developments which collectively affect the integrity of the Strategic Gap and undermine the major transport improvements which have been provided to alleviate current access issues.

3.26 When policies HP4, HP5 and HP6 are linked to DS1 it is possible to identify the risk that a proposal equivalent to HA2 could come forward during the Plan period. The risk is exacerbated as a series of sites could come forward whereby the cumulative impact would not be sufficiently assessed as they would be speculative sites becoming available on a piecemeal manner. Whilst a strong case could be made that each single development would not necessarily meet criteria i-v in DS1 or similar criteria in HP4 and HP6, it is clear that without a five year housing supply either FBC or an Inspector on appeal could grant a series of permissions outside the urban area boundary. This would be detrimental to the function of the Strategic Gap in terms of its settlement function and would have a cumulative detrimental impact on the new strategic road infrastructure in terms of undermining the effectiveness of providing the much anticipated improved access to Gosport Borough and the southern part of Fareham Borough (Stubbington and Hillhead).

3.27 As a result of these links there is the potential for developers to bring forward significant development in the Strategic Gap outside of the Local Plan allocations if it can be demonstrated that FBC does not have a five year housing supply. Given the difficulties for FBC to demonstrate this currently and the fact that its housing supply depends significantly on the delivery of Welborne there is a real possibility that multiple speculative sites could come forward in the Strategic Gap which could cumulatively have a detrimental impact on the function of the strategic gap as set out in previous consultation responses (summarised in paragraph 1.5).

4 Housing

Housing need and supply

4.1 Table 1 below sets out the housing requirement for the FLP2037.

Table 1:Fareham Local Plan 2037 Housing requirement	
Fareham annual housing need (based on current data)	403
Plan period 2021-2037	16 years
Total Fareham need	6,448
Plus unmet need	847

Total Local Plan Housing requirement	7,295
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- 4.2 The annual housing need requirement has been reduced from 520 per annum as included in the most recent Regulation 18 consultation. This results in the need to provide 1,028 fewer dwellings even when making allowance for meeting unmet need from elsewhere.
- 4.3 This latest requirement of 403 dwellings per annum is based on the Government’s proposed Standard Method which was subject to consultation earlier this year between August and October in its ‘*Changes to the Planning System*’ document². The Government is currently assessing the representations received as a result of this consultation.
- 4.4 FBC have considered it appropriate for the FLP2037 to plan for a scale of growth based on this proposed Standard Method as it is based on the latest household projections (2018 based) rather than the current Standard Method which is based on the 2014 projections and which is still officially the one that the Government has required local authorities to continue to use.
- 4.5 FBC have therefore decided to use the Standard Method that has not been formally agreed by the Government and which could be subject to further changes following the consultation exercise but understandably is anticipating a formal change taking into account the latest projections.
- 4.6 In order to meet the supply the FLP2037 identifies a current supply of 8,389 dwellings giving it a contingency of 1,094 homes (8,389 (supply) – 7,295 (need)). This contingency is aimed to address any potential issue of under-delivery on certain sites. The supply includes 4,858 dwellings at Welborne to be delivered by 2037, existing outstanding permissions and various allocations across Fareham Borough.
- 4.7 These allocations³ are detailed in the FLP2037 and includes a number of urban sites including the large Market Quay car parking and associated land, areas on the east and west side of Fareham Railway Station, the Crofton Conservatory site on West Street, the Magistrates Court as well as sizeable allocations in Warsash, Titchfield Common, Portchester West (Downend Road East), Locks Heath, Funtley and the Hammond Industrial Estate in Hill Head.
- 4.8 As mentioned above the land adjacent to Newgate Lane (known previously as HA2 in the Regulation 18 consultation) and areas formerly shown as a

² This Council considered the *Changes to The Planning System* including the Standard Method at the Economic Development Board of 23rd September in which it was referred to as an interim ‘Standard Method’ acknowledging that the White Paper, ‘*Planning for Change*’ also published in August 2020 was considering more fundamental changes to the Standard Method.

³ These allocations are summarised on p39-p40 of the FLP (add link) and detailed on pages 41-117.

Strategic Growth Area in the Strategic Gap are not included in the FLP2037.

- 4.9 The FLP2037 recognises that unmet need from neighbouring authorities can increase a local authority’s housing figure. It identifies that the Partnership for South Hampshire (PfSH) currently identifies an unmet need of approximately 10,750 dwellings (PfSH Joint Committee September 2020) across the sub-region. However the document recognises that there is significant volatility with that figure as some authorities will have a reduced housing need under the proposed consultation version of the Standard Method, whilst others will increase. It also recognised that local authorities are at a different stage of plan-making and consequently the PfSH figure in most cases only takes into account existing policy compliant housing sites and therefore has not included all the potential allocations that will come forward as part of the evidence base and forthcoming consultations. Portsmouth City Council is the only authority to formally request FBC to take a proportion of their unmet need, hence the proposed 847 dwelling figure in Table 1. GBC’s approach is to: take into account forthcoming PfSH work as part of an updated planning strategy for the sub-region; consider any new Standard Method when it is officially published; and continue to gather evidence on new allocations which will reduce the unmet need figure of 2,500 dwellings identified in the PfSH Joint Committee Report.

Housing Policies

- 4.10 The FLP2037 includes a number of housing policies which aim to deliver a diverse range of housing to meet local needs. The Council’s objections to Policies HP4 and HP6 are outlined in paragraphs 3.9-3.27 above in connection with Policy DS1.

5 Employment

- 5.1 The FLP2037 proposes the provision of 104,000m² floorspace between 2021 and 2037 (Policy E1) in addition to the employment floorspace (52,000 m²) included in the Welborne Plan.

- 5.2 It identifies three employment allocations including the Faraday Business Park (Daedalus East) and the Swordfish Business Park (Daedalus West), with the other site located at Whitely. The provision at Daedalus is set out in Table 2.

Table 2: Proposed employment provision at Daedalus (within Fareham Borough)

Site	General Industrial m ²	Storage or Distribution m ²
Faraday Business Park (Daedalus East)	52,080	13,020
Swordfish Business Park (Daedalus West)	10,250	2,550
Total	62,330	15,570

- 5.3 This total employment floorspace within the Fareham part of the site at Daedalus represents 77,900 m² representing almost 75% of the FLP2037 employment floorspace provision. This will ultimately deliver around 127,000m² employment floorspace within the Fareham part of the Daedalus site.
- 5.4 This significant amount of floorspace at Daedalus will create new employment opportunities for Gosport residents reducing the need to leave the Peninsula and offer genuine transport choices other than the private car and thereby reducing congestion and air pollution.
- 5.5 The Faraday Business Park (Policy E2) and the Swordfish Business Park (Policy E3) represents an extension and intensification of the original strategic employment allocations included in the current adopted Fareham Local Plan (part 1) (2011). The policy includes a number of development safeguards relating to access requirements, not prejudicing the operation off the Solent Airport as well as provisions relating to design, nature conservation interests, flood risk, contamination and infrastructure.
- 5.6 Both sites have been taken out of the Strategic Gap when compared with the current Adopted Local Plan however the development of employment uses will be a high-quality design to reflect the style and appearance of existing development adjacent the airfield to create much needed employment opportunities on the Peninsula. The employment proposals will maintain the significant strategic gap of the airfield itself. The proposals are particularly important when Gosport Borough has the lowest job density in the South East and one of the lowest in England.
- 5.7 Due to the importance of the Daedalus site for both local authorities the Council **supports** the following:
- the FLP2037 vision for '*New employment space will be located in the most appropriate locations that are attractive to the market and acceptable in terms of environment impact. Existing employment areas and zones will be supported and all decisions made will seek a sustainable future for the employment provision in the Borough and associated jobs.*'
 - Strategic Priority 6 which seeks to protect important employment areas and zones and providing for future employment floorspace
 - Policies E1, E2 and E3 which allocates land at Daedalus for new employment floorspace.
- 5.8 This Council also supports Policy E5 of the FLP2037 which seeks to protect existing employment areas with the relevant policy considerations should it be demonstrated with the appropriate evidence (as defined in the policy) that the sites are no longer fit for purposes. It is important that existing employment sites in Fareham including a number on the Gosport Peninsula are protected including those along Newgate Lane and close to Fareham Town Centre as they provide employment to Gosport residents and are potentially accessible by bus, cycling or walking.

- 5.9 Policy E6 aims to protect marine-related employment uses. This policy is supported as the availability of waterfront sites around the Solent is limited and the marine businesses they support contribute to one of the key sectors of the sub-regional economy of which Gosport marine sites form part of a cluster.
- 5.10 Policy E7 relates to the Solent Airport at Daedalus which protects the site for airport related uses to support aviation activities unless it can be demonstrated that such uses are no longer financially viable.
- 5.11 It is important that the airfield is retained to support a large number of employers at the Daedalus site which provides one of the key reasons for many businesses to locate and expand on the site. The justification text highlights that the Solent Airport has consent for up to 40,000 flight movements per year. There are no indications in the FLP2037 that any changes will be sought on this matter.

6 **Transport**

- 6.1 Policy TIN2 is supported as it aims to ensure development does not have an unacceptable impact on highway safety and the residual cumulative impact on the road network is not severe. The impacts on the local and strategic highway arising from development itself or the cumulative effects of development on the network are required to be mitigated through the provision of improvements to the local network or contributions towards off-site transport schemes.
- 6.2 Policy TIN3 safeguards land between Delme Roundabout and the Portsmouth Boundary and the Quay Street Roundabout to support the delivery of the South East Hampshire Rapid Transit scheme. The extension will help improve public transport access to Gosport Borough and the Council is a partner organisation to improve the network and consequently the scheme and Policy TIN3 is supported.

7 **Other Policies**

Retail and Community Facilities

- 7.1 The Plan includes policies that aim to protect the centres within Fareham Borough. Convenience retail need during the Local Plan period is deemed to be in the order 2,200 m² with no additional comparison required and 2,400m² of food and beverage use. Very little of this is planned over the period to 2027, indeed it is considered that current vacant floorspace will meet this requirement to 2027 and any additional floorspace allocations would not be appropriate at this time. Consequently such evidence will be reviewed for the next Local Plan which now have to be prepared every five years.
- 7.2 Proposals relating to out-of-town shopping areas such as Speedfields Park (Newgate Lane) will be subject to Policy R2 which requires an impact assessment for proposals of 500sq.m or over (both new units or extensions) in order to demonstrate that there are no significant adverse

effect on the vitality and viability of existing or proposed centres. This approach is supported. Other policies protect community facilities in a similar way as the Gosport Borough Local Plan (GBLP).

Climate change and the natural environment

7.3 The FLP2037 includes a series of plans which aim to mitigate and adapt to climate change as well as protect the natural environment. The policies contained in this Plan take into account the latest guidance set out in the NPPF and accompanying Government advice. This Council will be aiming to produce similar policies for its emerging Local Plan.

7.4 Biodiversity policies of particular interest to Gosport Borough include: Policy NE1 which protects the local ecological network which ultimately links with sites in Gosport such as the Alver Valley; Policy NE2 on biodiversity net gain; Policy NE3 which relate to recreation disturbance affecting internationally important sites and NE4 relating to the eutrophication of these sites; and Policy NE5 which protect important Brent goose and wader sites. The overall approach to these matters is supported and reflects this Council's own approach.

7.5 Policy NE8 relates to air quality and given that Fareham has two Air Quality Management Areas (AQMA) at the north end of the Peninsula, the Plan's approach to improving air quality is supported requiring developments to mitigate any identified effects of development on air quality with AQMAs.

7.6 Policy NE9 relates to the protecting and enhancing the Borough's green infrastructure. This Council supports this policy and looks forward to working with FBC in securing green infrastructure improvements in the Fareham, Gosport, Lee-on-the-Solent and Stubbington Strategic Gap. This includes mitigating and adapting to climate change (renewable energy, flood storage), improved informal recreational access and enhancing biodiversity. Given the importance of the Strategic Gap it is recommended that Policy NE9 includes specific reference to the potential for green infrastructure improvements in this area.

Design and heritage

7.7 The Plan includes a number of design and heritage policies which generally reflects the approach taken by Gosport Borough.

8 Next steps

8.1 After the Regulation 19 Consultation ends on the 18th December, FBC will consider the responses in the light of the tests of soundness and then envisages submitting the Local Plan in the winter 2020/21 with an expected independent Examination in Public to be held in Spring/Summer 2021 with eventual adoption Autumn/Winter 2021.

9 Risk Assessment

9.1 Failure to respond to the consultation documents from Fareham Borough Council could result in the development of policies and proposals which are likely to be unfavourable to our community and its environment and be

prejudicial to the development of Gosport's economy. Where Fareham Borough Council have significantly changed their position from previous rounds of consultation particularly regarding development within the Strategic Gap, it is important that our previous objections are forwarded to the Planning Inspector for consideration in order to counter expected objections from landowners and developers. It is vital that the Inspector is made aware of the Council's significant objections to major development in the Strategic Gap and the detrimental impact such development would have on the Gosport Peninsula.

Financial comments:	Services	No comment
Legal comments:	Services	Contained in the report
Climate Change		FBC will produce their own assessment as part of its Sustainability Appraisal for the whole document.
Equality and Diversity		FBC will produce their own Equality and Diversity statement to accompany the Local Plan
Service Improvement Plan implications:		None
Council Plan:		Proposals may have economic and accessibility implications for developing our economy
Risk Assessment:		See section 9
Background papers:		Fareham Local Plan 2037- Publication plan (Regulation 19) Economic Development Board Report 28 th February 2020 Economic Development Board Report- 23 rd July 2019 Economic Development Board Report- 6 th December 2017
Appendices		Appendix 1: Key Diagram
Report author/ Officer:	Lead	Jayson Grygiel, Manager of Planning Policy

Appendix 1: Key Diagram from the Fareham Borough Local Plan 2037

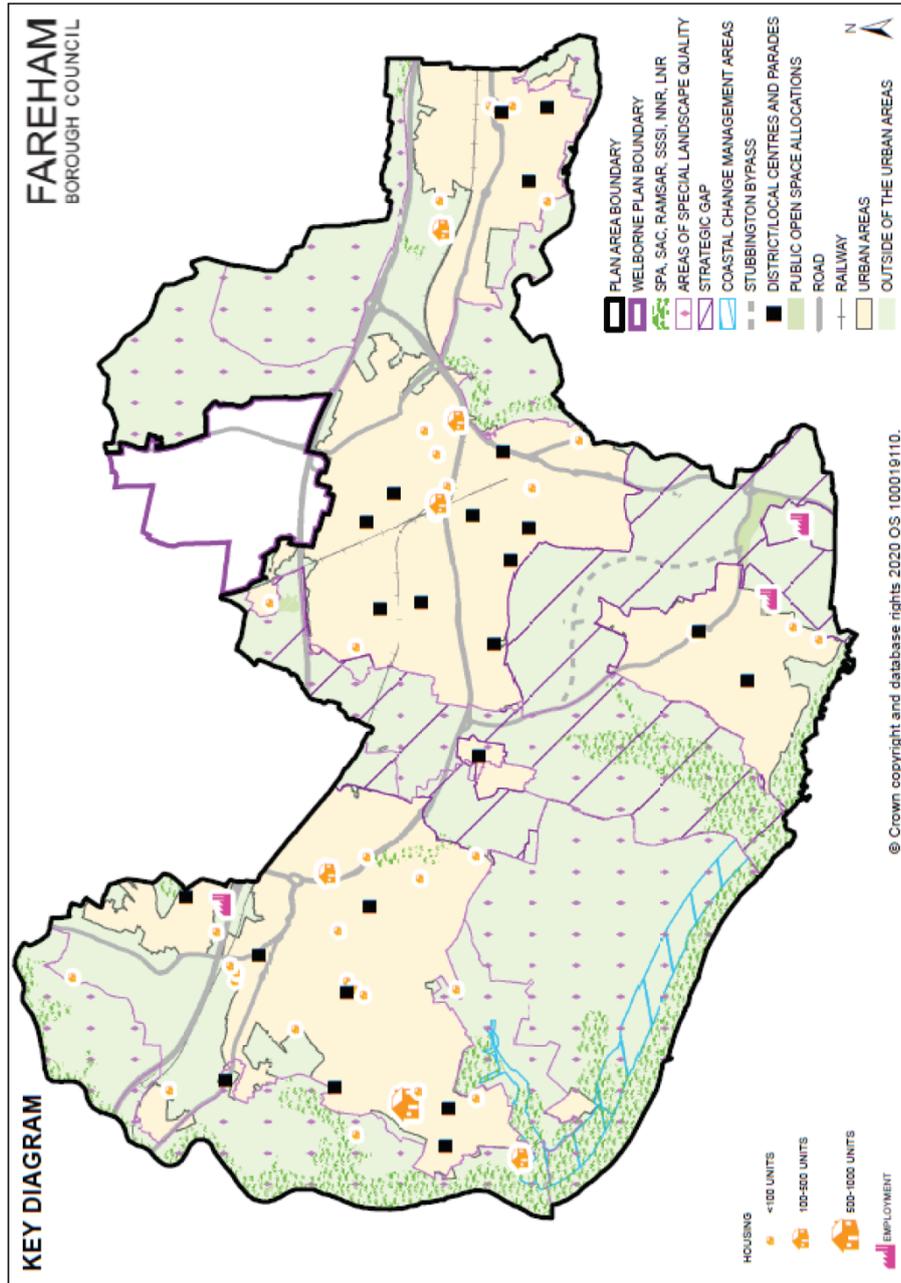


Figure 3.1 Key diagram showing locations proposed for development in the Local Plan



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GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

2nd December 2020

ITEMS WITH RECOMMENDATIONS

1. Copies of drawings and other supporting documents accompanying the planning applications referred to in this schedule are available to view online using Public Access (<https://publicaccess.gosport.gov.uk/online-applications/>) by searching using the relevant application number.
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 are available for inspection by Members in the same way as drawings and other supporting documents are available, referred to in Note 1 above.
4. An index of planning applications within this schedule can be found overleaf, together with a summary of each recommendation.

<u>Item</u>	<u>Page No</u>	<u>Appl. No.</u>	<u>INDEX Address</u>	<u>Recommendation</u>
01.	3-26/1	20/00298/FULL	Footpath Between Little Anglesey Road And Clayhall Road And Compound At Pebble Beach Car Park Gosport Hampshire PO12 2JA	Grant Permission subject to Conditions
02.	27-42/1	20/00028/FULL	Land Adjacent To Grange Farm Little Woodham Lane Gosport Hampshire PO13 8AB	Grant Permission subject to Conditions
03.	43-50/1	19/00479/FULL	110 Privett Road Gosport Hampshire PO12 3SY	Refuse
04.	51-56/1	19/00103/OUT	81- 82 Marine Parade East Lee-On-The-Solent Hampshire PO13 9BJ	Refuse
05.	57-63/1	19/00415/FULL	Site Of Former Royal Sailors Rest Grange Lane Gosport Hampshire PO13 9RX	Grant Permission subject to Conditions / s106
06.	65-68/1	20/00302/ADVT	Brockhurst Gate Cotsworth Road Gosport Hampshire	Refuse
07.	69-70/1	20/00343/FULL	27 Dorrien Road Gosport Hampshire PO12 4RA	Grant Permission subject to Conditions
08.	71-73/1	20/00375/FULL	23 Testcombe Road Gosport Hampshire PO12 2EL	Grant Permission subject to Conditions

ITEM NUMBER: 01.
APPLICATION NUMBER: 20/00298/FULL
APPLICANT: Gosport Borough Council
DATE REGISTERED: 24.08.2020

FLOOD AND COASTAL EROSION RISK MANAGEMENT SCHEME COMPRISING: ERECTION OF NEW SETBACK FLOOD WALL, L-SHAPED FLOOD WALL ON TOP OF THE EXISTING MASONRY WALL, MAINTENANCE REPAIRS TO THE EXISTING WALL AND EXISTING FORESHORE ACCESS, INSTALLATION OF AN OPEN/CLOSE FLOODGATE ACROSS LITTLE ANGLESEY ROAD, FELLING OF 2NO. TPO TREES, ASSOCIATED SOFT/HARD LANDSCAPING AND SALTMARSH HABITAT CREATION (ECOLOGICAL ENHANCEMENT) IN STOKE LAKE, AND, ERECTION OF TEMPORARY STORAGE COMPOUND IN PEBBLE BEACH CAR PARK (Conservation Areas) (description amended 27.10.2020)

Footpath Between Little Anglesey Road And Clayhall Road And Compound At Pebble Beach Car Park Gosport Hampshire PO12 2JA

The Site and the proposal

1. This application relates to land at the western end of Stoke Lake which comprises a footpath and masonry wall between Little Anglesey Road and Clayhall Road that form part of the existing flood defences in Alverstoke. The application site also relates to a proposed temporary storage compound at Pebble Beach Car Park.

Footpath between Little Anglesey Road and Clayhall Road

2. The main part of the application site is within the Anglesey Conservation Area and is adjacent to the boundary of the Alverstoke Conservation Area. Whilst the masonry wall forming the edge of the lake is not, itself designated as a heritage asset; it is an important feature within the Conservation Area. The Anglesey Conservation Area is characterised by its historic setting and its semi-urban character due to properties with large gardens and the open landscape offered by Little Anglesey Lagoon. The site is clearly visible from the Jackie Spencer Bridge and from along Little Anglesey Road.

3. Alverstoke originated as a fishing village and the principal settlement of the Gosport area during the medieval period until the 18th century. A causeway was constructed, presumably to cross the man-made tidal lagoon (Stoke Lake), with the land to the west subsequently being reclaimed once cut-off from the tidal water. The causeway is still in place today, with the masonry wall forming the existing flood defence / access way, which is the main part of the application site.

4. Directly to the west of the application site is an area of unoccupied grassland within private ownership (Stokesmead Field). Historically, Stokesmead Field formed part of the creek for most of its history, with evidence on the site experimenting with drainage systems from the late 18th Century. The causeway, at the eastern end of the field, formed the main north-south road and also acted as a dam for the creek to its west. It is illustrated on 17th Century maps but could be significantly older. At its western end, the flow of Stoke Lake is curtailed by a retaining wall acting as both a dam and causeway that was erected approximately 1774 and a formalised a drainage route (discharging from Alverstoke Village, through Stokesmead Field into Stoke Lake) at some point between 1784 and 1810.

5. The Stoke Lake area of Alverstoke is low lying and open, with many surrounding trees, vegetation and domestic properties. There are two large trees protected by a Preservation Order immediately west of the application site. The main feature within the scheme area is the original masonry wall, which is used as a public walkway providing access from Little Anglesey Road to Clayhall Road.

6. Stoke Lake extends to the east of the scheme area with unimpeded views towards the Grade II Listed properties 1-6 Little Anglesey Road and the Jackie Spencer Bridge. These properties are in the immediate setting of the main site between 303m-336m to the north-east and although the surviving features of these properties differ; they are Grade II Listed Buildings and are deemed to be medium

value heritage assets. From the main site to these buildings, there is a clear and unobstructed line of site.

7. The back of Brodrick Memorial Hall is visible from the scheme area, although much of it is screened by vegetation. Running east-west adjacent to the scheme, is Little Anglesey Road which floods and becomes impassable at high tide. From Jackie Spencer Bridge pedestrian and cycle bridge located at the east of Stoke Lake, the view across the lake is open, with the Listed Church of St. Mary clearly visible as well as Brodrick Hall.

8. To the north-west of the site, although not considered to be within the immediate setting, given the presence of modern buildings punctured the line of sight, is the Grade II* Listed The Old Rectory Undercroft, which is deemed a high value asset and the Grade II Listed Stables at the rear of Alverstoke Rectory, which is deemed a medium value asset.

9. In the wider setting is the Church of St. Mary which is Grade II Listed and a medium value asset, with views of the upper parts of the church visible from the main part of the application site.

10. The Clayhall Royal Naval Cemetery is a Grade II registered park and garden located approximately 475m to south-east of the main site and includes a Grade II* Listed Building and 6 Grade II Listed Buildings. This forms part of the much wider setting of Alverstoke and of high value.

11. In addition to this there are three non-designated heritage assets that have the potential to be impacted by the scheme; Brodrick Memorial Hall, which backs onto the scheme area (screened to some extent by foliage); Stokesmead Field located directly to the west of the scheme area and the Sea Wall, Little Anglesey Road.

12. Although often regarded as part of Alverstoke, Anglesey Conservation Area is one of the most distinctive places in the Borough. It possesses some of the finest townscape and individual buildings, and open and formal landscape within Gosport. The character of the Conservation Area is characterised by its almost entirely privately residential, with family dwellings predominating, and this forms its basic, quiet, private character. Its distinctive appearance derives from the layout and arrangement of the Area's roads, buildings and open spaces. The Conservation Area is therefore a combination of different building patterns and styles and contrasting open spaces that together form its overall character.

13. Alverstoke Conservation Area was designated in 1975 although its character has changed considerably, mainly due to changes to non-listed buildings which do not respect the character of the Conservation Area.

14. The core of Alverstoke Village is characterised by small groups of buildings which are domestic in scale and have simple detailing. Buildings are mainly two storeys in height and are built immediately against the street which creates a sense of enclosure. The sense of enclosure is a strong feature of the Conservation Area.

15. The building materials used in the Conservation Area are relatively simple. The village is characterised by red brick and limited render while roof tiles are mainly slate. Many of the dwellings are fronted by brick built dwarf walls with rounded coping. The character of the Conservation is very simple in terms of building materials with minimal detailing.

16. There are several designated ecological sites in close proximity to the site, including: Portsmouth Harbour Special Protection Area (SPA) and Ramsar; Portsmouth Harbour Site of Special Scientific Interest (SSSI); Solent and Dorset Coast SPA(s); and Little Anglesey Lagoon (priority habitat type under Annex 1 of the EC Habitats and Species Directive and a Habitat of Principal Importance in England under the NERC Act 2006).

17. The Portsmouth Harbour SPA designation protects the overwintering birds that take advantage of the food rich mudflats and coastal grasslands. These are a valuable asset to Portsmouth and the region and are to be protected. The Solent and Dorset Coast SPA encompasses shallow coastal waters that are important for three species of breeding Tern, including the Common Tern (*Sterna hirundo*), Sandwich Tern (*Sterna sandvicensis*) and Little Tern (*Sternula albifrons*) from colonies

within the adjacent, existing SPAs (i.e. Poole Harbour SPA, Solent and Southampton Water SPA, Chichester and Langstone Harbours SPA and Pagham Harbour SPA).

Pebble Beach Car Park

18. To the south-east of the Footpath between Little Anglesey Walk and Clayhall Road is Pebble Beach Car Park that is within the ownership of Gosport Borough Council. The car park is within Stokes Bay, in close proximity to the Sailing Club, Pebbles Wine Bar and the Splash Pool. From the northern edge of the car park, there is a distance separation of some 85m to the nearest residential properties on Palmerston Way and the locally listed fortification Gosport Lines from Battery No 2 to Jellicoe Avenue that run in an east-west direct. The proposed haulage route and location of contractor's compounds is shown on Figure 3.2 of the Habitats Regulations Assessment (HRA).

Proposal

19. Planning permission is sought for alterations to the existing footpath and wall and flood defences to increase the level of protection from +2.8 Above Ordnance Datum (AOD), which is the current height above average sea level, to +3.7 AOD through the construction of a flood and coastal erosion risk management scheme (FCERM). The FCERM would comprise the following elements:-

- the erection of a new setback flood wall between Stoke House and Lakeside House
- the installation of a floodgate across Little Anglesey Road
- the erection of a L-shaped flood wall on-top of the existing masonry wall
- the carrying out of maintenance repairs to the existing wall and existing foreshore access to include resurfacing car parking and footway
- the felling of 2 protected trees (it has been clarified that two protected trees would be felled, not 4 as originally proposed) with associated hard/soft landscaping and Saltmarsh creation in Stoke Lake; and,
- the erection of a temporary storage compound at Pebble Beach Car Park, small site compound along Little Anglesey Road and a small materials compound would be located at the pumping station at the southern end of the works area.

20. The existing flood defence wall is in a fair condition, however, it is currently considered to be too low and would only provide a present day 20% Annual Exceedance Probability [AEP is the probability of a natural hazard event occurring annually] Standard of Protection [SoP], meaning that Alverstoke is currently at significant risk of flooding from tidal events. Due to the low crest level of the existing defences, the tidal flood route is located at the western end of Little Anglesey Lagoon and the flood risk area extends as far as 550m towards Jellicoe Avenue to the west. The proposed scheme would immediately protect 99 residential and 9 commercial properties that are currently at risk from a present day coastal flood event (20% AEP). By year 2060, 132 residential properties and 10 commercial properties would be at risk from a 1% AEP coastal flood event (1:100). Properties on Clayhall Road are in a moderate flood risk band, which is between the 1% AEP to 0.5% AEP. The higher the AEP, the greater the potential frequency of a predicted flood event e.g. a 1% AEP is a 1 in 100 year flood whereas a 100% AEP would be a daily flood event.

Setback flood wall between Stoke House and Lakeside House

21. Although the land between Stoke House and Lakeside House just north of Stoke Lake are slightly elevated, to increase the SoP, the flood defences would tie into the higher ground between the gardens of these properties. The proposed defences between these two dwellings would be some 19.7m in length from the back edge of the highway northwards between the boundaries.

At the northern most point, a 13m in length below ground kerb would be constructed in the boundary of Stoke House, adjacent to the TPO tree (species Bird Cherry (*Prunus padus*)) that would be retained in the garden of Lakeside House. The kerb would offer a level of protection from vehicle strikes and provide land stability.

22. A 9m in length section of earth would be excavated and a reinforced 1.1m high concrete Wall D) would be constructed. At its base point, this part of the wall would be 1m wide. However, the excavated land would be infilled with top-soil and only 0.25m would be visible above ground. Adjacent to this, a 1.8m high timber fence would be erected that would gently decline with the gradual land slope in a north-south direction that would cover the full length of the kerb and Wall D (16.5m in length and setback from the highway by 3.1m). As the timber fence would stop 3.1m short of the back edge

of the highway, Wall A (0.75m high and half covered by the timber fence) and Wall C (1m high) would be erected. Wall A would be 8.6m in the north-south direction and Wall C 5m in an east-west direction (forming the L shape).

23. On the back edge of the carriageway it is proposed to install signed bollards on the east and west side of the Wall C (on the northern side of Little Anglesey Road) that would be 0.15m wide, 1m in height, would include reflective banding and indicate a shared surface between pedestrians and cyclists. It is also proposed to move a lamppost, although this will require separate consent from Hampshire County Council.

Floodgate

24. In times of flood or predicted flood event, a double leaf flood gate would be operated and locked across Little Anglesey Road, preventing access. The total width of the gates would be 18m (9m per gate). Normally, the gates would be in the open position and plan 1021 Rev P04 sheet 1 of 2 indicates the swept path of the gates. Timber cladding would be applied to the side of the floodgates facing the public realm of a sustainable hardwood (e.g. Sapele). If the gates are closed, Road Ahead Closed signs would be fixed to both sides of the flood gate (shown on plan 1031 Rev P02). The opposing side of the gates, normally screened from the public realm would be untreated steel. The point at which the gate would be installed the highway is slightly elevated and the gates would be 0.9m in height, following repairs to the road surface. This would increase flood protection to +3.7m AOD.

25. On the southern side of Little Anglesey Road and to the west of the gates, a 27.5m Bullnose Kerb would be installed with a 0.075m upstand that would distinguish between Little Anglesey Road and the resurfaced car parking area with a Hoggin Surface and an Asphalt footway would be installed to allow for a pedestrian walking route (see drawing 1310 Rev P03 and 1021 Rev P02). At the end of the parking area would be 5 timber bollards 1.2m in height with reflective banding to reduce vehicle strikes of the defences. Just south of the resurfaced car park would be a flush kerb and an Asphalt footway. Adjacent to the Bullnose Kerb and flood gate would be two sign bollards (as previously described).

26. Also on the southern side of Little Anglesey Road but to the east of the gates the existing slipway would be resurfaced with Hoggin and timber and sign bollards would be installed. A 13m in length Bullnose Kerb would be installed adjacent to the resurfaced slipway and Little Anglesey Road.

27. Plan 1030 Rev P04 indicates the location of a Road Ahead Close sign 450m to the east of the flood gates on Little Anglesey Road that would be fixed to a lamppost and additional support post. A similar sign is also proposed 74m to the east of the flood gates. The details of the proposed signs are shown on plan 1031 Rev P02.

Flood wall on-top of the existing

28. Built adjacent to and using the historic masonry wall for support would be a 1m high flood wall 107.3m in length. The new concrete wall would be setback 0.5m from the edge of the existing structure to retain the capping stones of the historic masonry wall.

In terms of finish, the proposed flood wall would be reinforced concrete inclusive of 'formliner' that have an appearance that closely resembles the current historic aesthetic of the existing wall (Plate 6.3, page 23 of the PDAS). A plinth stretcher coping stone would be added to the flood walls that would be 0.3m wide and 0.155m high, constructed of pre-cast concrete.

29. As part of the scheme, the historic flagstones would be retained with re-pointing work undertaken and the removal of vegetation on the seaward face (Planning, Design and Access Statement (PDAS) Plate 4.4).

30. An interpretation board would be installed adjacent to the pumping station and saltmarsh enhancement area to inform about the Little Anglesey Lagoon and its saline lagoon habitat (water quality, fauna and flora) and the history of the Conservation Area.

31. Additional enhancement would include native planting to the west of the footpath against the palisade fence. Plants have been pre-grown so to increase the screening potential and to ensure a

greater chance of survival. Plants would be planted at 1.5m spacing. If the two Holm Oaks, subject to the TPO, can be retained then the planting schedule would be ivy (*Hedera helix*), as this is the only species likely to be able to grow in the shade. If the Holm oaks need to be removed, then Honeysuckle (*Lonicera periclymenum*) or Clematis (*Clematis vitalba*) would be planted.

32. Works would be undertaken to the chamber of the pumping station (sealing of the chamber, casting of a new concrete slab and relocation of the manhole cover) but there will be no changes to the outlet of the chamber to the lagoon and no changes to the discharge volumes/frequency. These works have been identified by the applicant (page 17 PDAS) as an opportunity to improve the overall water quality of the lagoon, particularly in the south west, by upgrading the existing outfall.

33. Linear channel drainage will be installed along the landward side of the footpath adjacent to the pumping station to collect surface water runoff and this will discharge into the lagoon via a new outfall fitted with a non-return flap valve, as shown in drawing 1104 Cross section (5 of 5) (Cross section 112.514)).

34. In the southwest corner of Little Anglesey Lagoon an environmental enhancement (20m²) would see the plantation of brushwood and wooden posts to create an area that would be back filled with soil and planted with Saltmarsh plants from the local area in order to establish an area of Saltmarsh to enhance the margins of the lagoon. The existing foreshore at this location is of poor quality with debris (bricks) and excess concrete from previous works.

35. The construction work for the new sea wall would be undertaken from the landward side of the proposed coastal defence structures. The palisade fence on the landward side of the footpath would temporarily be removed to facilitate this landward working. No piling is proposed. Once the works have been completed, the palisade fence would be reinstated and enhanced with native planting (species dependent on whether the two TPO trees are retained or removed). Whether the TPO trees are retained depends upon the extent of the root spread underneath the existing footpath and proposed development area and the impact that would be caused by their removal.

36. Section 5.2 of the Planning, Design and Access Statement (PDAS) indicates the construction time as: 'Assuming all necessary approvals are in place, enabling works will commence in January 2021 at the earliest, however, it may not start until March 2021 at the latest with the project running for approximately 8 months until November 2021. However, this is subject to change, due the Covid-19 situation. In order to take account for all eventualities, the Coastal Partnership has taken a precautionary approach and has assessed the scheme assuming construction could take place any time in the next 18 months'.

Storage compound at Pebble Beach Car Park

37. The main compound at the Pebble Beach Car Park would be used for site offices, parking, storage of materials and equipment.

The draft Construction Environmental Management Plan (CEMP) and plan 1003 REV P04 indicates the proposed route to the site for vehicles from the compound. This compound would reduce the available parking capacity at Pebble Beach Car Park for the duration of the works, however, as part of the Environment Agency Flood Aid Grant, compensation can be awarded to offset any loss of income.

38. In support of this application, of the following documents have been submitted, including: Ecological Impact Assessment, Habitats Regulations Assessment Parts 1/2, Heritage Statement, Land Contamination Assessment, Outline Construction Environmental Management Plan, Planning, Design and Access Statement, Planting Schedule, Tree Survey (Arboricultural Impact Assessment), Water framework Directive and Biodiversity Checklist.

39. The PDAS at section 1.7 outlines the pre-application public consultation undertaken by the applicant in accordance with the NPPF.

40. In addition to the requirement for the need to obtain planning permission, the Coastal Partners have submitted and will need to obtain other consents, including:

- Marine License from the Marine Management Organisation
- Flood Risk Activity Permit [FRAP] from the Environment Agency
- Natural England Assent for collection of saltmarsh plants for translation

- Highway works permissions
- Consents from landowners.

Relevant Planning History

EIA/001/20 - EIA Screening Request for construction of new flood and coastal erosion risk management structures in Alverstoke - Not EIA Development - issued 18.05.2020

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

- LP1 Sustainable Development
- LP2 Infrastructure
- LP3 Spatial Strategy
- LP10 Design
- LP11 Designated Heritage Assets including Listed Buildings, Scheduled Ancient Monuments and Registered Historic Parks & Gardens
- LP12 Designated Heritage Assets: Conservation Areas
- LP13 Locally Important Heritage Assets
- LP19 Marinas and Moorings
- LP22 Accessibility to New Development
- LP23 Layout of Sites and Parking
- LP37 Access to the Coast and Countryside
- LP39 Water Resources
- LP40 Waste and Material Resources
- LP41 Green Infrastructure
- LP42 International and Nationally Important Habitats
- LP43 Locally Designated Nature Conservation Sites
- LP44 Protecting Species and Other Features of Nature Conservation Importance
- LP45 Flood Risk and Coastal Erosion
- LP46 Pollution Control
- LP47 Contamination and Unstable Land

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), February 2019

Particular obligations fall upon the Local Planning Authority in determining any application which might affect a listed building or its setting or a Conservation Area. Section 66 of The Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the authority to have "special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses". Section 72 of the same act requires that the authority pay: "special attention to the desirability of preserving or enhancing the character or appearance of a conservation area".

Consultations

The Gosport Society

- The most effective location for flood prevention is at Jackie Spencer Bridge where the existing sluice gates can be changed or amended.
- The visual impact of the proposed scheme neither preserves nor enhances the character of the Anglesey Conservation Area.

Natural England	Natural England are in agreement with the conclusion of the Shadow HRA dated July 2020 (Information to Inform Habitats Regulation Assessment) and dismissal of alternative options in order to deliver the SMP2 and RHPS Hold the Line Policy and conclude that subject to the conditions outlined in Section 6.3 of the said report, Natural England would have no objection to the proposal.
Environment Agency (Hants & IOW)	No objection.
Hampshire & Isle Of Wight Wildlife Trust	No response received.
Southern Water	No objection.
Royal Society For The Protection Of Birds	No response received.
HCC Countryside Planning	No objection subject to an archaeological condition.
HCC Ecology	<p>The proposed works are relatively limited in scale although are situated within an area of high ecological sensitivity and there are a number of potential impact pathways. The key receptors are the saline lagoon and its characteristic flora and fauna as well as bird species associated with the surrounding Portsmouth Harbour SPA/Ramsar and Solent & Dorset Coasts SPA. Works potentially affecting the lagoon and associated marine habitats are limited and all seaward works will be conducted at periods of low tide and without machinery.</p> <p>Overall, HCC Ecology are satisfied that the potential ecological impacts have been assessed in a robust manner and that the potential effects are well-understood. Mitigation measures for construction phase impacts are described and contained within the submitted outline CEMP. Ecological compensation and enhancement measures include the creation of a new saltmarsh area in the south-west which will utilise plants from a nearby donor site. The detailed mitigation, compensation and enhancement measures are all acceptable.</p> <p>The submitted HRA provides a robust assessment of the potential impacts to the Natura 2000 sites and it is this department's view that Gosport Borough Council can, as Competent Authority, conclude that the proposal is not likely to result in impacts alone or cumulatively to the integrity of Portsmouth Harbour SPA/Ramsar and Solent & Dorset Coasts SPA.</p> <p>If you are minded to grant permission, it is</p>

	suggested that all ecological mitigation, compensation and enhancement measures and a final CEMP are secured through condition.
Property Services	No objection.
Environmental Health	No objection.
Streetscene Parks & Horticulture	Streetscene concur with the Arboricultural Impact Assessment / Survey produced by Gristwood & Toms and in particular with the categorisation of the trees and the root protection measures to be in place and subject to planning condition, would not raise an objection.
Crime Prevention & Design	No objection subject to conditions to secure compound fence height of 2.1m and reflective strips and lights on the flood gates.
Hampshire Fire And Rescue Service	No objection.
Scottish And Southern Energy	No response received.
Emergency Planning (GBC)	No objection.
Building Control	No objection.
Historic England	Historic England do not wish to offer any comments and suggest the views of your specialist conservation and archaeological advisers, as relevant, are considered.
Local Highway Authority	No objection subject to a condition to secure a Construction Environmental Management Plan, with details on designated areas, haulage routes and wheel wash facilities.
Queen's Harbour Master	No response received.

Response to Public Advertisement

32 letters of objection

Issues raised:-

Procedure Order - Publicity

- the planning application was advertised in the Hampshire Independent, not The News, which is unacceptable

Flooding

- the scheme will not provide any additional prevention against flooding, now or in the future, especially for the properties in Little Anglesey Road
- the historic defences are unlikely to fail so this scheme is unnecessary
- this scheme will significantly increase the flood risk to numbers 1-6 Little Anglesey Road and others around the banks of Stoke Lake, which are already at risk and other properties to the east will not be protected
- vehicles cannot currently pass Little Anglesey Road in times of high water
- the scheme will increase the amount of water that is kept within the lagoon
- the road barrier is not necessary and the water level has not increased

- the gates must be closed well in anticipation of a flood and this would require traffic lights to be installed at Jackie Spencer Bridge, which would be unsightly to the environment
- a vehicle impacting the flood gates could put them out of service if they are subject to a repair, this would cause risk to Alverstoke Village
- the scheme will not protect residents or properties
- figure 1.7 of the planning, design and access statement is not clear on the extent of the flooding, which properties will be impacted, and does not address the impact on nos. 1-6 Little Anglesey Road
- cottages on Stoke Creek and gardens on Clayhall Road would not be protected
- properties on Clayhall Road would be uninsurable
- the marsh area will be unprotected from the flood
- St Marys Junior Sailing Club (a community resource) will be at risk
- Park Road often floods during Spring Tides and would not be protected by this scheme
- providing protection further downstream would provide a greater degree of protection for Alverstoke and Seafield
- allowing this scheme will allow Abbey Homes to build on Stokesmead field, something the Council have wanted for years
- the Council is failing to protect all residents by this scheme
- there are errors in the submitted information in relation to the historic and predicted tide levels
- finance for flood funding should be kept in a trust by GBC and used for smaller flood prevention works until the impact on global flood level rise is fully known and not on the present scheme and used on temporary measures

Heritage and Design

- erection of a 1m high flood defence on the existing causeway and set back by 0.3m would be visually obtrusive and inappropriate in a Conservation Area.

The wall should be moved and aligned with the existing wall

- the existing wall is medieval and should be listed and the view looking towards this wall would be spoiled
- the causeway would be reduced in width to 1.5m. Landscaping is only recommended when the causeway is in excess of 2m. The existing causeway should not be reduced
- the slope of the road should be increased across Little Anglesey Road, preventing the need for a flood gate
- large and unsightly signs would be required when the gates are closed, most likely illuminated to prevent vehicles from colliding with the barriers
- the Queens Harbour Master should be consulted
- this scheme puts at risk several Listed Buildings, which may become inhabitable in the future
- there has been no documented assessment of the archaeological impact of this work
- the proposed materials for the gates and walls are inappropriate and would not fit in with the Conservation Area
- change to outlook and sunsets due to the erection of the wall and the view over the lake will be blocked for those of below average height, children, wheelchair users and small children in pushchairs
- gates that are padlocked open could be subject to vandalism and closed. This could prevent vehicles from accessing the road when not in flood

Highways

- there is inadequate parking locally, which means that people park inconsiderately and often block driveways and grass verges. This has also caused grass to deteriorate it is difficult to cross for those with mobility issues
- there is no indication of signage for vehicle approaching the gate before entering the road if the gates are open or closed
- how will residents be warned that the gates are closed, and how will this impact on the closest local properties
- the proposal will block the road and will not comply with policies in the Local Plan
- access to Little Anglesey Road from Park Road is often challenging for larger vehicles (such as emergency vehicles) due to tight parking and the narrowness and number of bends in parts of this roadway

Contamination

- flood water in houses in Little Anglesey Road will cause properties and their gardens to be contaminated with salt

Ecology

- there is no protection for wildlife
- there are jelly fish in the lake, but no action is taken to protect people using the lake
- the biodiversity checklist has been completed incorrectly and Natural England should be consulted as part of this application
- no updated surveys have been completed since 2017
- wildlife is being put at risk by this scheme
- the Jackie Spencer Bridge option should be used, as the wildlife in the lake will recover
- works to Jackie Spencer Bridge would allow Stoke Lake to be tidal and drain and refill daily, preventing algae blooms and issues with fish
- the current low height of the wall offers people the ability to fish and use the wall and lagoon as a leisure facility and this will be lost as part of the application
- the money for this scheme should be used parking issues, ecological issues with fish and other wildlife and refuse

Health and safety

- the setback position of the wall may entice children to climb over the wall and walk along the 0.3m of old wall and may be a trip hazard
- the combined height of the existing and proposed wall would create a significant drop to ground level if someone was to climb over and fall into the lagoon
- the gates will need to be closed by a council employee, who may be prevented by illness or injury. The future safety of residents will depend upon the operation of the gates
- if the gates are closed and there is an emergency e.g. a fire, a small delay in the fire service reaching a property could result in a fatality. They should re-examine their comments
- if the gates are closed, and opening them would mean Alverstoke Village is flooded, how can an ambulance reach properties in an emergency
- the gates and flood defences will require regular maintenance and upkeep to ensure they are fit for purpose at the expense of tax payers. Who will the cost of maintenance fall too?
- increasing the height of the wall will encourage people to climb and jump off

Anti-Social Behaviour

- there has been an increase in crowds and antisocial behaviour reducing ability to enjoy quality of homes in Anglesey but council tax has not been decreased
- visitors treat this area as a beach when it is a small shore
- parents do not supervise their young children when using Stoke Lake
- children run across the road without supervision from their parents
- rubbish and barbeques are left unsupervised, which represents a danger
- there are no toilet facilities for people and they use hedges and the area near the substation
- the proposed wall is likely to make people feel restricted and intimidated, especially at night due to the restriction of the footpath. This will encourage young people to congregate

Other issues

- the sluice gates by Jackie Spencer's bridge should be repaired at a fraction of the cost
- the funding should be used to undertake works to Jackie Spencer Bridge to protect the people of Alverstoke
- a higher percentage of local residents would prefer flood protection at Jackie Spencer Bridge and local Councillors should respect that decision
- this scheme is a waste of public money
- another scheme should be considered
- the planning, design and access statement does not give any reasons why a solution on the eastern side of the lake would not be legal or too expensive
- Gosport Borough Council may be held legally responsible in the future if people are unable to insure or mortgage and unable to sell their house in the future from flooding
- future residents may have to take legal action against the Eastern Solent Coastal Partnership for their short-sighted approach to flood management

- boats will be unable to moor against the wall and load/unload goods, that this application would deny the legal right, under UK Maritime Law
- mariners have a right to secure boats to the causeway
- consent is required to cross other people's land, which has not been given.

Principal Issues

1. This application has been advertised in accordance with Council's Statement of Community Involvement (2019). The applicant has completed Certificate C and has undertaken the necessary advertisement process and served notice on neighbours. The granting of any planning permission would not absolve the legal requirement of the applicant to obtain the agreement of land owners. The Council operates a statutory emergency planning function for any emergency situation and has a sufficient robust command structure in place to operate the gates. The Council is unable to prevent people from jumping off the existing or proposed wall into the lagoon, whether adults or children. Similarly, if an individual climbs over the wall and trips, the Council is unable to prevent the actions of individuals. Hampshire Fire and Rescue Service (HRFS) have commented and assessed this application and have not raised an objection on access to the site for emergency services with the gates in the closed position. Due to the representations, officers have contacted HFRS highlighting the gates would be closed and this may reduce the response time of the fire and other emergency services. No further comment has been received from HFRS. There is separate legislation that is best placed to address issues with anti-social behaviour and concerns relating to crowds, gathering young people, unsupervised children and the fear of crime and these should be reported to the police, where appropriate. Council tax reductions are not a material consideration in the determination of this application. Possible legal action against the Council or the Coastal Partners is not a material planning consideration. Marine Law and a mariner's right to moor would be addressed by the Marine Management Organisation and this application would not stop the mooring of boats or the ability to disembark. Issues in relation to rubbish should be reported to Environmental Health and Streetscene. The absence of toilet facilities is not a material planning consideration. The Council is unable to control people's attitudes or level of respect when visiting this area.

2. The application has been submitted on behalf of the Council by Coastal Partners (formally the Eastern Solent Coastal Partnership) who are part funded by Havant Borough Council, Fareham Borough Council, Gosport Borough Council and Portsmouth City Council. The on-going costs of maintaining the scheme will be part funded by the Council's and grants from Central Government. The Council is unable to keep money from Flooding Grants in a trust fund as the money would be returned to Central Government, if unspent within a set period.

Jackie Spencer Bridge

3. The duty of the LPA is to consider the application that has been submitted. Any alternative schemes are not material in the determination of this application. Notwithstanding this, in addition to the statement by the applicant (available on the Council's website and in-part below) Natural England have confirmed at section 1.7.1.2 of the PDAS that support/consent would not be forthcoming for an alternative scheme beneath Jackie Spencer Bridge:

"A number of options were considered as part of the scheme which included an option at Jackie Spencer Bridge in the outline design stage.

In summary, the Jackie Spencer Bridge option was discounted for the following technical, environmental and economic reasons:

- It is not compliant with the Shoreline Management Plan (SMP2) policy of Hold the Line.
- It would have the greatest impact on biodiversity of all the options considered.
- It would not be compliant with the Habitats Regulations in that it can readily be demonstrated that the proposed scheme option of a coastal defence on the existing wall alignment represents a less environmentally harmful alternative, therefore, the Jackie Spencer Bridge option would fail under the 'no satisfactory alternative' test.
- Non-compliance with the Habitats Regulations means that the licences and consents required to build the scheme would not be granted.
- Technically the existing weir would not be able to support a new set of flood gates. Therefore, the existing weir structure would need to be demolished and replaced with a new weir structure and tidal gates.

- The Jackie Spencer Bridge option is likely to cost double that of the proposed scheme design, which equates to £500,000 over the life time of the scheme.
- The nature of how government Flood Defence Grant in Aid is allocated will mean that the financial difference between the proposed scheme design and the Jackie Spencer Bridge option would need to be met through other funding sources.

Therefore, given the significant additional financial outlay that would be required compared to the leading option, the significant environmental impacts that would result and the high risk of a scheme at Jackie Spencer Bridge not being granted the required licences and consents, it is not recommended that this option be considered any further.

The proposed scheme remains the most technically feasible, environmentally acceptable and financially viable option".

Main issues

4. The main issues in this case are, therefore, whether: the principle of development and providing flood protection in this location is acceptable in principle; whether the development is acceptable in archaeology and design terms and the impact on heritage assets (including the Council's responsibilities under the Equality Act); whether there would be a significant impact on visual and residential amenity; whether there would be a significant impact on the local highways network; and, whether there be an impact on trees and whether there would be a likely significant impact on notable and protected species.

Principle of the development and Flood Risk

5. Flood events are becoming more frequent in the UK and therefore managing flood risk is an important issue in protecting existing communities and businesses and planning for new development. In addition to planning for the protection from flooding in the present day there is also the need to take into account the effects of climate change. The Borough's coastline forms part of the North Solent Shoreline Management Plan (adopted in 2010). The high level strategic policy approach for Gosport's coastline is 'Hold The Line' and, where necessary, enhance protection through a range of flood mitigation measures including measures such as physical hard defences.

6. Construction of a new flood and coastal erosion scheme is supported by both national and local planning policies. The NPPF (2019) highlights the importance of minimising vulnerability, considering the long-term implications of flood risk, and mitigating and adapting to climate change. It supports increasing the future resilience of communities and infrastructure, including ensuring provision is made for space for physical protection measures.

7. The primary objective of the Alverstoke FCERM scheme is to reduce flooding and coastal erosion risks to people, properties and infrastructure in the Alverstoke area and this is addressed at section 7 of the PDAS by the applicant.

8. The modelling by the Environment Agency at Figure 7.2 of the PDAS outlines the potential risk of a 1:100 year flood event in Alverstoke based on the current level of protection with no maintenance or upgrade. 73 properties are currently at risk from a 1% AEP coastal flood from waters of 1m in depth or greater. With the predicted impact of climate change by 2060, this is set to increase to 132 properties from a 1% AEP with flood waters of 1.5m or greater. The proposed level of protection would be +3.7m AOD.

9. The proposal represents a key piece of infrastructure required to support the wider economic growth and development of the Borough, and to protect existing and future residents and businesses from losses associated with flooding. It would support healthy communities by protecting access to the coast; it would retain and protect the existing open spaces, as well contributing to protecting and enhancing both the natural and historic environment.

10. The majority of the works involve retaining the existing defence and building behind it. Construction procedures along with contractual requirements will be set in place to ensure that the existing SoP is not compromised during construction and the surrounding area is not put at any additional risk of flooding for the duration of the works.

11. This application represents a significant project to deliver new coastal defences. Therefore, it is considered that the principle of the scheme would be fully in accordance with the Gosport Borough Local Plan 2011-2029, in particular Policies: LP1 (Sustainable Development), LP2 (Infrastructure); LP37 (Access to the Coast and Countryside); LP45 (Flood Risk and Coastal Erosion) and be of significant benefit to the Borough as a whole.

Archaeology, design, heritage and trees

12. Areas of below-ground archaeological remains are difficult to predict due to the lack of intrusive investigation undertaken to date; however, the potential time periods in terms of archaeological and historical development, as outlined at Section 5 of the Heritage Statement are: Prehistoric, Roman, Early medieval and medieval, Post-medieval and Modern.

13. Section 4.5 of the Heritage Statement indicates that between August and September 2019 an Archaeological Watching Brief of Ground Investigations (GIs) at Alverstoke was undertaken (Cotswold Archaeology 2019). At Alverstoke, 11 out of the 12 GIs recorded only made ground and no natural geology was discovered. The report concluded that 'no features or deposits of archaeological interest were observed' and that despite the 'visual scanning of spoil, no artefacts pre-dating the modern period were recovered'. This may mean that archaeological deposits have been removed or destroyed by modern disturbance. However, it has been indicated that archaeological levels may not have been reached and archaeological remains may remain preserved underneath the level of made ground and therefore, may be encountered during the scheme.

14. Section 4.5 goes on to indicate that the British Geological Survey does not have any additional recorded boreholes of relevance to the scheme. The thickness of the made ground has been found to be 1m in depth with works planned to take place to a depth of approximately 1.3m which will extend into the underlying beach and tidal flat deposits which have the potential to contain preserved archaeology. The Council's Archaeologist has assessed the archaeological potential and the impact of development, and has reviewed the available geo-technical information and recommends that an archaeological condition be attached to any planning permission to secure an archaeological watching brief during ground works, which would accord with Policy LP10 of the Gosport Borough Local Plan 2011 - 2029.

15. There would be three site compounds set up for the Alverstoke construction works, as shown on Figure 3.2 HRA. The main site offices and associated parking would be located away from the works area due to the limited local compound space available. The main site offices compound would be located in the northern end of the Pebble Beach Car Park off Stokes Bay Road. In addition, a small site compound with basic welfare facilities suitable for the number of site personnel would be set up within the informal parking area along Little Anglesey Road at the northern end of the works area and a small materials compound would be located at the pumping station at the southern end of the works area. Haulage routes for deliveries to the main compound / site offices and movements of materials, equipment and personnel between the main compound and the construction site would run on existing public highway. The Crime Prevention Officer has indicated that the fences surrounding this main compound should be a minimum height of 2.1m and regard should be given to its location to ensure the existing footway remains open to members of the public during the build. Although site compounds would be utilitarian in planning terms, it is considered that given their temporary siting and with planning conditions to secure the recommendation of the Crime Prevention Officer, this part of the development would accord with Policies LP10 and LP22 of the Gosport Borough Local Plan 2011 - 2029.

16. The proposal seeks to respond to the character and appearance of the Conservation Area, the designated and non-designated heritage assets and other constraints, such as the footway, highway and landscaping along its 145m length.

17. The surface finish for the flood walls is proposed to be reinforced concrete inclusive of 'formliner' that would enable the new wall to closely match the current historic aesthetic of the existing wall (Plate 6.3, page 23 of the PDAS) on the seaward side of the wall. Its texture and size would be similar in appearance to the existing wall, but it is not intended to be a pastiche as this would compete for dominance within its setting. In long distance views, it is considered that the views of the existing and historic walls would be similar. To maintain the width of the footway of 1.5m, it is not viable to use

stone cladding or slips due to their width. To delineate between the historic and modern wall, a 0.5m setback revealing the capping stones would introduce a clear and distinct visual break between both defences.

18. The double leaf mitre floodgate installed across Little Anglesey Road and the proposed use of timber cladding on the public realm side is considered acceptable and Plate 6.5 of the PDAS (page 24) indicates an example of flood gates when in the open position. The Crime Prevention Officer indicates that reflective strips added to both side of the flood gate would increase the visibility in times of darkness, which could be secured by planning condition.

19. The durability of concrete with an exposed finish has been raised in consultation responses and objections. Public and stakeholder involvement in the final surface finishes of the flood wall and gate has been anticipated by the applicant.

20. There are limited opportunities to introduce or enhance soft landscaping, given the built-up character of the coastal defences and although the scheme has been designed to minimise the impact on trees, 2 existing TPO trees would need to be felled. New tree planting is proposed to mitigate such loss as shown on plans 1600 REV P03 and 1601 REV P04 and the Planting Schedule along the western edge of the footway adjacent to the boundary fence. The loss of TPO and Conservation Area trees in the scheme to the west of the masonry wall would be regrettable although any lost would be replaced and the submitted Arboricultural Impact Assessment/Survey recommendations for trees to be retained and the assessment of the health and life-expectancy of those to be removed is considered to be fair and well-balanced.

21. Additional enhancement would be included in the southwest corner of Little Anglesey Lagoon as referred to above with the installation of brushwood and wooden posts to create an area that will be back filled with soil and planted with saltmarsh plants from the local area in order to establish an area of saltmarsh to enhance the margins of the lagoon.

22. In addition to the obligations upon the LPA in determining any application which affects a Listed Building or its setting or within a Conservation Area as set out under Sections 66 and 72 The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), regard must be given to the relevant material paragraphs in the NPPF, notably: 132, 184, 189, 190, 191, 192, 193, 194, Annex 2: Glossary; and, the 'Historic Environment Good Practice Advice in Planning Note 2 and NPPG. The specific Policies in the Local Plan are: LP10, LP11, LP12 and LP13.

23. It is recognised that a large number of designated and undesignated assets would be affected by the proposal. The range of heritage assets and the analysis undertaken by the applicant are both considered appropriate and proportionate. Sections 5-7 of the Heritage Statement assess the impact of the scheme on assets which 'grades' them according to a hierarchy, ascribing a range of 'values' to the impacts from low - high (where it should be noted, however, that in the majority of instances the impact of the proposal on each has been identified as 'medium'). The impact of the proposals could be more successfully mitigated with the use of sympathetic materials to help the new wall assimilate better within its context. However, it is not possible to retain the historic flagstones and use stone cladding and retain a footway that is 1.5m wide. If stone cladding is used, the historic flagstones would have to be removed from the scheme and the delineation between historic and modern defences would be significantly reduced, thereby resulting in a greater level of harm. It is considered that, based on the frontliner flood walls as shown in the PDAS, and in order to retain the historic flagstones, and to comply with the requirements for footway widths, the proposed materials would on-balance, be acceptable in this context.

24. When considering the impact of the development on heritage assets, the LPA must consider paragraph 193 of the NPPF that states that: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

25. In this case, a balanced and proportionate consideration of the scheme and its merits, in combination with its scale and the nature of the proposed interventions make a finding of less than substantial harm in relation to much of what has been proposed inescapable. In such cases,

paragraph 194 of the NPPF requires that: 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'.

26. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 196 of the NPPF). This may include the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.

27. Without this scheme, the predicted impact of climate change is set to increase the risk of a flood event in this part of Alverstoke from 99 properties in 2020 with flood waters of 1m to 132 properties by 2060 of flood water depths of 1.5m or greater. Although this would provide flood protection to +3.7m AOD and safeguard a further 31 properties by 2060, the financial impact on just one household being flooded would be significant. The financial impact to 132 properties and the economic impact on the Borough of Gosport of flooding, predicted to reach levels of 1.5m or greater, would be severe and would likely take years to recover. With the predicted impact of climate change, the frequency and severity of flood events in the UK is likely to deteriorate and it is considered that without this scheme, the potential economic impact on the Borough of Gosport would be substantial.

28. Also noted is the potential for social and environmental issues that may be caused without this scheme, given the critical infrastructure and extensive urban utilities that would be protected, notably: three electricity sub-stations; surface water pumping station and sewers; pressure gas mains; and, telecoms and cable networks.

29. The overall scheme would increase the level of protection for a number of heritage assets and it would therefore safeguard the potential future use and enjoyment of these buildings and Conservation Areas.

30. A number of representations have indicated that this scheme would not protect every resident, dwelling and business, especially nos. 1-6 Little Anglesey Road and other dwellings on Clayhall Road and to the east of the flood wall/gate and business. In respect of nos.1-6 Little Anglesey Road, the Environment Agency predictions indicate that due to the elevated positions of these dwellings, the 1:100 year flood event, although increasing the water depth on Little Anglesey Road and in the front gardens of these properties, the flood water level would not reach or compromise these dwellings (figure 1.3 PDAS).

31. With properties on the south side of Clayhall Road, the current flood risk is predicted to put 10 properties at risk of flood waters over 0.5m in depth, increasing to 14 properties by 2060. It is accepted that this scheme cannot protect every property from flooding and although the coastal defence improvements would reduce the risk of flooding to people and property within the area benefitting from the defences, residual risks would still exist after the implementation of the scheme. These residual flood risks exist from the risk of defence failure or breaching and in the instance of an extreme flood occurring greater than the design height of the defences.

32. Some concern has been raised over the structural stability of the historic wall and the impact of the works. The plans show an indicative 'buried wall outline' (Cross Section Sheet 3), however, no information is given to an actual surveyed depth of the wall below. Although uncommon, the structural aspects of a development rarely form part of the material planning considerations. However in this case, given the sensitivities of the scheme and importance of this historic wall, it is considered appropriate that a construction method statement (CMS) is secured by planning condition by an appropriately qualified civil or structural engineer, which would contain a report into the ground and hydrological conditions of the site including groundwater flow and explain how these matters will be dealt with during the construction of the site. The CMS will also demonstrate how the excavation, demolition and construction work (including temporary propping and other temporary works) can be carried out whilst safeguarding structural stability. The structural stability of the development would not be controlled through the planning system but through Building Regulations.

33. It is acknowledged that this scheme would not offer additional protection to 14 properties on the south side of Clayhall Road and it would result in less than substantial harm to designated and non-designated heritage assets. However, when considering the potential severe impact of flooding on the

Borough of Gosport as a whole and this part of Alverstoke from the risk of a flood event, the less than substantial harm is considered, on-balance, to be outweighed by the substantial public benefits in securing this scheme. A planning could be imposed to secure the proposed environmental enhancements.

34. Therefore, it is considered that the proposed scheme, whilst causing less than substantial harm, would conflict with the Gosport Borough Local Plan 2011-2029, in particular Policies LP2 (Infrastructure), LP10 (Design), LP11 (Listed Buildings), LP12 (Conservation Areas) and LP13 (Locally Important Heritage Assets), however, this would be outweighed by the significant public benefits associated with the provision of the flood defences.

Visual & Residential Amenity

35. The new defences would change views of Stoke Lake from homes facing the lagoon but this would not, in such circumstances, form a material planning consideration. Given the separation distance from the flood wall/gate to dwellings, the height of the defences would not be considered to have any significant effect on the outlook from neighbouring occupiers.

36. The submitted Ground Conditions Report details the work undertaken to assess the risks and mitigate impacts from contaminated land. A desk-based study was undertaken to establish the baseline conditions at Alverstoke. As part of the detailed design, geotechnical investigations were carried out along the Alverstoke scheme alignment. These investigations were to establish the existing geotechnical properties and levels of contamination present landward of the seawall. This was carried out to inform the suitability of this material for use at Alverstoke and took place in 2017 (two boreholes and four trial pits) and 2019. No ground investigation or sampling has been undertaken on the seaward side of the wall as no excavation is required within the lagoon for the proposed works. The conclusions of the GI report state that made ground was found in all locations but the material would be classed as non-hazardous. The Council's Head of Environmental Health has reviewed the submitted information and raised no objection. This part of the development is therefore considered to be in accordance with Policy LP47 of the Gosport Borough Local Plan 2011 - 2029, subject to a condition to secure a contamination reporting condition, if any is found on-site.

37. There is potential for short term temporary impacts in terms of air quality and noise impact during the construction period, as with any development, although these impacts are considered to be small scale due to the size of the scheme and the expected limited duration of the works. These will be mitigated further through the adoption of a Construction Traffic Management Plan [CTMP] as well as a Construction Environmental Management Plan [CEMP]. A draft CEMP has been submitted with the application. As this may change, especially given the challenges facing contractors working on-site with social distancing, securing a CTMP and CEMP to protect residential amenity from noise and disturbance by condition would be appropriate and would accord with Policy LP10 of the Gosport Borough Local Plan 2011 - 2029 and paragraphs 170 and 180 of the NPPF

Ecology

38. There are numerous ecological designations within and in close proximity to the application site for the scheme, including sites and species of local, national and international importance. Several chapters of the Ecological Impact Assessment (EiCA) describe and assess the ecological impacts in detail, as well as setting out proposed mitigation:

- Chapter 4: Terrestrial Ecology
- Chapter 5: Marine Ecology (including fish)
- Chapter 6: Ornithology

39. A Habitats Regulations Assessment (HRA) and Water Framework Directive Compliance Assessment have also been undertaken.

40. The Coastal Partnership indicates that all aspects of the scheme have been fully assessed from design, through to construction and long-term management. Mitigation measures are proposed to ensure that biodiversity is protected and enhanced (as detailed within the HRA, EiCA and PDAS). These measures are specific to the type of ecology and include small saltmarsh creation (approximately 20m²), native planting adjacent to the existing palisade fence and replacement of any plants that die or are damaged in the first 5 years and removal of man-made debris within the lagoon.

The complete mitigation measures are outlined at section 8 of the EclA (pages 90-98). These measures could be secured through the submission and approval of a CEMP.

41. The EclA recognises the importance of all habitats and species, e.g. feeding sites for Dark Bellied Brent Geese. The scheme has been designed to minimise the impact on terrestrial and marine ecology including fish, birds and bats etc. and on marine and ornithology ecology. It has also been designed to protect and enhance biodiversity where possible, seeking to achieve a net gain overall with Section 6.2 PDAS detailing the ecological enhancements.

42. The design also takes opportunities to improve Stoke Lake for wildlife (and of wild fauna and flora). The submitted HRA enables the LPA as the Competent Authority to determine the implications of the project on the relevant European nature conservation sites and their interest features. Where potentially significant adverse effects were identified, appropriate mitigation measures are proposed to ensure the protection of the European site features. Based on the proposed level of mitigation, there are not likely to be any significant long-term adverse population level effects on SPA / Ramsar birds.

43. The HRA has been produced by Coastal Partnership and has been adopted to fulfil the LPA's duty as competent authority.

44. Natural England (NE) has a statutory duty to ensure the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. NE notes the appropriate assessment concludes that the authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question and "conclude that subject to the conditions outlined in Section 6.3 of the HRA, Natural England would have no objection to the proposal". The County Ecologist supports the assessment of Natural England, subject to the imposition of planning conditions.

45. In conclusion, subject to the proposed mitigation measures secured by planning conditions, the proposed scheme is not likely to have an adverse effect on the integrity of the relevant European sites in view of their Conservation Objectives, either alone or in-combination with other plans or projects, thus accords with the Gosport Borough Local Plan 2011 - 2029, in particular Policies LP41, LP42, LP43, LP44 and LP47 and guidance contained within the NPPF (2019).

Highways

46. The proposal would result in impacts on the existing transport networks within Alverstoke and the main effects identified at (section 4.14 of the CEMP) are:

- temporary road closures
- public access to the existing informal parking area prevented during construction
- increase in large goods vehicles and movements in Alverstoke
- reduction in available car parking at Pebble Beach Car Park
- reduced footway width from 2m to 1.5m between Clayhall Road Little Anglesey Road
- provision of improved pedestrian and cycle route between Clayhall Road Little Anglesey Road
- revised carriageway width on Little Anglesey Road and reductions in visibility splays for residents of Stoke House and Lakeside House.

47. As this is a minor application (in planning categorisation terms) and does not propose a new or amended point of access onto a Classified Road, the Local Highway Authority has not commented on this application and would refer the Local Planning Authority to the Standing Advice (adopted 2017).

48. It is considered that whilst there would be localised impacts on the highway network, these could be proportionately mitigated through a CTMP. The temporary closure of the link between Clayhall Road and Little Anglesey Road would require pedestrians and cyclists to take a modestly longer journey. Residents on Little Anglesey Road would still be able to access their properties during the course of the construction works.

49. Once complete, the works to the footway would provide improvements for walking and cycling between Clayhall Road and Little Anglesey Road as well as resurfaced car parking areas and the removal of man-made deposits from the shore line without unacceptable encroachment onto the

shore. It is concluded that, given the broader objectives of the scheme, the temporary nature of the highways impacts are insufficient to justify a reason for refusal of the application.

50. Also noted would be the temporary loss of some parking spaces in Pebble Beach Car Park, although noted that Property Services have not raised an objection and the impact would be over a short period of time.

51. For the above reasons, it is considered that the proposed scheme would be in accordance with the Gosport Borough Local Plan 2011 - 2029, in particular Policies LP2 (Infrastructure), LP22 (Access to New Development) and LP23 (Layout of Sites and Parking, guidance contained within the NPPF (2019) and be of significant benefit to the Borough as a whole.

Equality Act (EA)

52. The Equality Act 2010 identifies a number of protected characteristics, which amongst others, includes disability. The duty is to have due regard to the need to eliminate discrimination. In determining this application, due regard has been given to section 149 of the EA 2010 that places a requirement on decision makers to take steps to meet the needs of persons who share a protected characteristic.

53. Section 6.3 of the PDAS indicates that there are no existing areas where inclusive access or requirements of BS8300 have been applied (i.e. handrail, guardrail, tactile paving).

54. Footway widths across the scheme have been provided with a minimum width of 1.5m to meet guidance. Assessment of a topographic survey shows only a short section of the sloped footway, where it intersects at Clayhall Road, is within the classification of a ramp according to BS8300 (i.e. slope is steeper than 1:20). The proposed works will not significantly alter the existing paved slopes which will be reinstated as currently, though levels at the intersection will be modified locally resulting in a minor reduction in slope angle to assist compliance.

55. Footway crossfalls have been provided to assist drainage and reduce surface water during rainfall. All crossfalls are limited to 1:50 in line with guidance.

56. As the slopes are not defined ramps, handrails and tactile paving have not been proposed. The use of handrailing along the footway from Clayhall Road would also obstruct the Southern Water access to the pumping station.

57. Along the southern section of the footway to Clayhall Road, the levels of the footpath start to increase slightly such that a short section of wall adjacent to the lake does not achieve the recommended guardrail height. In this area it has been proposed that an interpretation board is provided to limit access to the wall along this section in preference to providing an additional rail on top of the wall.

58. The above duty is a material consideration in the assessment of this application and has been considered as part of this application and the measures taken by the applicant are considered to be compliant with the duty.

Conclusion

59. This application would deliver a key and essential piece of infrastructure for the Borough in the form of new flood and coastal erosion defences for homes, businesses and the Borough.

60. It is considered that the likely environmental impacts of the development have been adequately assessed in the submitted documents and subject to the imposition of appropriate conditions to secure the mitigation measures, are considered acceptable and overall would not result in significant harm or have any significant adverse impacts.

61. It is considered that the proposal would result in less than substantial harm to designated and non-designated heritage assets that would be outweighed by the substantial public benefit of protecting residential and other properties from the risk of flooding.

62. Whilst during the construction period residents would experience noise and disturbance and inconvenience to the local highway network due to the site access points and construction compound, it is considered that this outweighed by the significant benefit that the final completed scheme would provide in protecting the residential properties (and local businesses) from a flood event. In addition, it is considered that the completed development would not lead to any adverse effects on the amenity of local residents or highways impacts sufficient to justify a reason for refusal.

63. In light of the above, this application is considered acceptable subject to conditions.

Equalities Impact Assessment: Yes – comments contained in the report

Glossary of terms used the report.

AEP - Annual Exceedance Probability
AOD - Above Ordnance Datum
CEMP - Construction Environmental Management Plan
CMS - Construction Method Statement
CTMP - Construction Traffic Management Plan
EclA - Ecological Impact Assessment
EA 2010 - Equality Act 2010
FCERM - Flood, and Coastal Erosion Risk Management
GI - Ground Investigation
HRA - Habitats Regulations Assessment
NE - Natural England
NPPF - National Planning Policy Framework
PDAS - Planning, Design and Access Statement
SMP2 - Shoreline Management Plan
SoP - Standard of Protection
SPA - Special Protection Area
SSSI - Site of Special Scientific Interest
TPO - Tree Preservation Order

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:

405363-MMD-AS-XX-DR-C-1001 Rev P03 - Location Plan Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1002 Rev P04 - Site Boundary Plan Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1003 Rev P04 - Access and Compound Plan Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1004 Rev P04 - General Arrangements Plan Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1021 Rev P04 - General Arrangements Plan Area of Interest 1 Sheet 1 of 2
405363-MMD-AS-XX-DR-C-1022 Rev P04 - General Arrangements Plan Area of Interest 2 Sheet 2 of 2
405363-MMD-AS-XX-DR-C-1005 Rev P04 - Chainage Plan Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1006 Rev P04 - Site Clearance Plan Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1010 Rev P04 - Services Plan Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1030 Rev P04 - Roadworks Plan Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1031 Rev P02 - Road Signs Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1100 Rev P03 - Cross Sections Sheet 1 of 5
405363-MMD-AS-XX-DR-C-1101 Rev P03 - Cross Sections Sheet 2 of 5
405363-MMD-AS-XX-DR-C-1102 Rev P03 - Cross Sections Sheet 3 of 5
405363-MMD-AS-XX-DR-C-1103 Rev P03 - Cross Sections Sheet 4 of 5

405363-MMD-AS-XX-DR-C-1104 Rev P04 - Cross Sections Sheet 5 of 5
405363-MMD-AS-XX-DR-C-1200 Rev P03 - Elevations Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1201 Rev P03 - Elevations Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1300 Rev P03 - Joint/Dowel Detail Drawings Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1310 Rev P03 - Road/Kerb Detail Drawings Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1320 Rev P03 - Drainage Detail Drawings Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1330 Rev P03 - Utility Crossings and Diversions Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1400 Rev P03 - Floodgate Drawings Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1410 Rev P02 - Pumping Station Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1420 Rev P02 - Seawall Repointing Sheet 1 of 1
405363-MMD-AS-XX-DR-C-1500 Rev P03 - Reinforcements Drawings Sheet 1 of 2
405363-MMD-AS-XX-DR-C-1501 Rev P02 - Reinforcements Drawings Sheet 2 of 2
405363-MMD-AS-XX-DR-L-1600 Rev P03 - Landscaping Plan Sheet 1 of 2
405363-MMD-AS-XX-DR-C-1601 Rev P04 - Landscaping Plan Sheet 2 of 2
405363-MMD-AS-XX-DR-C-1700 Rev P04 - Environmental/Archaeology Heritage Exclusion Plan Sheet 1 of 1
Ecological Impact Assessment dated August 2020 Ref. LDW41879
Land Contamination Assessment dated November 2019 Ref. 405363-MMD-AS-XX-TN-GE-0002
Outline Construction Environmental Management Plan dated August 2020
Planting Schedule for Alverstoke FCERM Works
Arboricultural Impact Assessment prepared by Gristwood and Toms
Water Framework Directive Compliance Assessment dated August 2020
Habitats Regulations Assessment dated July 2020 Ref. LDW41879
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) Development shall not commence until a contaminated land method statement and materials management plan has been submitted to and approved, in writing, by the Local Planning Authority. The contaminated land method statement and materials management plan shall include details of:

- Where soils will be stored, tested and transferred, and the approach to be used when soils excavated do not meet re-use criteria;
- A strategy for dealing with any unexpected contamination encountered during construction; and
- Construction best practice techniques to reduce the risk of transferring any contaminants.

b) The development shall thereafter be carried out in accordance with the approved materials management plan and contaminated land method statement, as well as the site waste management plan. Any materials to be imported for the works will be tested to ensure they are clean and suitable for the proposed use prior to importation and placement within the works.

c) Should de-watering of excavations be required during construction, the groundwater quality will be assessed to understand discharge options and discussions held with the Environment Agency, the GBC Contaminated Land Team and Southern Water to understand their requirements. Any contaminated groundwater will be discharged of appropriately off site. A licence will be obtained for any dewatering activities where abstraction lasts for more than 6 months or daily abstraction exceeds 100m³.

Reason - To minimise adverse effects on habitats and species within the lagoon and ensure the conservation status of the Portsmouth Harbour SPA and Ramsar site and to comply with Policies LP41, LP42, LP43, LP44 and LP47 of the Gosport Borough Local Plan 2011 - 2029.

4. a) No works associated with the construction of the saltmarsh enhancement area shall take place until a detailed method statement has been submitted to and approved, in writing, by the Local Planning Authority. The method statement shall set out the proposed levels, source and type of fill, the donor site and species of saltmarsh plants to be translocated, as well as details of materials and methods to be used.

b) The saltmarsh shall be created in accordance with details approved in part a) of this condition.

c) The saltmarsh area will be constructed at low tide (in the dry) and a natural geotextile will be used to reduce the risk of sediments being washed out from behind the brushwood bundles and protect the lagoon from increased suspended sediments during the enhancement works. If possible (contractor / procurement and consenting timescales permitting), the installation of the enhancement area will be undertaken between October and March when the lagoonal plants (the wireweed) will have died-back naturally over the winter, and the plant associated community will be able to recover over the following summer. This would also enable the saltmarsh plants to be translocated into the enhancement area at the optimal time in spring (April/May) so that they are able to establish over the

summer. If the works are delayed and undertaken over the summer (April to September), any floating mats of wireweed present adjacent to the enhancement works area will be gently swept away with a net or rake so that they are not trapped within the geotextile and therefore will be protected from increases in suspended sediment concentrations and smothering effects.

Reason - To minimise adverse effects on habitats and species within Little Anglesey Lagoon and ensure the conservation status of the Portsmouth Harbour SPA and Ramsar site and to comply with Policies LP41, LP42, LP43 and LP44 of the Gosport Borough Local Plan 2011 - 2029.

5. a) Development shall not commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved, in writing, by the Local Planning Authority. The CEMP shall include details of all measures designed to protect on-site and off-site ecological features and should clearly identify roles and responsibilities for implementing the approved strategy.

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

Reason - To conserve and enhance biodiversity in accordance with the Conservation Regulations 2010, the Wildlife & Countryside Act 1981, the NERC Act 2006, NPPF and with Policy LP44 of the the Gosport Borough Local Plan 2011-2029.

6. a) Development shall not commence until a Construction and Traffic Management Plan, to include (but not be limited to) details of: a method statement for control of dust and emissions from construction and demolition; an assessment and method statement for the control of construction noise for the site specifying predicted noise levels, proposed target criteria, mitigation measures and monitoring protocols, the timing of deliveries; the provision to be made on site for contractor's parking, construction compounds and security fences (including height and siting), site office facilities, construction traffic access, the turning and loading/off-loading of delivery vehicles within the confines of the site, wheel wash facilities, lorry routing from the strategic road network and a programme of works, has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be carried out in accordance with the approved Construction and Traffic Management Plan for as long as construction is taking place at the site.

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

7. a) No development shall commence until a Construction Method Statement (to be prepared by a Chartered Civil Engineer (MICE), Chartered Structural Engineer (MI Struct.E) or similarly qualified and experienced person) that shall include, but not be limited to: a report into the ground and hydrological conditions of the site including groundwater flow and explain how these matters will be dealt with during the construction of the site and a demonstration on how the excavation, demolition and construction work (including temporary propping and other temporary works) can be carried out whilst safeguarding structural stability of the historic masonry wall, has been submitted to and approved, in writing, by the Local Planning Authority.

b) The development shall thereafter only be carried out in accordance with the Construction Method Statement approved pursuant to part a) of this condition.

Reason - To ensure the structural integrity of the historic masonry wall is safeguarded and to comply with Policies LP10, LP11, LP12 and LP13 of the Gosport Borough Local Plan 2011 - 2029.

8. a) Prior to the installation of the flood gate, details of reflective banding, lighting, and the locking mechanism when the flood gates are in the open/closed position shall be submitted to and approved, in writing, by the Local Planning Authority.

b) The details approved in part a) of this condition shall thereafter be installed and retained in accordance with the approved details.

Reason - In order to safeguard users of the highway and to prevent anti-social behaviour in accordance with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029.

9. a) Development shall not commence until the tree protection measures set out in Arboricultural Impact Assessment prepared by Gristwood and Toms have been provided.

b) The tree protection measures shall be retained until the development is substantially complete, or its removal is agreed in writing by the Local Planning Authority.

Reason - To ensure the important trees on the site are safeguarded and protected during development in accordance with Policies LP10 and LP41 of the Gosport Borough Local Plan, 2011-2029.

10. a) Within 1 month of the commencement of the development, the design and content of the interpretation boards shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved boards shall be installed in accordance with the approved details before the footway adjacent to the flood wall is open to the public and thereafter retained (unless otherwise agreed in writing by the Local Planning Authority).

Reason - To ensure proposed public heritage benefits make a positive contribution to outweighing the less than substantial harm of heritage assets, to enhance or better reveal their significance, and to safeguard public safety in accordance with policies LP10, LP11 and LP12 of the Gosport Borough Local Plan 2011 - 2029

11. a) The development shall, unless otherwise agreed in writing, by the Local Planning Authority, be carried out in accordance with the Written Scheme of Investigation for Archaeological Mitigation as outlined in the Alverstoke Cultural Heritage Desk-Based Assessment dated 09.06.2020 prepared by Mott MacDonald.

b) Within 6 months of the completion of the groundworks and flood wall hereby permitted, a report interpreting the results of the archaeological fieldwork shall have been produced including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement and a copy submitted to the Local Planning Authority.

Reason - To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets, to mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations, to contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available and to comply with Policies LP11 and LP13 of the Gosport Borough Local Plan, 2011-2029.

12. a) Within the first planting season (November to March) after the completion of the flood wall and gate, the hard and soft landscaping shown on drawings: 405363-MMD-AS-XX-DR-L-1600 Rev P03 - Landscaping Plan Sheet 1 of 2; 405363-MMD-AS-XX-DR-C-1601 Rev P04 - Landscaping Plan Sheet 2 of 2; and, Planting Schedule for Alverstoke FCERM Works shall be carried out.

b) any trees or plants which die are removed or become seriously damaged or diseased during the first five years, shall be replaced with others of identical species (or as may otherwise be agreed in writing with the Local Planning Authority) during the next planting season

Reason - In order to protect the amenities of the area, and to comply with Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan 2011-2029.

13. No machinery or vehicles will be used within the lagoon - any works required from the marine side shall be undertaken on foot using hand tools.

Reason - To minimise disturbance of the lagoon habitat and ensure the conservation status of the Portsmouth Harbour SPA and Ramsar site and to conserve biodiversity in accordance with the Conservation Regulations 2010, the Wildlife & Countryside Act 1981, the NERC Act 2006, NPPF and with Policy LP44 of the of the Gosport Borough Local Plan 2011-2029.

14. The construction works will be undertaken from the landward side wherever possible.

Reason - To minimise disturbance of the lagoon habitat and ensure the conservation status of the Portsmouth Harbour SPA and Ramsar site and to conserve biodiversity in accordance with the Conservation Regulations 2010, the Wildlife & Countryside Act 1981, the NERC Act 2006, NPPF and with Policy LP44 of the of the Gosport Borough Local Plan 2011-2029.

15. The repointing work and the installation of the new outfall and flap valve will be undertaken over the low tide period when most of the lagoon substrate is above the tide level.

Reason - To minimise the suspension of sediments into the water column to ensure the conservation status of the Portsmouth Harbour SPA and Ramsar site and to conserve biodiversity in accordance with the Conservation Regulations 2010, the Wildlife & Countryside Act 1981, the NERC Act 2006, NPPF and with Policy LP44 of the of the Gosport Borough Local Plan 2011-2029.

16. No piling works are to be undertaken for the construction of the proposed scheme between 1st October and 31st March inclusive.

Reason - To reduce the effect of acoustic disturbance upon passage and over wintering birds and ensure the conservation status of the Portsmouth Harbour SPA and Ramsar site in accordance with

the Conservation Regulations 2010, the Wildlife & Countryside Act 1981, the NERC Act 2006, NPPF and with Policy LP44 of the of the Gosport Borough Local Plan 2011-2029.

17. Between 1st October and 31st March inclusive, ready hoard (or Heras fencing with debris netting to full height (minimum height 2m) shall be placed along the full perimeter of the Pebble Beach Car Park construction compound.

Reason - To reduce the effect of visual disturbance upon passage and over wintering birds using the functionally linked land at the adjacent playing field to the east that forms part of the Solent Waders and Brent Goose Strategy site (G06) and ensure the conservation status of the Portsmouth Harbour SPA and Ramsar site in accordance with the Conservation Regulations 2010, the Wildlife & Countryside Act 1981, the NERC Act 2006, NPPF and with Policy LP44 of the of the Gosport Borough Local Plan 2011-2029.

18. Between 1st October and 31st March inclusive, effects on SPA/Ramsar non-breeding birds using the lagoon and surrounding functionally linked habitats shall be monitored during CEMP audit visits.

Reason - To ensure that any unexpected adverse effects on SPA/Ramsar birds are identified promptly so that additional measures can be implemented if required to ensure the conservation status of the Portsmouth Harbour SPA and Ramsar site in accordance with the Conservation Regulations 2010, the Wildlife & Countryside Act 1981, the NERC Act 2006, NPPF and with Policy LP44 of the of the Gosport Borough Local Plan 2011-2029.

19. No machinery or vehicles shall be used within the SPA/Ramsar site during the collection of saltmarsh plants from the donor site - this shall be undertaken on foot using hand tools only.

Reason - To minimise disturbance of the saltmarsh habitat and ensure the conservation status of the Portsmouth Harbour SPA and Ramsar site in accordance with the Conservation Regulations 2010, the Wildlife & Countryside Act 1981, the NERC Act 2006, NPPF and with Policy LP44 of the of the Gosport Borough Local Plan 2011-2029.

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

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

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

21. The development shall be carried out in accordance with the ecological mitigation, compensation and biodiversity enhancement measures detailed within the Ecological Impact Assessment dated August 2020 Ref. LDW41879; hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason - To conserve and enhance biodiversity in accordance with the Conservation Regulations 2010, the Wildlife & Countryside Act 1981, the NERC Act 2006, NPPF and with Policy LP44 of the of the Gosport Borough Local Plan 2011-2029.

22. a) The finishing materials for the development shall include:-

- the Stoke Lake side the concrete flood walls shall be inclusive of formliner as shown on plate 6.3 of the Planning, Access and Design Statement

- the western side (public facing when in the closed position) of the double leaf mitre floodgates shall be clad in timber as shown on drawings 405363-MMD-AS-XX-DR-C-1400 Rev P03 and 405363-MMD-AS-XX-DR-C-1101 Rev P03

- the road surfaces and public footway comprised of tarmac, asphalt and hoggins as shown on drawing 405363-MMD-AS-XX-DR-C-1310 Rev P03; and,

- the timber fences as shown on drawing 405363-MMD-AS-XX-DR-C-1200 Rev P03.

b) The finishing materials shall be implemented in accordance with the details, hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure satisfactory visual relationship of the new development to the existing, and to comply with Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan 2011-2029.

23. No materials, finished or unfinished products or parts, crates, waste, refuse plant, equipment/machinery or any other item shall be stacked or stored outside any building on the site other than within the enclosed compounds or within the working site area.

Reason - In the interests of visual amenity in accordance with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

24. The flood gates shall not be operated until the 'Road Ahead Closed' Signs shown on plan 405363-MMD-AS-XX-DR-C-1031 Rev P02 Sheet 1 of 1 and 405363-MMD-AS-XX-DR-C-1030 Rev P04 Sheet 1 of 1, hereby permitted, has been installed and are operable.

Reason - To safeguard the interest of the users of the highway and to accord with Policy LP23 of the Gosport Borough Local Plan 2011 - 2029.

25. The three storage compounds hereby permitted shall be removed and the land restored to its former condition within 1 month of the completion of the development unless otherwise agreed in writing, by the Local Planning Authority.

Reason - To safeguard the visual amenities of the area and to comply with Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan 2011 - 2029.

ITEM NUMBER: 02.
APPLICATION NUMBER: 20/00028/FULL
APPLICANT: Mr Paul Richards Mappleborough Green Garden Centre
DATE REGISTERED: 22.01.2020

ERECTION OF SINGLE STOREY GARDEN CENTRE BUILDING, VISITOR FACILITIES FOR THE ALVER VALLEY, ASSOCIATED WORKS, SUB-STATION AND PARKING (WITH ACCESS FROM BARRINGTON CLOSE) (as amended by plans received 06.08.20, 20.10.20 amplified by plan received 06.02.20 and additional supporting information received 29.01.20, 06.02.20, 07.02.20, 02.03.20, 10.03.20, 16.03.20, 15.04.20, 06.08.20 and 20.10.20)

Land Adjacent To Grange Farm Little Woodham Lane Gosport Hampshire PO13 8AB

The Site and the proposal

1. The site is located on an open area of land between the flats fronting Howe Road (Foxglove House, Talbot House, Cumberland House) and Little Woodham Lane. There are existing gated vehicular accesses, also utilised by pedestrians, into the site from Little Woodham Lane at both the eastern and western ends. The access for the recently constructed Barrington Close development includes a continuation of the highway to the edge of the application site. The site includes a number of hard surfaced roadways that cross the site and would have run between the rows of caravans/mobile homes that formed a previous use of the land. These are now utilised by pedestrians accessing the land via a footpath link in the northwest corner of the site adjacent to Barrington Close and from Little Woodham Lane. The land comprises a mix of scrub and trees, some of which have already been cleared. The boundary to Little Woodham Lane to the south and the western boundary comprise mature planting, including a number of trees. The boundary to the flats on Howe Road has a 1.8m high bow top railing and is also planted, however, this is more sporadic. The site is located outside of the Urban Area Boundary and within the Settlement Gap and is also identified in the Gosport Borough Local Plan as being within the Regeneration Area for Green Infrastructure and Alver Valley Country Park.

2. The surrounding area comprises residential and commercial uses and the Alver Valley Country Park. As noted above there are three blocks of flats fronting Howe Road and these are three storey mono-pitch roofed buildings finished in render and cladding. These flats have balconies facing onto the site and between the buildings are their parking areas accessed from Howe Road. To the southeast, is an area of mature trees, beyond which is Falmouth House, a block of flats that fronts Howe Road and Little Woodham Lane. Barrington Close is situated to the north/northwest and is a newly completed development of two-storey brick built houses with pitched roofs. Grange Farm is located to the west of the site and includes a mix of commercial uses, and houses. These include an existing Grade II Farmhouse and locally listed farm buildings. An area of glasshouses and polytunnels has been cleared and beyond this area, to the northwest, is the 17th Century Village. On the southern side of Little Woodham Lane and wrapping around to the west of Grange Farm is the Alver Valley Country Park, which includes areas designated as Sites of Important Nature Conservation (SINC). This is a substantial amenity space, which includes car parking areas, footpath/cycle paths, wildlife areas and other leisure facilities. To the south and within the Country Park is a Motte and Bailey Castle which is a Scheduled Ancient Monument, situated approximately 80m from the site boundary.

3. The proposals are for the erection of a garden centre, Country Park visitor facilities and associated car parking. It is proposed that the site becomes part of a gateway to the Alver Valley Country Park. This is facilitated through the shared parking provision, cycle storage, pedestrian access, the restaurant facilities and a function/community room related to the Alver Valley Country Park, within the garden centre building. Amended plans and information have been submitted. These include alterations to the parking layout, car parking space sizes, coach parking, the addition of a substation to serve the development and additional drainage, lighting, ecology, and highways information. The garden centre building itself would be located towards the southeast corner of the site and orientated to run parallel with the northeast boundary, to the rear of the Howe Road blocks of flats. The building would be single storey, but with a height of approximately 6m. The main part of the

building would be an 'L' shape with a further covered area for plant sales in the northwest corner. As a result the building would be 73m long on its northwest (front) elevation, 62m on its southeast elevation (rear) and 85m on its northeast and southwest (side). The building would be sited over 22m from the northeast boundary with the Howe Road flats, a distance of approximately 31m to the flats themselves. The building would be 13m from Little Woodham Lane at its closest point, which is the southwest corner of the building. The roof design incorporates gables to the front and rear, with a lower canopy across the front elevation. This canopy would be constructed of oak frames with a tiled mono-pitch roof. Internally the building would be a mix of areas, including concessions, a café/restaurant, indoor play area and plant sales areas.

4. An area for plant sales would be located on the southwest side of the building, along with an external seating area, adjacent to the café/restaurant. The delivery area would be located on the southeast side of the building. The enclosed play area would also be located on this side accessed at the south west corner of the building and bordered by hedging. An electricity sub-station is proposed within the service yard and adjacent to the northeast boundary.

5. The applicant indicates that the garden centre proposes to be operational from no earlier than 08:00 and no later than 20:00 Monday to Saturday and no earlier than 09:00 and no later than 18:00 on Sundays, with access to the Country Park to remain open 24 hours a day. The applicant also indicates that deliveries to the retail garden centre will not be allowed before 07:30 and not after 17:30 on Monday to Friday, or before 08:00 or after 12:00 on Saturday and that no deliveries will be allowed on Sundays.

6. Vehicular access would be via Barrington Close to the north, utilising the road design formed as part of the construction of the adjacent housing. A roundabout is proposed within the site, close to the boundary with Barrington Close, which provides access into the main car park (243 spaces) and an area of 'additional parking' (65 spaces). The main car parking area would be in front of the building with a further area situated between the building and the northeast boundary. Seven of the parking spaces that can also be utilised for coach parking are located on the southeast side of the building. The 'additional parking' is proposed in the northwest corner of the site, behind the houses within Barrington Close which are approximately 25m away (13m to boundary), and close to the pedestrian access to the 17 Century Village. Electric vehicle charging stations and disabled parking bays are proposed within the main car park, adjacent to the building. The main car park is indicated as being open during opening hours, with the 'additional parking' area open 24/7. A number of visitor cycle racks are proposed within the site along with a long stay area for staff adjacent to the service yard.

7. A 6m wide wildlife corridor would be retained between the site and Little Woodham Lane. Additional planting to strengthen the eastern boundary of the site is indicated, along with other indicative landscaping. A 2.4m high palisade fence is indicated around the external plant sales area, running parallel with Little Woodham Lane, but inside the wildlife corridor.

8. Footpaths are proposed linking the site with Barrington Close/Howe Road and the 17th Century Village. An entrance is proposed, within the 'additional parking' area, to a pathway (outside of the site) that would run along the outside of the west boundary of the site, adjacent to Grange Farm, and linking to the Alver Valley Country Park.

Relevant Planning History

Nil

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

- LP1 Sustainable Development
- LP2 Infrastructure
- LP3 Spatial Strategy
- LP8 Alver Valley
- LP10 Design

- LP11 Designated Heritage Assets including Listed Buildings, Scheduled Ancient Monuments and Registered Historic Parks & Gardens
- LP13 Locally Important Heritage Assets
- LP17 Skills
- LP22 Accessibility to New Development
- LP23 Layout of Sites and Parking
- LP29 Proposals for Retail and other Town Centre Uses outside of Centres
- LP38 Energy Resources
- LP39 Water Resources
- LP40 Waste and Material Resources
- LP41 Green Infrastructure
- LP44 Protecting Species and Other Features of Nature Conservation Importance
- LP45 Flood Risk and Coastal Erosion
- LP46 Pollution Control

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), February 2019

Consultations

Streetscene Parks & Horticulture	No objection. Concur with the Arboricultural Impact Assessment and Method Statement prepared by Scott Tree Services dated 28 November 2019 in respect of tree classifications, protection measures and report findings.
HCC Landscape Planning & Heritage	No objection. Whilst the site is located in an Area of Archaeological potential and their remains a possibility of unrecorded archaeological features, given the nature of the works conditions are not required in this particular instance.
HCC Planning	No objection. Request conditions relating to mineral recovery.
Economic Prosperity	<p>No objection. Support the development as current provision within the Borough is limited and may also help prevent local residents having to travel outside the Borough to access such specialist retail.</p> <p>Such a store is also likely to provide access to higher-end stock of a non-gardening nature, not currently available in either the Town Centre or edge-of-town outlets, thus broadening product choice for local residents and increasing convenience. It is not believed that the product offering will materially impact on High Street suppliers.</p> <p>In addition, the Garden Centre will create employment opportunities, access for both</p>

locals and visitors to the Alver Valley Country Park and much needed catering facilities for visitors to the nearby 17th Century Village.

Crime Prevention & Design

No response received.

HCC Ecology

No objection. The amended Ecology Survey & Mitigation Strategy (EcoSupport, July 2020) now includes additional details and is acceptable. It is the responsibility of the applicant and the owners of the proposed receptor site (Gosport Borough Council) to ensure that all measures are carried out as described.

The ecological mitigation, compensation and enhancement measures detailed within the submitted strategy should be secured by condition.

Historic England

No objection. We confirm that the applicant engaged with us for pre-application advice on these proposals in November 2019 and we were content that there would be no significant detrimental impact on the nearby Scheduled Monuments which remains the case. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Building Control

No objection. Requires Building Regulation application. Access for HFRS needs to comply with ADB B5. Access to a fire hydrant to be a maximum of 100m. Ground investigation report required.

HCC Local Lead Flood Authority

No objection to proposed surface water drainage subject to conditions.

HCC Lighting

No impacts on the highway from the proposed lighting scheme.

Streetscene Leisure & Play

No objection. Gosport Borough Council Countryside Section are agreeable to the proposed plans for reptile translocation within the Alver Valley Country Park.

The building of the three hibernaculum is deemed an important factor in the establishment of the translocated animals and this should be done at the earliest opportunity.

Environmental Health

No objection. Measures to restrict deliveries and opening hours as set out by the applicant should be included.

The flue to the café should include the ability

to retrofit odour abatement measures, to include carbon filtration ozone treatment etc.

Request conditions relating to potential contamination.

Local Highway Authority

No objection. The proposals would not result in issues with highway, or pedestrian safety and the data does not indicate a pattern of accidents in the locality.

It is accepted that the trip generation has been considered on the worst case scenario and we have no concerns over traffic generation, or junction capacity.

Evidence has been provided that Barrington Close has been designed to accommodate commercial vehicles. A clear definition of the proposed boundary between public and private highway is still required.

Request that a travel plan and its monitoring is secured.

Response to Public Advertisement

27 objections received

Issues raised:

- no justification for a garden centre
- the development exceeds what is appropriate for the area
- proposals should be located adjacent to the Alver Valley East Car Park adjacent to other facilities
- works clearing the site have already commenced
- impact on wildlife
- updated ecology report does not address all of the issues
- more mitigation measures should be provided including replacement grassland areas, including within the surrounding area of the Country park
- self-seeding plants from the site may have an impact on ecology
- impacts of external lighting
- loss of privacy
- noise impacts
- air pollution
- reduced security to adjacent flats
- concerns about anti-social behaviour in car park adjacent to 17th Century Village if open 24/7 and further details of security measures are required
- loss of view
- loss of this well used children's play area, dog walking and communal space
- increase in litter as a result of the development
- proposed footpath is outside of the application site but will encourage general use and anti-social behaviour on the grass in front of Grange Farm
- address of site is misleading indicating access will be from Little Woodham Lane
- highway and pedestrian safety from the amount of traffic the use would generate and due to existing road layouts
- children play on the grass adjacent to the access which will not be safe
- if the car parking is free it will become the main car park for the Alver Valley and if it is affected by charging then there will be overspill into adjacent residential areas
- Barrington Close is not suitable for HGVs and could prevent access/egress for properties and for emergency services if obstruction is caused

- no footpath shown within site which will mean people have to walk along Little Woodham Lane
- more cycle parking is required to facilitate this for cyclists visiting the Country Park
- staff cycle storage should be provided, along with disabled and parent/child spaces
- any local delivery service should use cargo bikes
- cycling should be encouraged and monies put towards improving routes
- existing desire lines for pedestrian/cyclists should be maintained
- vehicle speeds should be reduced in the area to 20mph
- impacts on archaeology should be properly addressed
- the developer did not advise purchasers of intentions for this proposal
- the signage is proposed on land paid for by residents of Barrington Close

1 letter of observation

Issues raised:

- consider that the garden centre would be good for Gosport and bring jobs
- concern works have started
- traffic may be a problem
- developer did not advise of proposals

1 letter of support

Issues raised:

- provided due diligence is followed and the risk to neighbouring families is low then proposals are supported
- disappointed that the main access is through Barrington Close
- trust the new planting will be undertaken as shown on the plans to screen 'additional parking' area
- access to Barrington Close during the works should be guaranteed and any disruption should be minimised

Principal Issues

1. The description of the development was amended after the first public consultation to refer to the access being from Barrington Close so that this was more clearly conveyed. A subsequent public consultation was undertaken, including this revised description. With appropriate signage, directions for visitors to the garden centre and Country Park could be addressed and avoid additional trips along Little Woodham Lane in error. Signage does not form part of this application and would be determined through any application that may be required under the Advertisement Regulations, or by the Highway Authority, with issues relating to land ownership and management of the signage locations being a private legal matter. Whether the applicant chooses to offer local deliveries and how these are facilitated would be a matter for them to consider. The impact of a development on views is not a planning consideration. Works undertaken on the land on either side of Barrington Close fall outside of the application site and cannot be considered in the determination of this application. The issue regarding the lack of information that was provided to prospective purchasers of the adjacent residential properties, by the housing developer, is a private legal matter between those parties and is not a material planning consideration. The main issues for consideration are, therefore, whether the principle of the proposed development on this site is acceptable, whether it would have a detrimental impact on the character and appearance of the area, or on the occupiers of neighbouring properties, would have a detrimental impact on highway safety, the setting of sites of historic significance, or biodiversity interests.

Principle of the Proposed Use

2. The site is located outside of the Urban Area boundary and within the Settlement Gap as designated in the Gosport Borough Local Plan (GBLP), under Policy LP3. In such areas there is a presumption against development, with the exception of appropriate recreational uses. In this instance, however, Policy LP8 relating to the Alver Valley is also of relevance.

This Policy confirms that the Alver Valley Country Park will provide opportunities for "limited associated commercial uses which will need to be appropriate within its setting outside of the urban area". The supporting text to this policy acknowledges that there is scope for a café to serve visitors and an appropriate-sized garden centre, in the area around Grange Farm, requiring them to be well-

designed and not to detract from the appearance or function of the Country Park. There is no indication as to what an appropriate size would be for the garden centre, however, the commercial viability of the site is for the applicant to consider and from a planning point of view, it is a matter of whether the site can accommodate a development of this scale, in terms of its design and impacts which are considered in more detail below.

3. Whilst not a document approved as part of the Local Plan the Council has produced the Alver Valley Country Park Strategy (2014) (CPS), which also recognises that the uses proposed would be appropriate in principle. It acknowledges that the main café for the Alver Valley will be at the Grange Farm Gateway and be linked to the proposed garden centre facility, as this current proposal suggests, and that the café needs to be an integral part of the Country Park. The proposals have integrated the visitor facilities and the café/restaurant within the building, and their retention would be secured by planning condition, as part of the Country Park Gateway and are considered to be in accordance with Policy LP8 of the GBLP and achieve the aims of the CPS.

4. With regard to the issue of retail sales, as noted above, the provision of a Garden Centre on the site is supported by Policy LP8. However, given the site is outside of a designated centre, there is a need to consider its impacts on the other retail centres within the Borough, in accordance with the requirements of Policy LP29 of the GBLP. The application is accompanied by a sequential assessment which considers the nature of the use and whether it can be accommodated within a designated centre, or on the edge of one. Given the nature of the proposed use, the land required to provide a garden centre and the need to provide the other facilities relating to the Country Park, it is accepted that the proposed use could not be accommodated within, or on the edge of a centre and there is no sequentially more preferable site. Given the reasons for accepting a retail development in this location, related to it being a garden centre with Country Park facilities, it is necessary to impose conditions which limit the type of retail that can be accommodated on the site and to the provision of those other facilities. This is to be secured by conditions that limit the use to a garden centre and prevent the sub-division into multiple units or the creation of any additional retail trading floorspace. Subject to these conditions the proposals are in accordance with Policies LP8 and LP29 of the GBLP.

Design and Appearance

5. In terms of its appearance the design is primarily functional, with the multiple ridge roofs providing a reduction in the overall height of the building. The front canopy will offer some visual relief and reduce the perceived scale of the building from the main car park and entrance. The canopy is indicated as being constructed from high quality materials which will also provide a link to the surroundings. The northeast elevation would face the properties on Howe Road and given the length of this elevation, decorative timber panels are indicated to add visual interest. Its scale is equivalent to a two-storey residential building, lower than the adjacent blocks of flats and whilst it will be of a larger footprint, overall it is considered to be an acceptable design solution for a garden centre on this site. Details of the materials would be secured by condition.

6. The building is located outside of the defined urban area but on its edge, adjacent to other taller buildings, stepping down towards the Country Park beyond. The building is set away from the boundaries with Little Woodham Lane, which in itself forms a boundary and physical barrier to the wider Country Park beyond. The building is also set away from the properties fronting Howe Road, and the enhanced landscaping indicated to the boundaries and planting within the wider site will help to soften its appearance and provide a transition to the Country Park beyond. This landscaping would be secured by planning condition and will replace and enhance the planting that has, and would need to be removed to facilitate the development. A condition restricting external sales and storage to those defined areas is proposed to maintain the visual appearance.

The site is, therefore, considered to be capable of accommodating a building of this size without having a detrimental impact on the character and appearance of the area, in accordance with Policy LP8 and LP10 of the GBLP.

Amenity

7. Given the building height, window positions and separation distances between the proposed building and the surrounding residential properties, there would be no harmful impacts in terms of loss of light, or outlook. There are no windows on the side elevations facing onto neighbouring properties. The site is accessible by the public at this time, and whilst there would be an increase in activity associated with the use, the hours of opening would limit this to some extent and the proposed boundary planting will also provide some mitigation of any potential overlooking from users of the car parks. It is not, therefore, considered that the proposals would have detrimental impact in terms of loss of privacy in this instance. Given the nature of the proposed use which includes a café/restaurant where more limited takeaway is expected, issues with litter are not considered to be a significant issue and would be a matter for the operator to manage, in the interests of maintaining their site's appearance.

8. The main impacts on the neighbouring occupiers would be from the construction phase, vehicle movements and deliveries, and the operation of the on-site café/restaurant. Whilst the proposals would inevitably increase the number of vehicles in the locality, including the use of large vehicles, the hours of opening proposed by the applicant would not be at anti-social hours and are considered to be appropriate for this type of use. These hours of opening would be controlled by planning condition to ensure that the impacts of vehicle movements are limited to those hours set out. The entrance to the site is proposed via Barrington Close which has verges on either side providing good separation to the carriageway. Vehicle movements within the car park are also likely to give rise to some noise, disturbance, and additional pollution, however, many of the spaces are a significant distance away from the residential properties and those closest to the residential properties are a minimum of 10 metres away from the dwellings and separated by the proposed enhanced planting.

9. The applicant indicates that the frequency of deliveries is likely to be approximately 3 per week for articulated lorries and 8 for smaller lorries, generally undertaken Monday to Friday. The delivery area itself is located in the Southeast corner directly adjacent to the existing banked landscaped area which is on the south side of Falmouth House. In line with the advice of the Head of Environmental Health and given the proximity of the delivery area to residential properties, a restriction of the times for deliveries is considered appropriate and would be controlled by condition. The enhanced planting, covered by the proposed landscape condition, along with the delivery and opening hours restrictions would provide a balance between the needs of the business supported by the Local Plan and Country Park Strategy and the amenities of the neighbouring residential occupiers. To ensure that there is no impact from the cooking operations within the café/restaurant, details of the proposed extraction equipment would be secured by planning condition. A condition requiring a Construction, Environment and Traffic Management Plan (CETMP), would be imposed to control the possible impacts during the construction phase. Therefore, whilst given the nature of the development there will be some noise and disturbance to the surrounding properties, having regard to the separation distances, the enhanced landscaping to the boundaries and controlled hours of opening and deliveries, balanced with the overall aspirations of the garden centre helping to facilitate the gateway main entrance to the Country Park the proposals would not cause an unacceptable level of harm to the amenities of the surrounding properties, in accordance with Policies LP10 and LP46 of the GBLP.

10. The main car park is proposed to be accessible during the store opening hours and this is shown to be restricted by lifting bollards. Full details of these measures and their subsequent retention would be secured by planning condition, which would provide some preventative measures for anti-social behaviour. The public currently have access to the land and it is not considered that the introduction of the proposals would alter the security of the adjacent residential properties, with the enhanced planting, over time providing an enhancement over the existing boundary protection. Whilst the 'additional parking' would be available 24/7, this would provide access to the Country park and other facilities. If problems were to arise within this area it would be within the applicants control to consider further restrictive measures if required, and/or a Police matter. An indicative lighting scheme has been provided and further details would be controlled by planning condition to ensure an acceptable appearance and appropriate level of illumination. The proposals are, therefore, considered to accord with Policies LP10 and LP46 of the GBLP.

Highways, Transport and parking

11. The proposals would generate additional traffic to the area, over and above the current levels, whilst redirecting some activity away from Little Woodham Lane. The applicant indicates that Barrington Close connects with Howe Road in a simple priority junction arrangement and was designed specifically with the intention of serving the development site and the Alver Valley County Park. The applicant has also confirmed that Barrington Close was designed to accept all types of traffic including HGVs and that a medium sized garden centre (as the proposed) has only occasional HGV traffic and it would be unusual for vehicles to be at full weight.

12. The applicant has provided information from the nationally used trip database (TRICS) to provide a Saturday trip rate that is reflective of a 'peak trading day', being the busiest day of the year to provide a robust transport assessment. This shows the busiest one hour period 12-1pm on a peak trading day Saturday to generate a total two-way flow of 115 vehicles, equivalent to just less than 20 vehicles over a 10 minute period, which will be predominantly cars. The remainder of this peak trading day would be an average of 15 vehicles over a 10 minute period, or less. The applicant stresses that this is not an average trip rate for the garden centre and demonstrates the most significant trading day of the year, so similar times on a Saturday throughout the year will be significantly less than this, as would Sunday and other week days.

13. The Local Highway Authority has assessed the transport information provided in support of the application and has raised no objection. The level of vehicle movements and direction of travel have been assessed in terms of highway and pedestrian safety and junction capacities and are considered to be acceptable. A reduction of vehicle speeds within the area to 20mph would be a matter for the Local Highway Authority to consider, should they wish to implement such measures, and they do not form part of these proposals, nor are they considered necessary to facilitate the development.

14. There is an expectation that visitors to the site would be undertaking some shared trips to the variety of facilities on offer and the applicant has provided information from other similar developments to clarify the likely demand, with built in additional parking capacity. Overall, this approach is considered acceptable and the level of car parking is appropriate. The provision of electric vehicle charging points is considered to a positive inclusion. The parking spaces comply with the adopted Parking Supplementary Planning Document (SPD). The layout of the site makes adequate provision for vehicles to enter the site and leave in a forward gear and the parking, turning and loading areas would be secured by planning condition. The Management of the site in terms of any car parking charges would be for the applicant to consider and adequate parking on site has been provided for the proposals.

15. The site is accessible by bus, with stops in close proximity on Howe Road. Cycle parking is provided for visitors and staff and is considered to be of an acceptable level. Full details of these would be secured by planning condition. There are existing dedicated and shared off-street cycle links in the area, both within the Country Park and linking from Little Woodham Lane towards the Town Centre, Stokes Bay and Lee-on-the-Solent, and on-street routes are available to the north before linking with other off-street routes. Cycling is, therefore, a viable alternative to the car for the purchase of smaller items. The footpaths as proposed link with the existing network and provide for safe movement of pedestrians to the wider area. A travel plan to encourage the use of alternative modes of transport to the car would be secured by planning condition.

16. Barrington Close is to become an adopted Highway and the verges on either side are not designed to be used as play areas as this would not be safe.

Play facilities are located elsewhere on the estate and within the Country Park and the development would not prejudice these. Given a significant area of the site is given over to parking, it is considered that all of the necessary contractor parking, materials storage and deliveries could take place within the site during the construction phase to avoid impacts on residents access within Barrington Close, which would be controlled with the requirements of the CETMP. Free access into the site would be available through Barrington Close and should not result in any obstructions to the resident's access, with the tracking diagrams provided being acceptable in demonstrating safe access for larger

vehicles. The proposals are, therefore, considered to be in compliance with the aims and objectives of Policies LP22 and LP23 of the GBLP and the Parking SPD.

Ecology

17. Whilst some site clearance of vegetation, including a number of mainly self-seeded trees, was undertaken by the applicant in early 2020, this was undertaken in consultation with their ecologist, at a less sensitive time. None of the trees were considered to be of sufficient quality to be protected by a Tree Preservation Order and the works undertaken did not require planning permission. There are trees within wildlife corridor surrounding the site and to the west that would be retained as part of the proposals and would be subject to a condition requiring tree protection measures. Further landscape enhancements are also proposed, as noted above. The application is accompanied by ecology information, amended during the application, which has been assessed by the Council's ecology advisors and is considered acceptable. Lizards and Slow Worm presence has been noted as part of the surveys and included in the mitigation measures within the ecology report. These would be translocated to a receptor site within the Country Park relatively close by. A number of enhancement measures are proposed, including bat and bird boxes and native plant species. The lighting on site has the potential to impact on the local ecology and the accompanying ecology assessment highlights measures that can be undertaken to ensure that an acceptable scheme can be designed without harm. Subject to the mitigation and enhancement measures outlined in the supporting documents, and lighting scheme to be secured by planning condition, the proposals would not have a detrimental impact on biodiversity interests and provide an appropriate level of enhancements, in accordance with Policies LP41 and LP44 of the GBLP.

Historic buildings

18. The proposals are near to both Grange Farm (Grade II Listed) and the Motte and Bailey (Scheduled Ancient Monument). As noted above a substantial wildlife corridor is retained and enhanced along Little Woodham Lane which will largely screen the development from these historic structures. Historic England has confirmed that the relationship with the Motte and Bailey would have no significant detrimental impact. There are no archaeological impacts perceived from the proposals. The provision of an access to Country Park is identified adjacent to Grange Farm, however, the path would be controlled by the Council and outside of the applicant's control. The path would provide a positive reinforcement of the link between the site and the Country Park and any associated impacts from persons using the path would be a matter for the Council as a landowner, or the Police. Whilst this could generate increased pedestrian activities adjacent to Grange Farm, the provision of the 'additional parking' should divert vehicles away from Little Woodham Lane and those Listed Buildings, where existing grass areas in close proximity to these buildings are currently used for parking associated with the 17th Century Village, which would cease as part of these proposals. Given the above and the separation distances to these properties, the proposals would not cause harm to the special architectural or historic interest of the adjacent designated heritage assets, or their setting, and are in accordance with Policies LP10, LP11 and LP13 of the GBLP.

Training

19. Given the size of the proposed development, the requirements for employment and training measures relating to the construction industry, as set out in Policy LP17 of the GBLP are of relevance. A training plan, to comply with this policy, is proposed to be secured by planning condition.

Drainage

20. The proposed drainage strategy includes a mix of soakaways, permeable reinforced gravel parking bays and permeable block paving to the plant display and ornamental gardens. This information has been assessed by the Local Lead Flood Authority and subject to appropriate planning conditions to secure the implementation and management of the scheme, the proposals are acceptable in this respect, and in compliance with Policies LP10 and LP45 of the GBLP.

Contamination

21. The site is on a former airfield and has the potential for contamination and unexploded ordnance (UXO) to be present. The Environmental Health Team have considered the supporting information and are satisfied with the position regarding UXO, however, any possible contamination needs to be fully assessed and subject to appropriate conditions, these issues can be adequately addressed within the proposals, in accordance with Policy LP47 of the GBLP.

Minerals

22. The site is located in a Mineral Safeguard Area and as a result, comments from Hampshire County Council's Planning Service have been provided. They have indicated that particular opportunities may lie in the recovery of mineral deposits during the enabling and construction phases of the project, and could then be re-used on site. There should be no additional vehicle movements associated with these practices, as well as noise, vibration, dust issues, controlled by the CETMP. Subject to a condition requiring a statement outlining a method for securing the minerals that can be viably recovered during the development operations, the proposals are in accordance with Policy LP40 of the GBLP and Hampshire Minerals and Waste Plan (2013).

Equalities Impact Assessment: No Implications

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:

PA19-127:01; PA19-127:03 REV D; PA19-127:04 REV A; PA19-127:02 REV N; 5700:20 REV B; 6236-90; TR18; 10534/D1; 10534/D2; 10534/D3; 10534/D4; 10534/D5; 10534/D6; Ecology Survey & Mitigation Strategy (EcoSupport, July 2020); arboricultural impact assessment and method statement and tree protection plan (Scott Tree Services Ltd - dated 27.11.2019); Ashdown Site Investigation (21st February 2020)

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

3. No development shall commence until there has been submitted to and approved, in writing, by the Local Planning Authority:

a)(i) A Radiation Risk Assessment; and

(ii) The results of the additional gas monitoring as identified within the Section 9.6 of the Ashdown Site Investigation Report (21st February 2020).

b) Where any Radiation Risk Assessment or gas monitoring reveals a risk to receptors, a strategy of remedial measures and detailed method statements to address identified risks shall be submitted to and approved in writing by the LPA. It shall also include the nomination of a competent person (to be agreed with the LPA) to oversee the implementation of the measures.

Reason - To prevent pollution of the water environment and in the interests of the safety and amenity of future site occupants in compliance with Policy LP47 of the Gosport Borough Local Plan 2011-2029.

4. The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification, as required, by the competent person approved under the provisions of condition 3. The validation is required to confirm that any remedial works have been implemented in accordance with the agreed remedial strategy and shall include photographic

evidence and as built drawings where required by the LPA. The requirements of the LPA shall be agreed in advance.

Reason - To prevent pollution of the water environment and in the interests of the safety and amenity of future site occupants in compliance with Policy LP47 of the Gosport Borough Local Plan 2011-2029.

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

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

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

6. a) Development shall not commence until the tree protection measures set out in the Arboricultural Impact Assessment and Method Statement and Tree Protection Plan (Scott Tree Services Ltd - dated 27.11.2019); have been provided.

b) The tree protection measures shall be retained until the development is substantially complete, or its removal is agreed in writing by the Local Planning Authority.

Reason - To ensure the important trees on the site are safeguarded and protected during development in accordance with Policies LP10 and LP41 of the Gosport Borough Local Plan, 2011-2029.

7. a) Development shall not commence until a Construction, Environment and Traffic Management Plan (CETMP) has been submitted to and approved, in writing, by the Local Planning Authority. The CETMP shall include (but not be limited to):

(i) Details of all measures designed to protect on-site and off-site ecological features, clearly identifying roles and responsibilities for implementing the approved strategy

(ii) A method statement for control of dust and emissions from construction and demolition;

(iii) An assessment and method statement for the control of construction noise for the site specifying predicted noise levels;

(iv) The provision of long term facilities for contractor parking;

(v) The arrangements for deliveries associated with all construction works;

(vi) Methods and phasing of construction works;

(vii) Construction traffic access;

(viii) Protection of pedestrian routes during construction;

(ix) Wheel wash facilities,

(x) Location of temporary site buildings, compounds, construction material, and plant storage areas; and

(xi) working hours;

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

Reason - In the interests of the safety and convenience of neighbouring occupiers and users of the surrounding highway network and to conserve biodiversity in accordance with the Conservation Regulations 2010, the Wildlife & Countryside Act 1981, the NERC Act 2006, NPPF and with Policies LP10, LP44 and LP46 of the of the Gosport Borough Local Plan 2011-2029.

8. a) Development shall not commence until a Skills & Employment Plan covering the construction of the development hereby permitted has been submitted to and approved, in writing, by the Local Planning Authority.

b) The development shall thereafter be constructed in accordance with the Skills & Employment Plan approved pursuant to part a) of this condition.

Reason - To promote and secure training opportunity to improve the skills of the local population in accordance with Policy LP17 of the Gosport Borough Local Plan 2011-2029.

9. a) Development shall not commence until a statement setting out:
i. a method for ensuring that minerals that can be viably recovered during the development operations, are recovered, and put to beneficial use; and
ii. a method to record the quantity of recovered mineral (re-use on site or off site) and to report this data to the MPA.

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

Reason - In the interests of safeguarding minerals in accordance with Policy LP40 of the Gosport Borough Local Plan 2011-2029 (Policy 15 of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP))

10. a) Construction above slab level shall not commence until details of all external facing and roofing materials shall be submitted to and approved, in writing, by the Local Planning Authority.

b) The development shall thereafter be implemented 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.

11. The development shall be carried out in accordance with the ecological mitigation, compensation and biodiversity enhancement measures detailed within the Ecology Survey & Mitigation Strategy (EcoSupport, July 2020), hereby approved, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To conserve and enhance biodiversity in accordance with the Conservation Regulations 2010, the Wildlife & Countryside Act 1981, the NERC Act 2006, NPPF and with Policy LP44 of the the Gosport Borough Local Plan 2011-2029.

12. a) The development hereby permitted shall not be occupied or brought into use until a detailed planting scheme (to include species, numbers, densities, heights and future maintenance) has been submitted to approved, in writing, by the Local Planning Authority.

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

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

13. The development hereby permitted shall not be occupied or brought into use until the site has been landscaped in accordance with a detailed hard landscaping scheme (to include all hard surfacing materials, and boundary treatments) that shall have been submitted to approved, in writing, by the Local Planning Authority.

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

14. a) Notwithstanding the submitted details, the development hereby permitted shall not be occupied or brought into use until secure and weatherproof long-term cycle storage facilities and secure short stay cycle parking facilities have been provided in accordance with a detailed scheme that shall be submitted to and approved, in writing, by the Local Planning Authority.

b) The cycle storage and parking facilities shall thereafter be retained.

Reason - In order to ensure that adequate cycle storage is provided to promote and encourage cycling as an alternative to use of the private motor car in compliance with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

15. a) The development hereby permitted shall not be occupied or brought into use until the facilities shown on the approved plan PA19-127:02 REV N for the parking of vehicles have been provided.

b) The parking facilities shall thereafter be retained.

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

16. a) The development hereby permitted shall not be occupied or brought into use until the facilities shown on the approved plan PA19-127:02 REV N for the parking, turning, loading and unloading of vehicles (including coaches) have been provided.

b) The parking, turning, loading and unloading facilities shall thereafter be retained.

Reason - In the interests of highway safety and to ensure adequate vehicle parking, turning, loading and unloading facilities are provided and retained, and to comply with LP23 of the Gosport Borough Local Plan 2011-2029 and the Parking SPD.

17. a) The development hereby permitted shall not be occupied or brought into use until all boundary treatments including any gate, have been provided in accordance with details that shall have been submitted to and approved, in writing, by the Local Planning Authority.

b) The approved boundary treatment(s) shall thereafter be retained in accordance with the approved details.

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

18. a) The development hereby permitted shall not be occupied or brought into use until the pedestrian and vehicular accesses and routes shown on approved plan PA19-127:02 REV N have been constructed and made available for use by vehicles and pedestrians.

b) The approved pedestrian and vehicular accesses and routes shall thereafter be retained.

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

19. The development hereby permitted shall not be occupied or brought into use until the drainage system has been constructed in accordance with the Drainage Plans ref: 10534/D1 - D6, unless otherwise agreed, in writing, by the Local Planning Authority.

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

20. a) The development hereby permitted shall not be occupied or brought into use until details for the long-term maintenance arrangements for the surface water drainage system have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall include:

i. Maintenance schedules for each drainage feature type and ownership.

ii. Details of protection measures.

b) The drainage system shall be maintained in accordance with the approved details.

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

21. a) The development hereby permitted shall not be occupied or brought into use until, measures to prevent the use of the main car park by the general public between the hours of 20.30 and 08.00 hours shall be submitted to and approved, in writing, by the Local Planning Authority.

b) The approved measures shall thereafter be retained.

Reason - In the interests of safeguarding the amenities of the area in accordance with Policies LP10 and LP46 of the Gosport Borough Local Plan, 2011-2029.

22. a) No part of the development hereby permitted shall be occupied or brought into use, until arrangements have been put in place to secure the provision of a Travel Plan and its monitoring. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

b) The Travel Plan and monitoring shall thereafter be implemented as specified within the approved document and in accordance with the agreed timescales.

Reason: To encourage and promote sustainable transport and to comply with Policies LP22 and LP23 of the Gosport borough Local Plan 2011-2029.

23. No cooking processes other than the preparation of hot beverages, toasting of bread or heating of food in a microwave oven, domestic oven or domestic cooking device shall be undertaken within the café/restaurant hereby permitted (unless a suitable kitchen extract ventilation system has been installed in accordance with a detailed scheme that shall be submitted to and approved, in writing, by

the Local Planning Authority). The approved equipment shall thereafter be operated for as long as the cooking process continues.

Reason - To safeguard customers, users of the sports pitches and open space and the users and occupiers of neighbouring properties from cooking odours in accordance with Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

24. a) Notwithstanding the submitted details, no flood or other external lighting shall be installed until a detailed scheme has been submitted to and approved, in writing, by the Local Planning Authority, having regard to the measures set out in the Ecology Survey & Mitigation Strategy (EcoSupport, July 2020), hereby approved.

b) Any flood or other external lighting shall thereafter be installed and retained in accordance with approved details.

Reason - In order to protect the amenities and ecology of the area, and to comply with Policies LP10 and LP44 of the Gosport Borough Local Plan 2011-2029.

25. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking or re-enacting these Orders with or without modification), the development hereby permitted shall only be used as a Garden Centre with ancillary Country Park facilities, (identified on approved plan PA19-127:04 REV A) and for no other purpose whatsoever without the prior express permission of the Local Planning Authority.

Reason - In the interests of town centre vitality and viability, in order to enable the Local Planning Authority to consider individually whether planning permission should be granted for other Town Centre uses and to ensure an appropriate use within the Country Park, in accordance with Policies LP8 and LP29 of the Gosport Borough Local Plan 2011-2029.

26. The use hereby permitted shall only be open to customers between the hours of 08.00 to 20.00 hours Monday to Saturday and 09.00 to 18.00 hours on Sundays and Bank or Public Holidays.

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

27. No deliveries shall be taken at or despatched from the site outside the hours of 07.30 to 17.30 hours Monday to Friday and 08.00 to 12.00 hours on Saturdays and at no time on Sundays and Bank or Public Holidays.

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

28. No materials, finished or unfinished products or parts, crates, waste, refuse plant, equipment/machinery or any other item shall be stacked or stored outside any building on the site other than within the enclosed service yard to the rear of the Garden Centre, or the defined sales areas, as identified on approved plan PA19-127:02 REV N.

Reason - In the interests of visual amenity in accordance with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

29. The Garden Centre hereby permitted shall not be subdivided to form two or more trading units other than the provision of concessions, ancillary and subordinate to the garden centre.

Reason - To ensure the retail impact of the development does not have a significant impact on the retail function of the town centre in accordance with Policy LP29 of the Gosport Borough Local Plan, 2011-2029.

30. The Alver Valley Function & Community Room, café/restaurant facilities and toilets, as identified on approved plan PA19-127:04 REV A, shall be retained and kept available for use by the general public and/or visitors using the Alver Country Park, unless with the prior express permission of the Local Planning Authority.

Reason - In the interests of retaining appropriate visitor facilities for the Country Park and to comply with Policy LP8 of the Gosport Borough Local Plan 2011-2029.

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending, revoking or re-enacting that Order with or without modification), there shall be no mezzanine or other form of internal floorspace increase of the trading area, no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

Reason - In the interests of town centre vitality and viability, in order to enable the Local Planning Authority to consider individually whether planning permission should be granted for additional floor space in accordance with Policy LP29 of the Gosport Borough Local Plan 2011-2029.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and/or re-enacting that Order with or without modification), no structure or apparatus or other alteration shall be mounted externally on building including any works permitted by Part 16 of Schedule 2 of that Order without the prior express permission of the Local Planning Authority.

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

ITEM NUMBER: 03.
APPLICATION NUMBER: 19/00479/FULL
APPLICANT: Mr Luke Fryer
DATE REGISTERED: 29.10.2019

**DEMOLITION OF EXISTING BUILDING AND ERECTION OF 6NO. TWO-STOREY SEMI-DETACHED AND 1NO. DETACHED HOUSES WITH ACCESS FROM PRIVETT PLACE
110 Privett Road Gosport Hampshire PO12 3SY**

The Site and the proposal

1. This application relates to a two-storey detached dwelling and its substantial rear, side and front gardens (comprising a 0.37ha plot) located on the northern side of Privett Road (B3333) on its corner with Privett Place. On the western boundary of the site on Privett Place there is an electricity sub-station and strip of grassed amenity land. The garden area of the existing dwelling is heavily covered in trees and one tree on the northern boundary, a Sweet Chestnut, is protected by a Tree Preservation Order. Access to the site is by an opening in the southern boundary wall onto Privett Road, which also forms a driveway.

2. Privett Road is a busy road with vehicular traffic moving in an east to west direction and is subject to a 30mph speed limit. On both sides of the carriageway are dedicated cycle lanes and there are wide footways. In the surrounding area, the character and appearance of the dwellings are mixed, but all are generally two-storey, being set-back from the back edge of the footway by low boundary walls and driveways and have principal elevations fronting Privett Road.

3. To the north of the application site is a former builder's yard and nos. 2/4 Privett Place that are two-storey residential dwellings with their primary windows on the southern elevation (towards the application site). No.2 is set back from the back edge of the footway by some 3.3m and no. 4 is setback by 12.8m. To the north-east of the application site is Privett Park. The vehicular access serving Gosport Football Club is some 50m to the east of the existing entrance to 110 Privett Road.

4. Planning permission is sought for the demolition of the existing dwelling and the erection of six semi-detached two-bedroom dwellings and one two-bedroom detached dwelling. Each of the dwellings would have a floor area of 74m². Vehicular access to the site would be via a new entrance from Privett Place with the existing access off Privett Road being removed.

5. Four two-storey dwellings (plots 1-4) would be erected and set-back from Privett Road with their principal elevations facing south. These plots would be set-back from the back edge of the footway on Privett Road by 2.5 - 5m (due to the slight angle of the road) and set behind a 1.3m high boundary wall with 1.8m high pillars. Plots 1-4 would share modest open plan front gardens, accessed via two pedestrian entrances 0.6m wide.

6. Plots 5-7 would be located at the northern end of the site, consisting of two semi-detached dwellings and one detached dwelling. They would be set-back from the shared communal parking area by 1.8m, with a pathway leading to each dwelling entrance. Due to the topography of the site, plots 5-7 at the northern end of the site would be some 0.5m higher than plots 1-4 at the southern end of the site

7. Although sited in different parts of the site, plots 1-6 would be similar in design terms. These plots would be semi-detached and the main roof would be hipped from which a two-storey 3.5m in length gable end would project. A pitched roof, open sided porch would be erected. The eaves of the main roof slope would be 5m and to the highest part of the roof would be 8m. The rear elevations would be flush. Windows would be installed at ground and first floor level on the side elevations on plots 1 and 4. The plots would have side access that would be 1m wide and would have rear gardens some 12m in length by 6.5m wide. Located in the rear part of the gardens, mixed storage/cycle storage would be provided.

Internally and at ground floor level, the plots would have an open plan kitchen, dining and living areas with an enclosed WC and separate storage area. Patio doors would lead into the rear garden. At first floor level, two bedrooms would be provided, a study, WC and toilet.

8. Plot 7 would be detached and located in the north-western corner of the site. From the front elevation, it would be similar in appearance to plots 1-6, although it would feature a barn hipped roof on the western part of the roof slope. It would have a 3.5m in length two-storey gable projection on the front elevation, would be 5m to the eaves on the main roof, 8m to the highest part of the roof and have a flush rear elevation. Windows would be installed at ground and first floor level on its western (side) elevation. Internally and at ground floor level, the plot would have an open plan kitchen, dining and living area with an enclosed WC and separate storage area. Patio doors would lead into the rear garden. At first floor level, two bedrooms would be provided, a study, WC and toilet. Its rear garden would be 10m in length by 11.5m, with an additional side garden measuring 5.8m by 4.5m.

9. All dwellings would be finished in white render at ground and first floor level with the gable end projections finished in cladding at first floor level. The windows, doors and rainwater goods would be finished in grey UPVC. The roof would be finished in grey tiles.

10. In the central part of the site, 14 unallocated car parking spaces would be provided. The proposed end spaces would be 2.5m wide and the remaining 10 spaces would be 2.4m wide. All spaces would be 4.8m in length. Between the ends of both northern and southern spaces, there would be a gap of 6m. A new entrance for the site is proposed onto Privett Place that would require a 5.5m boundary wall opening and a 7.5m dropped crossing to be provided.

11. In support of this application, the following documents have been submitted: design and access statement, arboricultural impact assessment and preliminary ecological appraisal.

Relevant Planning History

48/00254/PA - Convert house into 2 flats - permitted 30/12/1948

73/13559/PA - Demolition of existing and erection of 7 no. dwellinghouses - refused 17/07/1973

73/13560/PA - Demolition of existing and use of land for residential purposes - outline permission granted 12/10/1973

77/13561/PA - Change of use to old peoples home (8 persons) - permitted 18/10/1977

78/13562/PA - Change of use to guest house, 5 bedrooms 10 persons - permitted 04/04/1978

82/13563/PA - Change of use from guest house to nursing home (12 persons) - permitted 15/12/1982

83/13564/PA - Two storey rear extension - permitted 09/03/1983

19/00287/TO - Tree Preservation Order, 1 Sweet Chestnut tree (*Castanea Sativa*) - confirmed 01/08/2019

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

- LP1 Sustainable Development
- LP3 Spatial Strategy
- LP10 Design
- LP20 Information and Communication Technology
- LP22 Accessibility to New Development
- LP23 Layout of Sites and Parking
- LP24 Housing
- LP38 Energy Resources

- LP39 Water Resources
- LP41 Green Infrastructure
- LP42 International and Nationally Important Habitats
- LP43 Locally Designated Nature Conservation Sites
- LP44 Protecting Species and Other Features of Nature Conservation Importance
- LP45 Flood Risk and Coastal Erosion
- LP47 Contamination and Unstable Land

Supplementary Planning Documents:

- Gosport Borough Council Design Guidance: Supplementary Planning Document: February 2014
- Gosport Borough Council Parking: Supplementary Planning Document: February 2014
- Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol April 2018

National Planning Policy Framework (NPPF), February 2019

Consultations

Streetscene Waste & Cleansing	No objection, subject to the provision of a bin collection point adjacent to the site entrance on Privett Place to facilitate collection.
Streetscene Parks & Horticulture	No objection.
Environmental Health	No objection, subject to a land contamination condition.
Building Control	No response received.
HCC Landscape Planning & Heritage	No objection on archaeological grounds.
Natural England	Objection on the grounds of:- <ul style="list-style-type: none">- Likely significant effect on the internationally designated sites (SPA, SAC, pSPA) due to the increase in waste water from the new housing and no mitigation has been proposed.- Mitigation is required for the Solent Recreation Management Strategy.- It is also recommended that a Bat Presence/Absence survey is undertaken.
Hampshire Fire And Rescue Service	No objection.
Local Highway Authority	No objection, subject to consideration of updates to the plans and the inclusion of conditions to secure a Construction Method Statement, the closure of the existing access, the provision of parking and the provision of the footway/verge crossing.
HCC Ecology	The application is now accompanied by a Preliminary Ecological Appraisal (EcoSupport, January 2020). Further surveys are required in relation to roosting bats and these surveys must be completed prior to determination.

Response to Public Advertisement

8 letter of objection

Issues raised:-

- this is an over-development of the site and too many houses are being squeezed onto the site
- fewer houses that have greater internal and external space would be more appropriate
- accessing the properties from Privett Place would be dangerous as it is near to a blind corner and S bend
- due to safety concerns over the road, yellow lines should be extended to numbers 6 and 9
- the entry and exit point will cause congestion and extra hazards for vehicles trying to access Privett Road, especially during busy periods
- people parking along both sides of the road can further reduce visibility for residents entering and leaving, and this would be made worse by the development
- the Council has acknowledged the hazards of the road and has installed slow signs and road markings
- the development will need to a considerable amount of extra traffic
- drivers already use Privett Place as a cut-through to Gosport War Memorial Hospital and this development increases the risk of an accident/fatality
- 14 car parking spaces have been allocated but this does not account for visitors
- there is not sufficient turning circle for vehicles to enter and leave the site
- no provisions have been made to widen the pavements as they are smaller at the proposed entrance location and the overhanging bushes frequently reduce the width
- there are a considerable amount of bats in the local area and on this site and the submitted documentation does not address this. Will these bats be harmed as a result of this development?
- there are several trees that would be lost as a result of the development with only one being retained. There are no reassurances these trees would not be harmed
- the trees are protected under a Preservation Order.

Principal Issues

1. An amended block plan has been submitted that showed a reduction in the number of dwellings proposed to 5 in January 2020, however, no further amended plans have been received. Requests for additional information relating to matters raised by consultees have not been responded to by the applicant. Given the length of time that has passed since the application was submitted and in the absence of any positive action by the applicant since 28.02.2020 to progress the application, it is considered appropriate to determine the application as submitted. The applicant has been advised of the recommendation to refuse. The main issues are therefore, whether: the principle of development is acceptable; whether the design is acceptable; whether there would be a significant impact on amenity; whether there is sufficient parking; and, whether there would be a likely significant impact on protected species and habitats.

2. The application site is located within the urban area boundary and consequently the principle of residential development, for new dwellings, is acceptable providing that the details accord with the Policies within the Gosport Local Plan 2011-2029 and Supplementary Planning Documents.

3. In some instances, there may be good reasons for developments to come forward with a density less than 30 dwellings per hectare. These special circumstances could include where higher density development could harm the character and appearance of the street scene and nature conservation features or other constraining factors on site, for example the presence of a sewer or for parking considerations. In the local area, dwellings, although of an eclectic mix, are built on larger plots and have more substantial gardens.

4. New housing schemes will be expected to make efficient use of land creating a sense of community without compromising the local environment. It is important that new developments should have regard to the need to provide open space, parking and a mix of dwelling types.

Policy LP24 of the Local Plan encourages the reuse of previously developed land for new housing, provided that it is built at a density that makes efficient use of land and relates to the context of the area. Locations with high access to public transport and shops and services are expected to have a

higher density. The site is in close proximity to bus stops (buses 9 and 9A) that connect to Gosport Town Centre and Fareham. To Gosport, there are four buses an hour and to Fareham there are three buses an hour from the bus stops in closest proximity to the site. In accordance with Policy Point 3 of LP24, the development site is capable of accommodating 30 - 45 dwellings per hectare (dph). In this case, the development as proposed would provide 19dph. It would be expected that new dwellings in this location would respond to the established urban grain and it is not considered that the shortfall in dph, in this case, would be contrary to Policy LP24 of the Gosport Borough Local Plan 2011 - 2029.

5. Given the size of this corner plot, it is considered that there is scope to accommodate more than one dwelling on this site. However, dwellings 1-6 would be notably narrower than the other properties within Privett Road/Place and would have a significantly reduced front garden footprint. The roof form of dwelling 7 would also be at odds with the established urban character and proposed dwellings 1-6, given the constrained nature of this corner plot. The level of development proposed is such that the dwellings would appear as cramped and out of keeping with the surrounding properties and would not reflect the proportions of the adjacent dwellings or the prevailing urban grain of the area. There would also be a significant central area for parking, which lacks landscaping features and would introduce an incongruous hard surface into the street scene, again at odds with the prevailing urban character of modest driveways. The proposal would, therefore, appear out of context with the surroundings and notwithstanding the relatively low density, it is considered that the site is not capable of accommodating 7 dwellings, which would represent an overdevelopment of the site. The proposed dwellings would maintain a frontage with Privett Road; however, their design differs from the more consistent features of the neighbouring dwellings within Privett Road and Place. The proposed dwellings, although having hipped roofs, would fail to relate to streets dominated by splayed or semi-circular bay windows, which are a strong character feature on all of the neighbouring dwellings. For these reasons, the development would be contrary to Policy LP10 of the Gosport Borough Local Plan 2011 - 2029 and Design SPD.

6. The Council's Tree Officer has reviewed the submitted Arboricultural Impact Assessment and notes that the Sweet Chestnut Tree, which is subject to a Tree Preservation Order, would be retained as part of the development. The proposed measures to protect the tree and its roots are considered to be acceptable. The remaining trees on site are of poor form or are in decline and do not merit retention, although they do make a positive contribution to the green character of the immediate area. Overall the scheme is considered to lack soft landscaping, especially when given the extensive nature of the existing tree cover on-site; however, it is considered that if the development was otherwise acceptable, additional soft landscaping could be secured by condition.

7. Dwellings 5-7, would introduce new views towards properties to the north (nos. 2 and 4 Privett Place) that have habitable windows on their south facing elevations (looking towards the application site). The Design SPD recommends a distance separation of 21m when habitable elevations face one another to ensure an adequate standard of living for both the current and future occupiers and to prevent overlooking. From the rear elevations of dwellings 5-7 to the rear elevation of 2 Privett Place would be a distance of some 16.7m. To the south elevation of 4 Privett Place the distance would be some 21.6m. Whilst the orientation of dwellings 5-7 would be slightly off-set with the dwellings to the north, there would be a shortfall of 4.3m with 2 Privett Place, Given that the property is not currently overlooked from the south as the existing dwelling is sited some 37m to the south, the siting of the development is considered to result in harmful levels of overlooking to the most private parts of 2 Privett Place, to the detriment of occupiers of this property. This would be contrary to Policy LP10 of the Gosport Borough Local Plan 2011 - 2029 and Design SPD.

The siting of proposed dwelling five adjacent to the boundary of 108 Privett Road may introduce new views into their rear garden. However, given the 1m distance to the east boundary and the 23m distance from the proposed dwelling to the most private part of 108 Privett Road, it is considered that this relationship would not cause significant harm to the amenities of the occupiers of this neighbouring property and would not conflict with Policy LP10 of the Gosport Borough Local Plan 2011 - 2029.

9. Dwellings 1-4 due to their siting and scale would not have a significant impact on amenity with neighbouring dwellings with regards to loss of light, outlook, privacy or increased sense of enclosure.

With dwellings 5-7, it is not considered that they would result in a loss of light, outlook or sense of enclosure to neighbouring properties. On these grounds, dwellings 1-7 would not have a significant impact on amenity and would accord with Policy LP10 of the Gosport Borough Local Plan.

10. Due to the close proximity of existing dwellings to the site and their sensitive nature and the limited on-street parking, during demolition and construction there is a high potential for noise, dust, dirt, vibrations and contractors vehicles to cause a harmful levels of disruption for existing residents. If the development was otherwise acceptable, a condition could be imposed to secure the submission of a Construction Environmental Management Plan, prior to any works commencing.

11. The Local Highways Authority (LHA) have assessed the proposed site entrance, and have determined that it is acceptable for the quantum of development proposed, and that the existing vehicular access from Privett Road be stopped-up and reinstated as footway. Although their comments are not explicit on the matter, the LHA have assessed the suitability of the access in relation to existing and likely increased traffic volumes, and also vehicle speeds with regards to the required visibility splays. The specific geometry of the junction for vehicles to safely enter Privett Place from Privett Road necessitates speeds below 30mph.

12. It is noted that the proposed site entrance is 25m from the stop-line at the southern end of Privett Place with Privett Road, which compared with Table 7.1 of the Manual for Streets indicates a vehicle speed not exceeding 20mph would be required. Notwithstanding that a number of the letters of representation cite highway safety as a concern; the LHA has not raised any highway safety concerns about the proposed access arrangements. If the development was otherwise acceptable, it is considered that further consultation with the LHA would be required to address these concerns.

13. Under the Parking SPD, the requirements for residents car parking is 14 allocated spaces and whilst this would be met numerically by the proposed development, no provision has been made for visitor car parking and the individual spaces do not meet the minimum required dimensions as set out in the Size of Parking Spaces section of the SPD. The minimum width of car parking spaces is 2.5m (all spaces are show at 2.4m wide), and end spaces must be increase by at least 0.3m and the aisle must be continued beyond the end spaces by 2 metres so as to help vehicles initiate a turn. No tracking diagrams have been submitted to demonstrate that vehicles are capable of being able to initiate a turn in the aisle to leave the site in a forward gear. Given that there is no visitor provision on-site, this may result in vehicles having to reverse onto the highway if the 14 spaces were all in use.

14. No information has been supplied by the applicant to demonstrate that there is sufficient space on-street to cater for the needs of residents visitors, and the SPD requires that developers should aim to include the appropriate number of visitor spaces within the car park if there is inadequate capacity on-street. Given the concerns raised by neighbours, an appropriately timed parking assessment would be required.

15. The internal layout of the site could be further improved so as to provide a more convenient layout for future residents. For example the internal footways could run along the back edge of both banks of car parking spaces so that in order to access an individual car residents do not have to walk over landscaped areas, benefiting access to the rear gardens of plots 1-4. The links between the parking spaces and the footways (particularly for the northern dwellings) should be widened to at least 1.2m in order to provide more convenient access on foot, and a footway link provided directly to Privett Place so that those on-foot do not have to walk along the access road.

16. For the reasons outlined above, it is considered that the proposed internal layout of the development is flawed and would fail to provide an acceptable level of access for future users and would be contrary to Policy LP22 of the Gosport Borough Local Plan 2011 - 2029. Whilst the quantum of parking is met, provision has not been made for visitors and it has not been demonstrated that there is sufficient capacity on-street to accommodate additional demand. The proposed development also fails to provide adequate parking spaces in terms of their size and turning area. For these reasons, the development would be contrary to Policies LP22 and LP23 of the Gosport Borough Local Plan 2011 - 2029 and the Parking SPD.

17. The LHA comment that although areas for bicycle parking have been indicated on the submitted plans, no specific details have been submitted. If the development was otherwise acceptable, these details could be secured by planning condition.
18. Details have not been provided in respect of a central collection point for refuse that would be essential to facilitate kerbside collection. If the development was otherwise acceptable, these details would be required prior to planning permission being granted and would require the submission of further details.
19. Environmental Health have indicated that given the site lies adjacent to a former builders yard/light engineering works and there is the potential for contamination to be encountered on or near the northern site boundary during ground works. If the development was otherwise acceptable, a planning condition, in accordance with Policy LP47 of the Gosport Borough Local Plan 2011 - 2029 could be imposed to deal with contamination, if found.
20. Natural England and the Council's Ecologist have advised that the demolition of the building and the nature of the site are of high potential for hosting roosting bats and other protected species. The submitted Preliminary Ecological Assessment indicates that the dwelling and stables have highly potential for roosting bats and the report identifies that further survey work would be required. NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. In the absence of up-to-date surveys the risk to bats, as a protected species is unknown and is therefore unacceptable and would be contrary to Policy LP42 of the Gosport Borough Local Plan 2011 - 2029 and the Habitats Directive.
21. It is also a requirement of all development to enhance the natural environment, as stated at paragraph 109 of the NPPF and Policy LP44 of the Gosport Borough Local Plan 2011 - 2029 and this could include the addition of bat boxes and/or bird boxes. If the development was otherwise acceptable, these details could be secured by planning condition.
22. The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour, the Solent and Southampton Water are designated as Special Protection Areas, or otherwise affect protected habitats or species. Policy LP42 in Gosport Borough Local Plan 2011-2029 sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.
23. The Solent Special Protection Areas - Gosport Bird Disturbance Mitigation Protocol was adopted in April 2016. It has been identified that any development in the Borough which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast.
24. The proposal would lead to a net increase in population, which is likely to lead to a significant effect, as described in Regulation 61 of the Habitats Regulations, on the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA. The Gosport Bird Disturbance Mitigation Protocol sets out how the significant affect, which this scheme would otherwise cause, could be overcome. The applicant has not acknowledged the need to provide SPA mitigation in this way and appropriate mitigation has not been secured in accordance with the Protocol. No mitigation has been provided and the proposal would not have an unacceptable impact on protected species contrary to Policy LP42 of the Gosport Borough Local Plan 2011-2029.
25. Natural England have raised concerns that new dwellings are causing increased levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at European and internationally designated habitat sites and additional mitigation measures will be required to offset any increases in nitrogen discharges that would result from the proposals. Natural England advise that proposals for new residential development should

achieve nitrogen neutrality to avoid harm to these sites. In the absence of supporting information from the applicant in an ecological appraisal to demonstrate the development would be nitrogen neutral or would provide suitable mitigation, the development is unacceptable and would cause harm to European and internationally designated protected sites. The proposal would be contrary to Policy LP42 of the Gosport Borough Local Plan 2011-2029.

Equalities Impact Assessment: No Implications

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposed development would, by reason of its unsympathetic layout, siting and appearance, result in a cramped and incongruous overdevelopment of the site, at odds with the prevailing character of the area and detrimental to the visual amenities of the locality. The proposal therefore, conflicts with Policy LP10 of the Gosport Borough Local Plan, 2011 - 2029, the Gosport Borough Council Design Guidance Supplementary Planning Document (February 2014) and the principles of good design set out in the National Planning Policy Framework.

2. The proposed plots 5-7 would, by reason of their siting and relationship with 2 and 4 Privett Place, result in an unacceptable degree of overlooking and consequential loss of privacy to the occupiers of both existing and future occupiers. The proposal is therefore contrary to Policy LP10 of the Gosport Borough Local Plan 2011- 2029 and the Design Supplementary Planning Document 2014.

3. The proposal fails to provide adequate off-street parking for visitors within the site clear of the highway and fails to demonstrate there is sufficient capacity to accommodate the demand locally, which is likely to result in vehicles parking on the public highway to the detriment of highway safety and the proposed internal layout would fail to provide an acceptable level of access for future users, contrary to Policies LP22 and LP23 of the Gosport Borough Local Plan 2011 - 2029 and the Gosport Borough Council Parking: Supplementary Planning Document (2014).

4. Insufficient information has been submitted to assess the impacts of the proposals on protected species and without sufficient information to the contrary, the development would have a likely significant impact on protect species and would be contrary to Policy LP42 of the Gosport Borough Local Plan 2011-2029, the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended).

5. The proposal does not make adequate provision to mitigate against the harmful impacts of recreational disturbance resulting from increased residential provision in the area on internationally designated habitat sites, specifically the Portsmouth Harbour and Solent and Southampton Water SSSI/SPA/Ramsar sites which would be detrimental to be protected and other species for which these are designated. The proposal is therefore contrary to Policies LP2 and LP42 of the Gosport Borough Local Plan 2011-2029 and the Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014.

6. The proposal fails to demonstrate the development would be nitrogen neutral and/or would provide mitigation to off-set any increased nutrient discharge associated with the proposal and would therefore cause unacceptable harm to European and Internationally designated habitat sites which would be detrimental to the protected and other species for which these areas are designated. The proposal is therefore contrary to Policies LP42 and LP44 of the Gosport Borough Local Plan 2011-2029, the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017.

ITEM NUMBER: 04.
APPLICATION NUMBER: 19/00103/OUT
APPLICANT: Mr Jim Ramage
DATE REGISTERED: 11.03.2019

**OUTLINE APPLICATION - DEMOLITION OF 2NO. EXISTING DWELLINGS AND
ERECTION OF THREE STOREY BUILDING TO FORM 7NO. FLATS, WITH ASSOCIATED
ACCESS AND CAR PARKING - ALL MATTERS RESERVED OTHER THAN ACCESS
81- 82 Marine Parade East Lee-On-The-Solent Hampshire PO13 9BJ**

The Site and the proposal

1. The application site is located on the north side of Marine Parade East and at its junction with Portsmouth Road and South Place. The application site is triangular in shape and comprises two residential properties and their gardens. Number 82 is the larger of the two and is a two-storey house situated adjacent to the eastern boundary. Number 81 is a single storey dwelling with accommodation in the roofspace. Its front elevation runs parallel with Marine Parade East whilst the remainder of the building follows the angle of the boundary, giving a more unusual roof design. There are pedestrian accesses on Marine Parade East and Portsmouth Road, whilst vehicular access is via Portsmouth Road where there is an existing dropped kerb close to the northern boundary.

2. The surrounding properties are residential in a variety of sizes and property styles. Number 151 Portsmouth Road is situated to the northwest and is a two-storey white rendered property with flat roofs behind parapets. On the rear (southwest) elevation is a conservatory, balcony and kitchen and bedroom windows. There is a secondary window on the southeast elevation, at first floor level, facing onto the site. The property has a small triangular garden adjacent to the site, extending to Marine Parade East. Number 80 Marine Parade East is located to the west and is a two-storey semi-detached house with a pedestrian access along its eastern boundary. This property has windows on its side elevation facing towards the site which serve non-habitable rooms. The properties on either side of the junction between South Place and Portsmouth Road are two-storey houses with pitched roofs. Within the surrounding area the overriding character is of two-storey houses with pitched roofs, some of which have accommodation within their roofspace.

3. The application seeks outline planning permission for 7 flats with only access being considered. All other matters being, appearance, landscaping, layout and scale would be dealt with as Reserved Matters, through subsequent applications, if Outline planning permission was granted. The proposed access would be from Portsmouth Road in a revised position to existing. The existing access would be closed and the new access would be positioned 6.5m from the northwest boundary, in between the existing vehicular and pedestrian accesses. The access would be 4.8m wide.

4. Indicative plans have been submitted in support of the application. These indicate that to achieve the 7 flats, a part 2 and part 3 storey building would be required. The design as indicated would include a mix of modern mono pitch and traditional pitched roofs, with accommodation in the roofspace of the two-storey elements. The indicative plans show the building sited 1.5m from the northwest boundary (with no.151), between 2.5 and 3m from the boundary with Marine Parade East and 4m from the boundary with Portsmouth Road. Five car parking spaces are shown in an undercroft which also provides the bin and cycle storage. Two further car parking spaces would be located between the building and the Portsmouth Road frontage. Two areas of amenity space are shown adjacent to the garden of no.151 and at the corner of Portsmouth Road and Marine Parade East.

Relevant Planning History

Nil

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

- LP1 Sustainable Development
- LP2 Infrastructure
- LP3 Spatial Strategy
- LP10 Design
- LP23 Layout of Sites and Parking
- LP24 Housing
- LP39 Water Resources
- LP41 Green Infrastructure
- LP42 International and Nationally Important Habitats
- LP44 Protecting Species and Other Features of Nature Conservation Importance
- LP46 Pollution Control

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 April 2018

National Planning Policy Framework (NPPF), February 2019

Consultations

Streetscene Waste & Cleansing	Flats would require 2 x 1100 litre and 2 x 660 wheeled bins, both domestic and recycling. Unobstructed access/flush threshold to bin store required. Bin/cycle store shown inadequate in size to accommodate required bins.
Building Control	No response received.
Local Highway Authority	No objection. Request condition relating to existing access closure.
Natural England	No objection. The application must provide appropriate mitigation in respect of recreational disturbance (SRMP). Recommend conditions in respect of percussive piling, or works with heavy machinery during the overwintering bird period (October to March inclusive) and a Construction Environment Management Plan to deal with impacts on species and habitats.
Hampshire Fire And Rescue Service	No objection. Access roads serving the development should comply with the guidance contained in Part B5, Approved Document of the Building Regulations. Additional advisory comments for applicant in respect of water supplies, fire protection, the environment and timber framed buildings.
HCC Ecology	No objection. Request condition in relation

to works being carried out in accordance with the ecological mitigation and enhancement measures detailed within the accompanying ecological assessment.

Environmental Health

No objection.

Response to Public Advertisement

22 letters of objection

Issues raised:

- there are no flats at this end of Lee-on-the-Solent and proposal would set a precedent for more flats in this part
- design of new build is out of character and inappropriate within this corner location
- it is not a statement building as suggested by Design and Access Statement as it would contrast with the design and appearance of the seafront properties to the east and west
- a 3-storey building does not relate to the 2-storey character of the area
- the building would be sited closer to road than existing which would have a negative impact on the seafront
- the site is too small for 7 flats and the associated vehicles and is an overdevelopment of the land
- small flats out of keeping with the surrounding properties which are mainly 3/4 bedroom houses
- loss of light/overshadowing
- loss of privacy
- inadequate parking for 7 flats, there could be up to 14 cars
- adjacent to a dangerous junction and bus route and will impact on highway and pedestrian safety
- redesign of this junction is required and should be secured as part of any development of this site
- already lots of non-resident cars parked on Portsmouth Road and surrounding streets, therefore, there is no space for visitors to park in the street
- cars already park on the pavements on both sides of Portsmouth Road making pedestrian movements difficult
- the existing dwellings are an eyesore and need to be improved or replaced
- comparison to flats at the corner of Queens Road is misled as this is in a depression where the impact of the scale of the building is lessened, whereas this site is at the high point. Queens Road is also very underused and does not have a significant amount of traffic
- only 5 flats within the building on Queens Road and the 5 spaces are inadequate
- impact on seabirds which use these properties to navigate
- current tenants only found out about the proposals via the planning letter
- the design would impact on views

Principal Issues

1. The application site is located within the urban area boundary and consequently the principle of residential development, including flats, is acceptable providing that the details accord with the Policies within the Gosport Local Plan 2011-2029 and Supplementary Planning Documents.

2. The impact of the proposed development on views from neighbouring properties cannot be considered in the determination of this planning application. The application has been publicly advertised in accordance with the Council's Statement of Community Involvement. The application has been made in Outline with all matters reserved, with the exception of access. Matters relating to the appearance of the proposal, the landscaping, the on-site layout and the scale of development are not submitted for assessment and, therefore, cannot be considered at this outline stage, however, they do provide an indication as to whether this level of development can be accommodated on the site. The main issues for consideration in respect of this outline application are, therefore, whether the proposed access is acceptable to serve the development, whether the proposed level of development can be accommodated on the site, without having a detrimental impact on the character and appearance of the area, or the amenities of the occupiers of neighbouring properties, and if the proposals would have a detrimental impact on ecological interests.

3. The proposed access alters the existing position on Portsmouth Road. Whilst it is located close to other junctions and concerns have been raised regarding its safety, it has been assessed by Hampshire County Council as the Local Highway Authority (LHA). The LHA has confirmed that they are satisfied that the position of the proposed access point exceeds the minimum 10m distance recommended and that the levels of visibility are acceptable for the anticipated speeds and given the similarity of location to the existing access which has been working without recorded incident. Given that no concerns are raised by the LHA the proposed access point to serve 7 flats is considered to be acceptable in highway terms and in accordance with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

4. As noted, whilst the layout, scale and appearance of the development are Reserved Matters they are a key consideration in determining whether a site can accommodate a development of seven flats, without harming the character and appearance of the area. The prevailing character of this part of Marine Parade is detached and semi-detached houses set in good sized plots. The size and shape of the plots of the application site and 151 Portsmouth Road are an exception but their scale and general appearance still respects the overriding character of the properties in the area. Eaves/parapet lines are generally no higher than 2 storeys, with a consistent building line, with properties set back behind front gardens, or courtyards of similar depth. In order to be able to accommodate this number of flats on a site of this size, it would be necessary to introduce a building that is 3-storeys high, as indicated, and this would not respect the 2-storey character of the area. In addition, the building shown within the indicative plans lacks the articulation required to avoid it being seen as a large single mass, on this relatively small plot, and such a design solution would not respect the existing buildings and pattern of development within the area. Similarly the indicative elevational treatment is not considered to reflect this character. Given the size of building required to accommodate the 7 flats, this level of development would result in a building of significantly greater, bulk and mass, along with a perception of a building out of scale with its neighbours and detrimental to the character and appearance of the locality.

5. In addition to the above, the plot size is constrained due to its position and shape. The properties to the west are generally set back a similar distance from the back edge of the pavement and the existing properties on the site also respect this character set back. Given the size of the building required to accommodate the 7 flats proposed, the indicative proposals would breach this consistent set back by around 3m and at 3 storeys in height, this is considered to be wholly out of keeping with this existing character. The indicative plans also indicate a similar issue, albeit a smaller projection on the Portsmouth Road frontage.

6. The supporting documents refer the property on the corner of Queens Road and Marine Parade East, which is a development of flats, relatively close to the site. That property is on a larger site of more uniformed shape and only provides 5 flats in a two and half storey building. This was considered to be an appropriate level of development at that time, and further highlights that the level of development proposed in this instance is excessive. Given the location, size, and triangular shape of the site and number of flats proposed, the introduction of a development of the scale and nature required to accommodate 7 flats, would appear as an incongruous, discordant and unduly prominent feature, out of keeping with the established pattern of development of the locality detrimental to the character of the area and contrary to Policies LP10 and LP24 of the Gosport Borough Local Plan 2011-2029. The application does not demonstrate that 7 dwellings could be provided on the site in an acceptable manner.

7. The indicative plans demonstrate that a development of flats could be accommodated on the site without having a detrimental impact on the occupiers of neighbouring properties in terms of maintaining privacy, given the separation distances and as views would be across public highway. The indicative proposals would, however, result in the demolition of the existing single storey dwelling on the boundary with the rear garden of number 151 Portsmouth Road and the erection of a three storey high building, sited in close proximity to this boundary. A building of this scale and massing would be required to accommodate the number of dwellings proposed and would need to be sited in this position given the other constraints of the site, including its shape.

The indicative proposals would, given the resultant relationship, have a detrimental impact on the amenities of the occupiers of 151 Portsmouth Road in terms of overshadowing and an overbearing

impact. Having regard to the size of the building required and limited plot size and having regard to the indicative proposals, it has not been demonstrated that a development of 7 flats could be accommodated on the site without having a harmful impact on the occupiers of the neighbouring properties, contrary to Policy LP10 of the Gosport Borough Local Plan 2011-2029.

8. Whilst the indicative layout seeks to demonstrate that parking could be provided for residents in accordance with the SPD requirements (unallocated), there are concerns regarding the details submitted. The proposals fail to make provision for residents and visitors with a shortfall of one space and, therefore, the proposed level of parking falls below that required. The indicative layout also appears constrained and manoeuvring into/out of the spaces shown may be difficult in practice. Given the concerns expressed above about the indicative footprint of the building there is no real scope for additional parking to be accommodated above that which is shown, or provide increased accessibility for the spaces. Having regard to the site's location and the limited amount of on-street parking available locally, the development would be required to provide off-street parking to fully meet demand generated by it. The indicative proposals do not demonstrate that the likely demand for parking could be met on site for the level of development proposed.

9. Whilst the provision of refuse and cycle stores would be dealt with under a Reserved Matters application, the proposed stores as indicated are of an insufficient size to accommodate the required number of bins and cycles in a safe and convenient manner. Given the need to make alterations to the indicative layout to accommodate appropriate levels of car parking, cycle storage and refuse storage and given the constrained nature of the site, as set out above, the proposals fail to demonstrate that this quantum of development can be achieved to accord with Policies, LP10, LP23 and LP24 of the Gosport Borough Local Plan 2011-2029 and the Design and Parking SPDs.

10. Although the siting of buildings on the site would change, it is not considered that this would unacceptably impact on bird navigation. The site does not include any trees, and the ecology report confirms that the land and buildings do not support protected species and the proposals are not considered to be detrimental in this respect. Measures to provide biodiversity mitigation and enhancement measures and a Construction Environment Management Plan (CEMP) could be secured by planning condition if permission was granted. The proposal will, however, introduce additional dwellings which are likely to result in increased recreational activity on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. The Gosport Bird Disturbance Mitigation Protocol sets out how the significant effect which this scheme would otherwise cause, could be overcome. The applicant has not provided any SPA mitigation and no mechanism has been proposed to secure appropriate mitigation in accordance with the Protocol. Without mitigation the proposal is unacceptable and would have an unacceptable impact on protected species contrary to Policy LP42.

11. Since there initial consultation response Natural England have raised concerns generally on applications within the Borough that new dwellings are causing increased levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at European and internationally designated habitat sites and additional mitigation measures will be required to offset any increases in nitrogen discharges that would result from the proposals. Natural England advise that proposals for new residential development should achieve nitrogen neutrality to avoid harm to these sites. In the absence of supporting information from the applicant in an ecological appraisal to demonstrate the development would be nitrogen neutral or would provide suitable mitigation, the development is unacceptable and would cause harm to European and internationally designated protected sites. The proposal would be contrary to Policy LP42 of the Local Plan.

Equalities Impact Assessment: No Implications

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposals would introduce a level of development, to accommodate 7 flats, which would appear as an incongruous, discordant and unduly prominent feature, out of keeping with the established pattern of development of the locality and detrimental to the character and appearance of the area and the amenities of the occupiers of 151 Portsmouth Road and contrary to Policies LP10 and LP24 of the Gosport Borough Local Plan 2011-2029 and the Gosport Borough Council Design: Supplementary Planning Document.
2. The proposal fails to demonstrate that adequate provision can be made for off-street parking and manoeuvring of vehicles to meet likely demand resulting in the likelihood of vehicles parking on the public highway to the detriment of the amenity of the area and highway safety and contrary to Policy LP23 of the Gosport Borough Local Plan 2011-2029 and the Gosport Borough Council Parking: Supplementary Planning Document.
3. The proposal fails to demonstrate that adequate provision for cycle and refuse storage to serve the development can be provided and would not, therefore, promote the use of such alternative methods of transport and be detrimental to the amenities of the future occupants of the site, 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 proposal does not make adequate provision to mitigate against the harmful impacts of recreational disturbance on the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA sites to the detriment of the protected and other species for which these areas are designated, contrary to Policy LP42 of the Gosport Borough Local Plan 2011 - 2029, the Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2016 and the Conservation of Habitats and Species Regulations (as amended).
5. The proposal fails to demonstrate the development would be nitrogen neutral and/or would provide mitigation to off-set any increased nutrient discharge associated with the proposal and would therefore cause unacceptable harm to European and Internationally designated habitat sites which would be detrimental to the protected and other species for which these areas are designated. The proposal is therefore contrary to Policies LP42 and LP44 of the Gosport Borough Local Plan 2011-2029, the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017.

ITEM NUMBER: 05.
APPLICATION NUMBER: 19/00415/FULL
APPLICANT: Mr Jason Osborn Driftstone Homes Limited
DATE REGISTERED: 26.09.2019

ERECTION OF 8 NO. THREE BEDROOM HOUSES AND 1 NO. TWO BEDROOM HOUSE WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING (ADJACENT TO CONSERVATION AREA) (as amended by plans received 11.11.2019 and amplified by Nitrogen Neutrality and Mitigation details received 06.07.2020, Addendum to the Community Resource Analysis Statement received 07.09.2020 and Updated Arboricultural Report received 04.11.2020)
Site Of Former Royal Sailors Rest Grange Lane Gosport Hampshire PO13 9RX

The Site and the proposal

1. The application site is a vacant 'L-shaped' parcel of land located on the eastern side of Grange Lane. The site formerly contained the Royal Sailors Rest which functioned as a community centre and was demolished some years ago following a fire. The site includes an established access to the site from Grange Lane which is approximately 3.5m wide.
2. The site is flanked to the north by a footpath and an area of green open space linking Grange Lane to Shackleton Road, beyond which is Rowner Bowling Club. To the east of the site are the rear gardens of properties on the western side of Shackleton Road. To the south of the site is the Crossley Community Centre which predominantly serves the families of Naval and other military personnel. To the west of the site, on the opposite side of Grange Lane, are Grange Infant and Junior Schools.
3. The majority of the site is allocated in the Local Plan as Existing Community and Built Leisure Facilities. The land to the north and east of the site is allocated as Existing Open Space in the Local Plan. The site lies adjacent to, but outside of, the Rowner Conservation Area. There is a protected Oak tree located in the south-west corner of the site and a row of 6 protected Alder trees in the open space to the north of the application site.
4. Planning permission is sought for the residential redevelopment of the site by the erection of eight two-storey, semi-detached dwellings and one two-storey detached dwelling. The proposed dwellings would be sited around a cul-de-sac utilising the existing access off Grange Lane. The northern part of the site would contain two pairs of semi-detached, three-bedroom dwellings with a north-south orientation. The south-west quadrant of the site would contain a pair of semi-detached, three-bedroom dwellings with west-east orientation. The south-east quadrant of the site would contain a detached two-storey three bedroom dwelling and a pair of two-storey dwellings, one three bedroom and the other two bedroom. These dwellings would have a west-east orientation.
5. The proposed dwellings would be of a traditional design and appearance and be finished in brick under pitched tiled roofs with a mix of hip and gable detailing. Visual interest would be created to the principal elevations through the use of brick and other architectural detailing.
6. Each dwelling would have two allocated parking spaces (some of which would be tandem) and three further visitor parking spaces would be provided to serve the development as a whole. The cul-de-sac has been designed to allow a larger vehicle, such as a refuse lorry, to enter the site and be able to turn with in it. Each dwelling is shown to be provided with cycle and refuse storage facilities.
7. The application is supported by a range of supporting documentation including an Arboricultural Report, a Drainage Strategy and Flood Risk Statement & Infiltration SuDS GeoReport, a Highways Statement and a Preliminary Ecological Appraisal & Reptile Survey.
The application also includes information and evidence to support the loss of a community facility on the site, with the applicant proposing to make a financial contribution towards the enhancement of other community facilities in the vicinity of the site.

Relevant Planning History

14/00305/FULL - erection of 6 no. three bedroom houses and 7 no. two bedroom houses with associated access, car parking and landscaping - refused 15.09.2014 for the following substantive reason:

1. It has not been demonstrated that the site is no longer required to provide a community facility in the area to the detriment of the strategic aim to improve the quality of life of residents in the Borough and the delivery of a sustainable community with a reduced need to travel and the proposal is, therefore, unacceptable in principle and contrary to Policy R/CF2 of the Gosport Borough Local Plan Review, Policies LP3 and LP32 of the Gosport Borough Local Plan 2011 - 2029 (publication version 2014) and paragraph 156 of the NPPF.

An appeal against the refusal was dismissed on 26.06.2015

Tree Preservation Orders

G.133 - six Alder trees (adjacent to site to north)

G.134 - one Oak tree (on site)

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

- LP3 Spatial Strategy
- LP10 Design
- LP12 Designated Heritage Assets: Conservation Areas
- LP23 Layout of Sites and Parking
- LP24 Housing
- LP32 Community, Cultural and Built Leisure Facilities
- LP41 Green Infrastructure
- LP42 International and Nationally Important Habitats
- LP44 Protecting Species and Other Features of Nature Conservation Importance
- LP47 Contamination and Unstable Land

Supplementary Planning Documents:

- Gosport Borough Council Design Guidance: Supplementary Planning Document: February 2014
- Gosport Borough Council Parking: Supplementary Planning Document: February 2014
- Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol April 2018

National Planning Policy Framework (NPPF), February 2019

Particular obligations fall upon the Local Planning Authority in determining any application which might affect a Conservation Area. Section 72 of The Listed Buildings and Conservation Areas Act 1990 (as amended) requires that the authority pay: "special attention to the desirability of preserving or enhancing the character or appearance of a conservation area".

Consultations

Natural England	No objection, subject to nutrient and recreational disturbance mitigation measures being secured.
Crime Prevention & Design	No objection. Recommends provision of suitable boundary treatments to reduce opportunities for crime.
Hampshire Fire And Rescue Service	No objection

HCC Ecology	No objection. Recommends imposition of condition to secure ecological enhancement measures.
Local Highway Authority	No objection.
Building Control	No response received
Environmental Health	No objection
Streetscene Parks & Horticulture	No objection
Streetscene Waste & Cleansing	No objection.

Response to Public Advertisement

Nil.

Principal Issues

1. The main issues to be considered in the determination of this planning application are whether the proposals are acceptable in principle given the designation of the site for community facilities and whether the proposals are acceptable in design, amenity, highway and ecology terms.

Principal

2. The site is located within the Urban Area Boundary where new residential development is acceptable in principle, however, the majority of the site is allocated in the Local Plan for Existing Community and Built Leisure Facilities. Policy LP32 in part 5 sets out that "planning permission will not be granted for development which would result in the loss of existing community, cultural, sports, recreation and built leisure facilities unless it can be demonstrated that:

- a) an assessment has been undertaken which has clearly shown the buildings to be surplus to requirements for that particular purpose; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; and
- c) it can be demonstrated that there are no other viable community, cultural, sports, recreation or built leisure uses for the premises or site and that there have been reasonable attempts to sell/let them for these purposes.

3. Whilst the application site does not contain any built facilities at the current time, the policy position was considered by a Planning Inspector at the Examination into the current Local Plan and who supported the retention of the allocation of the site for Community and Built Leisure Facilities.

4. In support of the application, details have been provided about a marketing exercise carried out that seeks to demonstrate there is no demand for the site to provide community facilities. The site has been marketed for community uses on a number of occasions, with the last being for a period of nearly 12 months prior to the submission of this application that generated little interest and no offers. The applicant has also offered to make a financial contribution of £15,000 (to be held and distributed by the Council) towards the improvement or enhancement of community facilities in the vicinity of the site. A further change in circumstances since the last application is the use of the adjacent Crossley Community Centre by groups that serve the wider public and whose use is no longer restricted to just service families.

5. Having regard to the submitted details, it is considered that the applicant has adequately demonstrated that the site is no longer required for community purposes. The proposed financial contribution towards the improvement or enhancement of off-site community facilities in the Rowner & Holbook and Grange Wards is considered reasonable in the context of other financial burdens associated with any permission (including CIL payments and mitigation for recreational disturbance

and nutrient neutrality) and would meet the requirements of part 5b of Policy LP32. Overall, and on balance, it is considered that the proposal would not conflict with Policy LP32 of the Local Plan and that the loss of the site for Community and Built Leisure Facilities is acceptable in this instance.

Design & Heritage

6. The proposed dwellings would be sited in a manner that would complement the established urban grain of the locality and would be at an appropriate density (33 dwellings per hectare). Externally the proposed dwellings would be of a scale and appearance that would be in keeping with the local area and would not appear as unduly prominent features within the contextual streetscene. The use of suitable external facing materials can be secured by the imposition of a suitably worded planning condition. The scale of the proposal is such that it would not affect the setting of the adjacent Conservation Area. The proposal is therefore acceptable in design and heritage terms and would comply with Policies LP10, LP12 and LP24 of the Local Plan in this context.

Amenity

7. The proposed dwellings would be sited over 40 metres from the closest dwelling and over 30 metres from the nearest residential garden. Whilst two of the dwellings would be sited 2 metres from the boundary of the site with the Crossley Centre, the facing elevations would be the flank of the buildings that would contain only non-habitable rooms windows at first floor level that could be obscure glazed. The proposal would therefore not harm the amenities of the occupiers of neighbouring properties.

8. The proposed dwellings would meet the recommended floor areas set out in the Design SPD and would have rear gardens of an appropriate size and depth (at least 10m depth). All habitable rooms would be served by windows that would provide a suitable level of light and outlook. The proposal is considered to provide appropriate living conditions for future occupiers.

9. Overall the proposal is considered acceptable in amenity terms and complies with Policy LP10 in this regard.

Access & Parking

10. The proposal would reuse the existing access to the site which benefits from adequate visibility to serve the proposed use. The likely level of traffic generated by the proposal can be accommodated by the existing road network without harm to existing users. The proposal makes provision for car parking that would accord with the Parking SPD. In highway terms the proposal is considered acceptable and would comply with Policy LP23 of the Local Plan.

11. Whilst the submitted plans indicate provision being made for the storage of cycles no details of the facilities have been provided. In order to ensure the provision of appropriate facilities, a suitably worded planning condition can be imposed requiring the submission and approval of details and their subsequent provision prior to the first occupation and retention thereafter. The submitted plans show facilities for the storage of refuse and recyclable materials in an appropriate manner. The provision and retention of these facilities will be secured through the imposition of a suitably worded planning condition. In terms of refuse storage and collection and bicycle storage the proposal is considered to be in accordance with Policies LP10 and LP23.

Ecology & Trees

12. The proposal would not affect the protected trees on or adjacent to the site and tree protection measures will be secured though the imposition of a suitably worded planning condition to safeguard them while development works are carried out.

13. The application is accompanied by supporting ecological information which demonstrates that the site has little ecological value and is unlikely to be used by protected species. The submitted information includes proposals for the inclusion of biodiversity enhancement measures that could be

incorporated into the development (the suggested measures include the incorporation of bat boxes into the dwellings and the use of native planting). The implementation of these can be secured through the imposition of a suitable worded planning condition and would comply with Policy LP44 of the Local Plan in this regard.

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

15. Natural England have raised concerns that new dwellings are causing increased levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at European and internationally designated habitat sites and additional mitigation measures will be required to offset any increases in nitrogen discharges that would result from the proposals. Natural England advise that proposals for new residential development should achieve nitrogen neutrality to avoid harm to these sites and the calculation has been undertaken to confirm the level of mitigation required.

16. The applicant has provided details of a scheme of mitigation involving the incorporation of water efficiency measures in the new dwellings and the removal of land within the fluvial catchment from agricultural use and for it to be used as open space in the future. The submitted details indicate that the mitigation would result in a reduction in nutrient input greater than the increase that would result from the occupation of the proposed development. Subject to these measures being secured, they would provide suitable mitigation such that the development would not cause harm to European and internationally designated protected sites. The proposal would, therefore accord with Policy LP42 of the Local Plan.

Equalities Impact Assessment: No Implications

RECOMMENDATION: Grant Permission

Subject to Section 106 agreement relating to

1. to secure the payment of a contribution of £15,000 towards the improvement or enhancement of off-site community facilities in the Rowner & Holbook and Grange Wards
2. to secure the payment of a contribution of £5,882 towards the Solent Recreational Disturbance Mitigation Partnership

Subject to the following condition(s):-

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

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

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

- 19-1054-001 - 1st - Site Location Plan;
- 19-1054-005 - 1st - Site Layout Plan;
- 19-1054-007 - 1st - Parking Plan;
- 19-1054-010 - 1st - Elevations & Floor Plans - Plots 1 & 2;
- 19-1054-011 - 1st - Elevations & Floor Plans - Plots 3 & 4;
- 19-1054-012 - 1st - Elevations & Floor Plans - Plot 5;
- 19-1054-013 - 1st - Elevations & Floor Plans - Plots 6 & 7;

19-1054-014 - 1st - Elevations & Floor Plans - Plots 8 & 9;

19-1054-015 - 1st - details of cycle stores;

19-1054-016 - Rev.A - details of boundary treatments;

Aboricultural Report (by Johnston Tree Consultancy dated July 2019).

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. None of the dwellings hereby permitted shall be occupied until:

a) a water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to and approved, in writing, by the Local Planning Authority; and,

b) a mitigation package demonstrating that any additional nutrient input arising from the development will not have an adverse effect on the integrity of the protected European Sites, has been submitted to and approved, in writing, by the Local Planning Authority.

c) the water efficiency and nutrient mitigation measures have been implemented in accordance with the details approved under a) and b) of this condition.

Reason: To prevent increased discharge of nitrogen into the water environment of European designated nature conservation sites in The Solent to comply with the Conservation of Habitats and Species Regulations 2017 and Policies LP42 and LP44 of the Gosport Borough Local Plan 2011-2029.

4. a) No development hereby permitted shall commence until a Construction and Traffic Management Plan, to include (but not be limited to) details of: the timing of deliveries; the provision to be made on site for contractor's parking, construction compound, site office facilities, construction traffic access, the turning and loading/off-loading of delivery vehicles within the confines of the site, wheel wash facilities, lorry routeing from the strategic road network and a programme of works, has been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be carried out in accordance with the approved Construction and Traffic Management Plan for as long as construction is taking place at the site.

Reason - In the interests of the safety and convenience of users of the surrounding highway network and to comply with Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

5. a) No development shall commence until the tree protection measures set out in the approved Aboricultural Report (by Johnston Tree Consultancy dated July 2019) have been provided.

b) The tree protection measures shall be retained until the development is substantially complete, or their removal is agreed in writing by the Local Planning Authority.

Reason - To ensure the important trees on the site are safeguarded and protected during development in accordance with Policies LP10 and LP41 of the Gosport Borough Local Plan, 2011-2029.

6. a) The development hereby permitted shall not be brought into use until biodiversity enhancement measures have been provided in accordance with plans and details that shall have been submitted to and approved, in writing, by the Local Planning Authority.

b) The approved biodiversity enhancement measures shall be retained thereafter.

Reason - To ensure that biodiversity enhancements are provided as part of the development in accordance with Policy LP41 of the Gosport Borough Local Plan, 2011-2029.

Reason - To conserve and enhance biodiversity in accordance with the Conservation Regulations 2010, the Wildlife & Countryside Act 1981, the Natural Environment and Rural Communities Act 2006, National Planning Policy Framework and with Policy LP44 of the of the Gosport Borough Local Plan 2011-2029.

7. a) The development hereby permitted shall not be occupied until a detailed planting scheme (to include species, numbers, densities, heights and future maintenance) has been submitted to approved, in writing, by the Local Planning Authority.

b) The approved planting scheme shall be completed within the next planting season following first occupation of the development, and any trees or plants which die are removed or become seriously

damaged or diseased during the first five years, shall be replaced with others of identical species (or as may otherwise be agreed in writing with the Local Planning Authority) during the next planting season.

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

8. a) The development hereby permitted shall not be brought into use until the facilities shown on the approved plans for the parking and turning of vehicles have been provided.

b) The parking and turning facilities shall thereafter be retained.

Reason - In the interests of highway safety and to ensure adequate car parking and turning facilities are provided and retained, and to comply with LP23 of the Gosport Borough Local Plan 2011-2029 and the Parking SPD.

8. a) The development hereby permitted shall not be occupied until a detailed planting scheme (to include species, numbers, densities, heights and future maintenance) has been submitted to approved, in writing, by the Local Planning Authority.

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

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

9. a) The development hereby permitted shall not be occupied or brought into use until the facilities for the storage and parking of cycles shown on the approved plans have been provided.

b) The cycle storage and parking facilities shall thereafter be retained.

Reason - In order to ensure that adequate cycle storage is provided to promote and encourage cycling as an alternative to use of the private motor car in compliance with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

10. a) The development hereby permitted shall not be occupied or brought into use until the facilities for the storage and collection of refuse and recyclable materials shown on the approved plans have been provided.

b) The waste storage and collection facilities shall thereafter be retained.

Reason - To ensure that adequate provision is made for the storage of refuse and recyclable materials and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

ITEM NUMBER: 06.
APPLICATION NUMBER: 20/00302/ADVT
APPLICANT: Millngate Gosport Developments Ltd
DATE REGISTERED: 03.09.2020

ERECTION AND DISPLAY OF 2NO. LED SIGNS WITH LIGHT SENSORS
Brockhurst Gate Cotsworth Road Gosport Hampshire

The Site and the proposal

1. The Brockhurst Gate retail park is located 3km to the north of the town centre on the prominent junction of Fareham Road (A32) and Heritage Way. It is located on the east side of Fareham Road and comprises shops, a drive-thru restaurant and coffee shop. An open car parking area and areas of open space are situated adjacent to Fareham Road. The application site incorporates an existing grassed area between the main retail building and Fareham Road, adjacent to the southern boundary and in the southwest corner of the wider site.

2. The Scheduled Ancient Monument (SAM) of Fort Brockhurst adjoins the site on its southern side with the Fort and its Redan located within 40m of the retail park boundary. To the southwest of the car park, and the site, is an existing sub-station which has a substantial temporary hoarding (2.4/3m high) on the southern boundary of the retail park, and its buildings (up to 3.6m high) located beyond this boundary. Within the southwest corner of the site, close to the application site, and two other locations within the wider retail park are internally illuminated totem signs, which are approximately 7.8 metres high by 2.75 metres wide and comprise the corporate logos of each of the occupiers of the units within the development.

3. On the western side of the A32, opposite the retail park, is a hotel; a leisure centre with a range of outdoor sports pitches; an ice rink; a pub/restaurant and an existing factory. The construction of a drive through coffee shop is currently taking place. To the north of these leisure facilities is a housing development in the Holbrook area of the Borough constructed in the 1980's. The nearest houses are 220m to the northwest of the site, on the opposite side of Fareham Road.

4. This application relates to the erection and display of two illuminated LED adverts. The adverts would be 6m wide, 3m high and would be 2m above ground level, giving an overall height of 5m. The adverts would be illuminated both during the day and at night, with static advertisements that would change every 10 seconds. The level of illumination would be controlled by sensors, being up to 7000 candela (cd) per square metre (sqm) during the day and 300cd per sqm at night.

Relevant Planning History

16/00598/FULL EIA - mixed use development comprising erection of class A1 retail units; class A3/A5 drive-thru restaurant unit and a coffee shop with drive-thru facility totalling 7,215 sq.m gja; provision of 392 car parking spaces and 238 cycle spaces., provision of open space and footpaths; provision of sports pitches with changing facilities; provision of highway works and access & egress; service yard; parking; landscaping; infrastructure; and associated works and improvements - permitted 15.11.17

18/00279/ADVT - erection and display of 3 double sided internally-illuminated totem signs and 1 triple sided internally-illuminated totem sign - consent 08.08.18

19/00375/ FULL - erection of 2no. commercial units (use class A1/A3/D2/beauty/tanning salon (sui generis)) (revised application to 18/00388/FULL) - refused 17.01.20

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

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), February 2019

Consultations

Local Highway Authority

No objection, subject to a planning condition limiting the advert illumination to no greater than 600 candela per square metres and no light source shall be visible from the highway.

Response to Public Advertisement

1 letter of support

Issues raised:

- proposals will enable retailer to advertise their products efficiently and flexibly as an advantage over traditional forms of static hoardings/billboards
- proposals are an excellent platform for keeping customers informed of new items and incentives

Principal Issues

1. The range of issues that can be taken into account when determining advertisement applications is much narrower than the considerations for planning applications. The only matters for consideration are the impact on the signage on amenity and public safety.

2. As acknowledged in the applicant's submission the NPPF indicates (para 132) that "The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

3. The National Planning Policy Guidance (NPPG) indicates that "Amenity" is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)). It indicates that if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

4. The Council's adopted Design SPD indicates that the overall design of individual advertisements, their size, their materials and their cumulative effect are all important factors in considering the impact of advertisements on a street scene. It also indicates that "the number of advertisements should be kept to the minimum necessary to convey the essential information."

5. Within the original planning permission for the retail development (16/00598/FULL) the Regulatory Board report, when referring to the open space being lost, indicated that "this element is being re-provided on the western edge of the site to provide a public park which provides a useable and potentially attractive open space", this being the land where this current application site is located. The report also indicated that "the siting of the building within the centre of the site has allowed for the provision of a large area of open space which will contain information boards relating to the history of the site, allows the Fort to be more visible from public views than it is at the present time and to a lesser degree replicates the 'fields of fire' of which the site historically formed part of."

6. It is noted that further development between the retail units and Fareham Road has also been refused (19/00375/FULL) due to concerns over those proposals location forward of the main retail building and within the more open 'field of fire' associated with the Scheduled Ancient Monument (SAM) of Fort Brockhurst, where the advertisements are proposed.

7. Having regard to the above, the impact of the proposed advertisements on the openness of this part of the Retail Park and the setting of Fort Brockhurst (SAM) are of importance in considering the amenity impact. There are strong concerns over the impact of the proposals on the setting of Fort Brockhurst and as previously noted in prior applications on this site, an important part of its illustrative value stems from the Fort's setting and should be a high quality open space that contributes to this. The surviving areas of open space illustrate the fields of fire from the Fort, particularly for small arms fire from the Redan at the front of the Fort, directly adjacent to the location of the proposed screens. Given that so much of the Fort is now surrounded by development, the remaining open space between the neighbouring developed areas and Fort are of high importance, particularly having regard to the intentions of retaining this open space.

8. The proposed advertisements are significant additions and represent an overly urban form of development in the context of the proximity to the SAM which is further exacerbated by the illumination proposed. This area of open space is particularly devoid of visual clutter, or intensive illumination when viewed from the north towards the Fort, and whilst technically part of the retail park, does have an entirely different character and appearance. Whilst the applicant suggests that the LED screens would provide screening of the Sub-station, it is considered that their appearance would actually draw more attention to it and are in themselves a harmful addition. This is exacerbated further by the additional height over the existing sub-station structure. Given the above the proposed signs will significantly encroach into the important green buffer between the retail park and SAM and are considered harmful to the setting of the SAM.

9. The applicant has highlighted a number of existing advertisements in the locality, however, whilst these are commercial in appearance they draw specific attention to the location of the businesses on those sites, are of more limited size and are of more appropriate siting. The proposals are, therefore considered to be an inappropriate addition to this location that would have a detrimental impact on the amenity of the area, and the setting of the Fort Brockhurst SAM, by reasons of their excessive size, location and illumination, contrary to Policy LP10 of the Gosport Borough Local Plan 2011-2029 and the The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

10. Due to their siting within the existing open space, the proposed advertisements would be highly visible from the A32 (Fareham Road). The Highway Authority has confirmed that they have no concerns relating to safety or distraction for users of the public highway, subject to a condition relating to the brightness of the screen. The maximum night time light levels would be 50% lower than the limits indicated by the Highway Authority, within their suggested condition. Whilst the levels of illumination during the day would be significantly higher, this is to take into account the brightness of the sun to ensure it is visible when viewed from the north, and would be automatically adjusted with appropriate sensors. It is considered that further details of the method of illumination and sensor controls could be secured by planning condition to address this issue, should the proposal be considered acceptable in other respects. Given their location adjacent to the site boundary, away from public thoroughfares and wholly within the retail park, and having regard to the Highway Authority comments, it is considered that subject to a condition relating to the illumination, the advertisements could be accommodated on the site without having a detrimental effect on public safety.

11. Whilst the comments in the representation are noted, any benefits to the retailers, in providing additional advertising space, do not outweigh the harm caused by the proposed adverts as outlined above.

Equalities Impact Assessment: No Implications

RECOMMENDATION: Refuse

For the following reason(s):-

1. The advertisements would, by reason of their excessive size, incongruous siting, and proposed illumination, within this more open area and in close proximity to the Fort Brockhurst Scheduled Ancient Monument (SAM), amount to an incongruous and visually obtrusive feature, detrimental to the amenity of the area and the setting of the SAM. The proposal is, therefore, contrary to Policy LP10 of the Gosport Borough Local Plan, 2011-2029, the aims and objectives of the Design Guidance: Supplementary Planning Document and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

ITEM NUMBER: 07.
APPLICATION NUMBER: 20/00343/FULL
APPLICANT: J French
DATE REGISTERED: 12.10.2020

RETENTION OF INFILL PANEL AND DOOR TO SIDE AND INCREASE IN HEIGHT OF BOUNDARY WALL TO 2.15M HIGH WITHIN REAR GARDEN
27 Dorrien Road Gosport Hampshire PO12 4RA

The Site and the proposal

1. The application site contains a two storey detached dwelling located at the junction of Dorrien Road and Fieldmore Road. The property has a white render finish under a tiled pitched roof. The site is approximately 35 metres long and approximately 12 metres wide, with a low brick wall to the front. The rear garden is enclosed by a 1.6 metre high brick wall bounding Fieldmore Road and a 1.8 high breeze block wall on the boundary with 25 Dorrien Road.

2. The proposal is for the retention of a 3 metre high timber infill panel with a door set back approximately 12.5 metres from the highway between 27 and 25 Dorrien Road that is level with the rear elevation of number 27. The application also seeks planning permission to increase the height of the boundary wall between 25 and 27 Dorrien Road to approximately 2.15 metres.

Relevant Planning History

Nil

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

LP10 Design

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

National Planning Policy Framework (NPPF), February 2019

Consultations

Nil

Response to Public Advertisement

1 letter of objection.

Issues raised:

- infill panel visible from the highway
- plan shows incorrect boundary
- safety concern over existing flue vent
- wall out of keeping eyesore
- reduced light to ground floor bathroom windows

Principal Issues

1. Issues of ownership and rights of access over the area are private legal matters between the interested parties. The applicant has confirmed ownership of the application site. Similarly safety concerns over existing vent pipes cannot be considered under this application and would be more appropriately addressed by a suitably qualified gas safe engineer. The main issues to be considered are therefore the appropriateness of the design of the proposal, and its impact on the appearance of the locality and the amenities of the occupiers of adjacent properties.

2. The infill panel is set back over 12 metres from the highway and is only visible through a 1.5 metre wide gap between the properties. As such it does not have a harmful impact on the streetscene and does not conflict with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

3. The siting of the infill panel between the two dwellings is such that it does not harm the amenities of the occupiers of adjacent properties and complies with Policy LP10 of the Gosport Borough Local Plan 2011-2029 in this regard.

4. The design of the wall is not dissimilar in height or appearance to other boundary treatments in the locality, with the existing blockwork finish being commonly used for garden walls and ancillary outbuildings. In design terms this element of the proposal is considered acceptable and complies with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

5. The wall is situated on the boundary of 25 and 27 Dorrien Road, with the proposed increase in height would only be 15 cm higher than could be built under permitted development. The ground floor windows adjacent to the wall at 25 Dorrien Road are obscure glazed and serve a bathroom. As such the proposed increase in height of the wall would not unacceptably impact on the amenities of the occupiers of neighbouring property. This element of the proposal is therefore considered acceptable in amenity terms and complies with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

Equalities Impact Assessment: No Implications

RECOMMENDATION: Grant Permission

Subject to the following condition(s):-

1. The development hereby permitted shall be carried out in accordance with the following approved plan including materials as listed on the approved plan:

Block plan

Site plan

Proposed north elevation

West elevation

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

ITEM NUMBER: 08.
APPLICATION NUMBER: 20/00375/FULL
APPLICANT: Mr & Mrs Seldon
DATE REGISTERED: 28.09.2020

ERECTION OF TWO-STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION

23 Testcombe Road Gosport Hampshire PO12 2EL

The Site and the proposal

1. This application relates to a two-storey semi-detached dwelling located on the north side of Testcombe Road. The site is some 30m deep and 10m wide and is bound by a 1.8m high fence on the eastern boundary and a low wire mesh fence on the western side. The dwelling is set back from the highway by some 6m. On the side elevation of the existing property there is a large L-shaped single storey extension that wraps around the north-eastern corner of the property by 2m. The extension is setback from the front elevation by 5.9m, is 3.8m wide and is set-off the eastern common boundary by 1.3m. It is 5.8m deep and projects 1.8m beyond the rear elevation. It is set-off the western boundary by 3.2m.

2. The adjacent dwelling 25 Testcombe Road is a similarly designed two-storey dwelling and set-off the common boundary by 0.8m. It has two ground floor windows in the side elevation, neither of which serve habitable rooms. The adjoining dwelling to the west, number 21, has a single storey rear extension 3.6m in depth. To the north of the site is Anglesey Gardens and Gosport Bowling Club. The site is located near an area identified as supporting a notable species (Breeding Swifts).

3. Planning permission is sought for the erection of a two-storey side extension and a single storey rear extension. The proposed two-storey side extension would be built upon the existing footprint of the single storey extension and would wrap around part of the rear elevation (by 2m) and would have the same width, depth and distance to the common boundaries as highlighted above. The proposed side elevation of the two-storey extension, at both ground and first floor level would be windowless. To the eaves of the proposed extension would be 4.8m, aligning with those on the existing dwelling and it would be 6.4m to the ridge of the hipped roof, which would be set down from the main ridge by 1.5m. On the front and rear elevations, windows of similar size and opening to those on the main dwelling would be installed, which are proposed to be replaced. This part of the development would be finished in materials to match the existing dwelling (render and clay tiles). The number of bedrooms would not be increased from three.

4. The proposed single storey rear extension would not project further than the adjoining dwellings existing extension at 3.6m in depth (from the house). It would have a pitched roof with an eaves height of 2.45m and a ridge height of 3.5m. Bi-folding doors would be installed on the rear elevation with a roof light on the roof slope. It would be finished in materials to match the existing dwelling (render and clay roof tiles).

5. This application is being referred to the Regulatory Board for decision as the applicant is employed by Gosport Borough Council.

Relevant Planning History

13/00069/FULL - erection of single storey side/rear extension - permitted 12.04.2013

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

LP1 Sustainable Development

LP3 Spatial Strategy

LP10 Design

LP44 Protecting Species and Other Features of Nature Conservation Importance

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), February 2019

Consultations

Nil

Response to Public Advertisement

Nil

Principal Issues

1. The main issues are: whether the design is acceptable; whether there would be a significant impact on amenity; and, whether there would be a likely significant impact on notable species.
2. The proposed two-storey side extension would increase the building bulk and reduce the visual gap between the application and adjacent dwelling. However, due to the setback position of the proposed two-storey element, the sympathetic roof form and the acceptable relationship between existing/proposed materials and windows, this part of the development is considered to be acceptable in design terms and would accord with Policy LP10 of the Gosport Borough Local Plan 2011 - 2029 and the Design SPD.
3. On the rear elevation, the limited scale in terms of height, projection and width of the single storey rear extension would be a subservient addition that would have an acceptable relationship with the existing and adjoining dwelling and would accord with Policy LP10 of the Gosport Borough Local Plan 2011 - 2029 and the Design SPD.
4. From the two-storey extension to the adjoining dwelling to the west there would not be a significant impact on amenity due to the distance separation. Any significant impact is most likely to occur with the adjacent dwelling, 25 Testcombe Road. It is noted that although this dwelling has obscure glazed windows at ground floor level they do not serve habitable rooms and there are no windows at first floor level. For these reasons, the impact on amenity with regards to loss of light is not considered to be significant and would accord with Policy LP10 of the Gosport Borough Local Plan 2011 - 2029
5. The proposed 1.8m rearward projection of the two-storey element has the potential to cause harm to the amenities of the occupiers of 25 Testcombe Road due to the presence of habitable bedroom windows at first floor level, their single storey rear extension and the location of the most private and useable part of their rear garden. Whilst the presence of the two-storey extension would result in some loss of outlook and increased sense of enclosure in the rear, it is considered that, when given the openness of the rear gardens, their depth and distance in excess of 1m from the side elevation of the extension to the boundary, any impact would not result in significant harm. On this basis, the two-storey element would not conflict with Policy LP10 of the Gosport Borough Local Plan 2011 - 2029.
6. Given the limited scale of the single storey rear extension, it is not considered that this part of the development would have a significant impact on amenity with regards to loss of light, outlook, privacy or increased sense of enclosure and would therefore accord with Policy LP10 of the Gosport Borough Local Plan 2011 - 2029.
7. Whilst the site is located near an area identified as supporting a notable species (Breeding Swifts), none have been identified on the application site and having regard to the location and character of the existing site, the proposal will not have a detrimental impact on these important species in compliance with Policy LP44 of the Gosport Borough Local Plan 2011-2029.

Equalities Impact Assessment: No Implications

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 (scale 1:1250, dated 26.09.2020)

Proposed Ground Floor Plan, Elevations and Section A-A Sheet 1 of 3 (dated 26.09.2020)

Proposed Layout Plan, First Floor Plan, Section B-B and Section C-C Sheet 2 of 3 (dated 26.09.2020)

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 for the elevations and roof slopes shall match in type, colour and texture, those on the existing dwelling unless otherwise agreed in writing by 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.

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