

Public Document Pack

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6 April 2021

S U M M O N S

MEETING: Regulatory Board
DATE: 14 April 2021
TIME: 6.00 pm
PLACE: Virtually
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	

- 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

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

All members are required to disclose at this point in the meeting or as soon as possible thereafter, any disclosable pecuniary interest or personal interest in any item(s) being considered at this meeting.

3. MINUTES OF THE MEETING HELD ON 24 FEBRUARY 2021

To sign the minutes of the meeting held on 24 February 2021 as a true and correct record.

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 April 12th 2021. The total time for deputations in favour and against 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 12th April 2021)

6. REPORT OF THE DEVELOPMENT MANAGER

Schedule of planning applications with recommendations. Grey sheets

7. ANY OTHER ITEMS

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Public Document Pack Agenda Item 3

Regulatory Board
24 February 2021

A MEETING OF THE REGULATORY BOARD WAS HELD ON 24 FEBRUARY 2021

The Mayor
Councillor Hook

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

40. APOLOGIES FOR NON-ATTENDANCE

An apology for non-attendance was received from Councillor Mrs Batty.

41. DECLARATIONS OF INTEREST

There were none.

42. MINUTES OF THE MEETING HELD ON 13 JANUARY 2021

RESOLVED: That the minutes of the meeting held on 13 January 2021 be signed as a true and correct record.

43. DEPUTATIONS - STANDING ORDER 3.4

Deputations were received on agenda item 6, item 1 of the grey sheets.

44. PUBLIC QUESTIONS - STANDING ORDER 3.5

There were none.

45. REPORT OF THE DEVELOPMENT MANAGER

20/00343/FULL - 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

Consideration was given to a report of the Development Manager requesting that consideration be given to planning application 20/00343/FULL.

Members had undertaken a virtual site visit from both the applicants and the neighbour's property.

A deputation from Miss Matthias, was read out by the Borough Solicitor and Monitoring Officer

The Development Manager advised the Board that land ownership matters were not material planning considerations and as such could not be given significant weight by

Members in their decision making and that Members' should only consider the planning merits of the proposal in design and amenity terms.

In answer to Member's question the Board was advised that the right to light was a private matter, however light in terms of outlook could form part of the amenity considerations, but it was highlighted that of the windows highlighted in the deputation one was relatively small in the flank elevation of the neighbouring property, facing in the gap between the two properties and was north facing. The other window in the rear elevation highlighted served a bathroom.

A deputation from the applicants, Mr and Mrs French was read out by the Borough Solicitor and Monitoring Officer

The Development Manager reiterated that many of the issues raised were not material planning consideration and should be disregarded.

In answer to a Member's question it was clarified that the wall was constructed in 2020 as was the infill panel. The wall, at its current height did not require planning permission, as it was permitted development. It was on the line of a previous boundary treatment, believed to be a 1.8 metre fence.

The Board was advised it was believed the infill panel was sought to prevent fumes from the neighbouring vent, it was believed that the increase to the wall was to allow the applicant to add additional height to the wall without cutting the blocks and to reduce the wall to less than 2 metres Mr French would be required to cut 30 blocks down to size.

It was understood that Miss Matthias was the owner of the neighbouring property.

In answer to a Member's question, the Board was advised that the height of the wall differed on each neighbour's side, as at the property number 25, the ground stood between 5 and 10cm lower.

The Board was advised that the height of a structure was measured from the natural ground level on which the structure sat. There were no signs of artificial ground raising or levelling and Dorrien Road had a natural slope to it accounting for the slight difference in height and in this instance an average of the two heights would be taken.

It was confirmed to the Board that the average height was 1.85 metres and the applicant sought permission to increase the wall to 2.15 metres. An increase up to 2 metres could be undertaken under permitted development, but an increase over that required planning permission. The Board was advised that the application sought permission to include an additional full block and capping to finish the wall.

It was clarified that currently the capping could be added and the wall would be less than two metres.

Members felt that there clear disagreement between the neighbours; it was felt that 2 metres was an acceptable height and that it was difficult to consider an increase when relations between the neighbours were unsettled.

Regulatory Board
24 February 2021

It was acknowledged that visual amenity was subjective with lower ground and would therefore look higher than at 27. It was already considered to be overbearing by the objector and some Members felt that this was shown at the site visit and that it would impact adversely to should it be higher than 2 metres.

The Board was advised that 2 metres was the limit for permitted development, walls could be constructed higher than that, but required planning permission. Members needed to consider what harm would be caused to justify a refusal, should they wish to refuse the application to increase the wall to higher than 2 metres.

The Board was advised that generally in the neighbouring area boundaries were fences of 1.8 metres, but this did not prevent construction of a 2 metre wall.

Members felt from the site visit the wall had shown the proposal was overbearing and unnecessary and that this was the perceived harm.

The Board was advised that the proposed increase was for an increase in height of 6 inches. Some Members felt that there was not sufficient justification for refusing the application under planning legislation.

Members acknowledged that there needed to be a sufficient planning reason for refusal should that be proposed.

Members accepted that the reasoning for the proposed increase was not relevant to the Board, but felt there was an adverse impact on the neighbouring property's amenity as the proposal was overbearing.

Members recognised that the wall could be increased to 2 metres, which was half of the proposed increase, without requiring planning permission. Members accepted that the neighbours did not see eye to eye, however this was not a material planning consideration.

Members felt that the policy was contrary to LP10 and expressed concern that there would be an increase in height to many garden fences, impacting on the community feel to properties. It was felt that there should be extraordinary circumstances to increase the boundary above 2 metres and that this application did not do that. It was reiterated that an increase to 2 metres could be made to finish the wall and provide a good atheistic appeal.

It was proposed and seconded that the application be refused as the increased height of the wall would have an unacceptable overbearing impact on the occupier of the neighbouring property detrimental to their residential amenity, contrary to Policy LP10 of the Local Plan. The Board was advised that if the infill panel was deemed acceptable, the reason for refusal only needed to reference the wall.

It was confirmed to the Board that the applicant would still be able to construct the wall to two metres under permitted development if the application was refused.

The Board was advised that it was difficult to make a split decisions on the differing elements of the proposal, if it was only the wall that Members were seeking to refuse, if the infill panel was deemed acceptable the reason for refusal would need to solely acknowledge that and a tacit approval would be given to the infill panel to ensure enforcement action wasn't taken.

It was confirmed to the Board that enforcement action was discretionary and carried out where there was justification for it to be carried out. Whilst planning permission would not be granted for the infill panel if the application was refused, permission could be applied for separately for the infill panel. The Development Manager also agreed that a letter could be placed on the file, detailing the outcome of the application and highlighting that there was no expedient need for enforcement action.

In answer to a Member's question, the Board was advised that both elements of the proposal required planning permission and that the infill panel had already been built, that element was therefore retrospective. The increase height to the wall was prospective. Concern was expressed that the infill panel could be used as a tool in the neighbour dispute.

The Development Manager advised that if Members were satisfied with the infill panel, this would be recorded in the minutes.

Members advised that they were satisfied with the application for the retention of the infill panel and they wished to object to the proposed increase in height to the wall.

The Board was advised that it was not possible to take a vote on the two elements of the proposal separately, but the minutes could clearly indicate the separation of the two elements. The Board was advised that it was possible to defer the application and ask the applicant to resubmit it without the application for the wall.

The Board was advised that the most appropriate option would be the refusal of the application, and the noting of the satisfaction with the infill panel.

RESOLVED: That the application be refused as the increased height of the wall would have an unacceptable overbearing impact on the occupier of the neighbouring property detrimental to their residential amenity, contrary to Policy LP10 of the Local Plan and that it be noted that the proposal for the retention of the infill wall was accepted.

46. ANY OTHER ITEMS

There were two appeal related matters, a MIB has been sent to Members regarding Hanger Homes proposal at Daedalus... The Inspector dismissed the appeal and in doing so upheld three of the four substantive reasons for refusal. The reason related to car parking was not upheld as the Council was unable to provide evidence in support of its position due to the pandemic causing an unrepresentative situation with parking at the existing Control Tower car park.

There had been an application for a cross boundary an access road off Brookers Lane to serve a proposed housing development in Fareham Borough.

Notice of an appeal against this Council's refusal and had been received and it was understood that an appeal on the grounds of non-determination had been made for the Fareham application. The Planning Inspectorate has indicated that they will link the two appeals such that they will be considered together. The appeal procedure has not been finalised although it is anticipated it may be by way of an informal hearing. Confirmation of this from the Planning Inspectorate together with the start letter which will set the timetable for the appeal process and triggers the initial publicity would be sent in due course. In the interim discussions will be held with colleagues at Fareham to establish what position they will be taking. Members would be updated in due course when more information is received from the Planning Inspectorate.

CHAIRMAN

Concluded at 7.24 pm

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GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

14th April 2021

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.

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<u>Item</u>	<u>Page No</u>	<u>Appl. No.</u>	<u>Address</u>	<u>Recommendation</u>
01.	3-6/1	21/00032/FULL	48 Bayntun Drive Lee-On-The-Solent Hampshire PO13 9JY	Grant Permission
02.	7-12/1	21/00092/FULL	Bay House School Gomer Lane Gosport Hampshire PO12 2QP	Grant Permission subject to Conditions
03.	13-14/1	21/00100/FULL	112 St Thomas's Road Gosport Hampshire PO12 4JX	Grant Permission subject to Conditions

ITEM NUMBER: 01.
APPLICATION NUMBER: 21/00032/FULL
APPLICANT: Deeta Sutton
DATE REGISTERED: 26.01.2021

CONVERSION OF GARAGE AT 48 BAYNTUN DRIVE TO FORM GRANNY ANNEX AND ALTERATIONS TO ELEVATIONS TO INCLUDE REMOVAL OF DOORS AND INSTALLATION OF WINDOWS
48 Bayntun Drive Lee-On-The-Solent Hampshire PO13 9JY

The Site and the proposal

1. This application relates to the single storey double garage adjacent to the main dwelling of 48 Bayntun Drive, a four bedroom detached dwelling located on the north-west side of the road. This existing garage adjoins a single garage serving the neighbouring dwelling to the south, no.50, to form a block of three. The existing roller shutter openings are some 2.35m wide by 2m high. On the front roof slope, two roof lights are located above each of the shutters. Internally, the space is some 5.8m deep by 6.25m wide, although it should be noted that this space, having previously been the show house during the sales process, is already converted internally for use as ancillary living accommodation. In front of the garage is a driveway that is approximately 13m wide (from the boundary to the edge of the existing flower bed) and 9.25m deep.

2. Planning permission is sought for the conversion of the garage at 48 Bayntun Drive to form a granny annex and alterations to the elevations to include the removal of doors and the installation of windows. Internally, the garage space would be converted to form an annex, including an en-suite, bedroom and kitchen. Primary access to the annex would be through existing patio doors located on the north-eastern elevation and via the garden of the application property. On the front elevation, the roller shutter doors would be removed and part infilled with red brick to match that on the existing garage, with two windows of a similar scale (some 1.25m high by 0.9m wide) and pattern of glazing to those on the main dwelling.

3. The submitted drawings indicate that the parking arrangements on the front forecourt would be altered by the proposal with a flower bed being removed and one vehicular space located in this area, 2.4m wide by 4.8m deep. The two existing forecourt spaces located in front of the garage would be moved to the west with both proposed spaces some 2.4m wide by 4.8m deep. Between the relocated spaces and the new spaces would be a gap of approximately 1m.

4. The planning permission for the wider development included a condition that garages be kept available for parking.

Relevant Planning History

14/00369/VOC - variation of conditions 2, 7, 8, 10, 12, 13, 15, 16, 18, 21, 22, 23, 25, 26, 27, 28, 29, 30 and 31 of planning permission reference 13/00431/FULL to allow revised car parking layout and installation of solar pv panels (as amplified by specification for archaeological evaluation received 17.3.15 and plans received 25.03.15) - permitted 27.11.2015

Condition 28 stated:

No dwelling shall be occupied until the car parking areas for that dwelling have been laid out and provided in accordance with the details shown on plans ST-05-17A, Single Garage, Double Garage and Triple Garage unless otherwise agreed, in writing, by the Local Planning Authority. The car parking area shall be retained for that purpose at all times thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure a satisfactory level of car parking is provided on site and to comply with the NPPF and Policies LP10 and LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/T3 and R/T11 of the Gosport Borough Local Plan Review.

Any covenant/deed restricting the use of the garage would be a private legal matter and is not material to the determination of this planning application. The main issues are therefore whether: there would be a significant impact on amenity including the future use of the building; whether the design is acceptable; and, whether the loss of the garage parking is acceptable.

2. The use of the garage for residential purposes ancillary to the existing dwelling given its separation to neighbouring dwellings is not considered likely to result in an unacceptable increase in noise or disturbance. Given the limited degree of the proposed window openings and separation to neighbours, it is not considered that the development would result in a loss of light, outlook, privacy or sense of enclosure. To ensure the use of the building remains ancillary to the use of the main dwelling, it is considered that a condition restricting the use as such would be necessary. For these reasons and subject to a condition, the development would protect the standard of residential amenity and would accord with Policy LP10 of the Local Plan.

3. The removal of the roller shutter doors and their replacement with windows that are sympathetic in size, materials and pattern of glazing to those on the existing dwelling and wider estate are considered to be acceptable in design terms and would not result in significant harm to the character and appearance of the recipient dwelling or the wider streetscene. On this basis, the proposal is acceptable on design grounds and would accord with Policy LP10 of the Local Plan and Design SPD.

4. The Parking SPD indicates that a four or more bedroom dwelling should be served by three off-road spaces and the proposal does not increase this requirement. As the current use of the garage is unauthorised, its loss would result in the loss of two garage parking spaces, if it returned to its lawful use. As part of the proposal, the applicant has submitted a site plan indicated the provision of a third space, to replace the existing flower bed adjacent to the side elevation of the dwelling. The provision of this additional parking space can be secured through the imposition of a suitably worded planning condition.

5. A number of representations indicate that this application could lead to an increased parking pressure locally if the occupancy increases, given competition is already high and the property already has multiple vehicles parked outside, that at times, can make it difficult for other road users to pass. However, the planning system cannot enforce the driving standards, behaviour or the use of the Highway Code of members of the public or the applicant. Any obstructions to the highway could be addressed under separate legislation and would not be a sustainable reason for refusing this application.

6. Whilst it is noted that the three proposed spaces are modestly undersized (0.1m per space short in width), the harm would occur within the applicant's boundary, where vehicles could be accommodated without overhanging the footway or causing harm to users of the highway. As the proposal would provide a level of parking in accordance with the Parking SPD, it is considered that the proposal would comply with Policy LP23 of the Local Plan.

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 plans:

20-10-48BD-2050 REV P1 - Location and Block Plans

20-10-48BD-2011 REV P1 - Planning Elevations and Sections

20-10-48BD-2010 REV P1 - Proposed Elevations

20-10-48BD-2001 REV P1 - Roof Plans

20-10-48BD-2000 REV P1 - Ground Floor Plans

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

2. a) Within 3 months of the occupation of the annex or the commencement of any part of the development, whichever is the sooner, the facilities shown on approved plan S20-10-48BD-2000 REV P1 - Ground Floor Plans; for the parking of vehicles shall be 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.

3. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 2020 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending, revoking or re-enacting these Orders with or without modification), the development hereby permitted shall only be used as accommodation ancillary to 48 Bayntun Drive, Lee-On-The-Solent, Hampshire, PO13 9JY; and for no other purpose whatsoever without the prior express permission of the Local Planning Authority.

Reason - To prevent the annex from being used as a separate dwellinghouse or letting and to safeguard the amenities of neighbouring properties in accordance with Policies LP10 and LP24 of the Gosport Borough Local Plan 2011 - 2024.

4. The materials to be used shall match in type, colour and texture, those on the existing garage 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.

ITEM NUMBER: 02.
APPLICATION NUMBER: 21/00092/FULL
APPLICANT: Gosport & Fareham Multi Academy Trust
DATE REGISTERED: 26.02.2021

**DEMOLITION OF FIVE CLASSROOMS IN SOUTH-WEST CORNER OF THE SITE AND
ERECTION OF SINGLE STOREY REPLACEMENT BUILDING WITH ASSOCIATED
LANDSCAPING TO PROVIDE TEACHING SPACE AND MARINE & MARITIME CAREERS
CENTRE (as amended by plans received 30.03.2021)**
Bay House School Gomer Lane Gosport Hampshire PO12 2QP

The Site and the proposal

1. This application relates to Bay House School and 6th Form [herein referred to as the school], a large secondary school for years 7 to 13 including provision of 6th form learning for 16-18 year olds, with over 2,300 pupils. The school is located on the southern side of Gomer Lane, with Stokes Bay Mobile Home Park to the west, a four storey block of flats to the north and The Seahorse Public House and detached housing to the north-east. To the east of the school is Stanley Park, a green space with dense tree cover and to the south of the site are playing fields.
2. The overall school site is substantial in terms of its size (0.99ha) and there a number of Grade II Listed Buildings located on the school premises, notably: the Lodge, Gates and Boundary Wall of Bay House School on the northern side of the site and the former mansion of Bay House School built in 1832 as Ashburton House at the southern end of the site. To the south-west of the school is the locally listed Gosport Lines from Battery No.2. A gate at the south-western part of the site leads to a footway connecting to Battery No.2 East Car Park and the grassed fields on the northern side of Stokes Bay Road.
3. The school site is largely comprised of a number of rectangular plan form buildings between one to two stories high running generally north to south.
4. Planning permission is sought to demolish five classrooms in the south-west corner of the site and erect a single storey replacement building with associated landscaping to provide a teaching space and marine and maritime careers centre. The five existing 'temporary' classrooms are second hand stock from Hampshire County Council and have been on the school site for approximately 35 years. Section 2.4 of the Design and Access Statement states: "the classrooms have slowly deteriorated with time taken up to re-board, insulate and refurbish the internal spaces. The roofs have had multiple patch work repairs carried out and the windows/doors have been replaced with double glazed units. This still does not assist with making the internal environment for students any more comfortable or the building becoming any more energy efficient. They are noisy, cold and aesthetically unappealing, especially when viewed in the context of the adjacent grade II listed main school building".
5. The gross internal area (GIA) of the five current classrooms amount to 667.3m² that would be increased to 952.1m² GIA through the proposal (an increase of 284.8m² GIA). The proposed building would be orientated in an asymmetric 'T-shape' broadly on the footprint of the existing classrooms.
6. The proposed western elevation of the proposed building (facing towards the mobile home park) would be some 46.8m in length, 4m to the highest part of the pitched roof and 3.1m to the lowest part of the roof. Roof lights would be installed on the pitched roof element. Each classroom would have its own door. Classroom windows and doors would be installed on the western elevation but there would be a distance of some 25m from these windows with the boundary to the west. Projecting from the west elevation by 18m would be a flat roof section of building that would have a sedum green roof, at some 4m to the eaves. On the western part of this building, only doors would be installed and from the edge of the projection to the boundary of the school would be a distance separation of approximately 5m.
The eastern elevation would be similar in appearance to the west elevation. On the proposed south and northern elevations of the building, windows of a similar size and appearance to those on the

western elevation would be installed with additional access doors. In terms of materials, the building would be finished in a mixture of vertical timber cladding, off-white/white rendered walls and feature rendered panels, with UPVC windows, aluminium and steel doors and plastisol coated steel fascias/soffits.

7. Internally, the two marine classrooms would occupy the western part of the building. A proposed 4m² plant room would be located on the eastern side of the building, some 46.5m distant from the nearest residential properties. Toilet facilities would be located centrally in the block. A distance separation of some 2m with the retained building to the east would be retained.

8. There are no trees on the site that are protected by a preservation order (TPO) and the submitted tree protection plan indicates one tree (T2, beech) would be felled to facilitate the works.

9. Section 7 of the Design and Access Statement indicates the access to the classroom would primarily be taken the continuation of hard paving leading from the main internal site access road with similar main entrances are also available on the south elevation. The drawings indicate a level of hard and soft landscaping around the outskirts of the building, although no details have been provided.

10. This application has been brought before the Regulatory Board for determination as the applicant (an employee of the Academy Trust) as shown on the application form has been appointed as an Independent Person by the Council.

Relevant Planning History

There is an extensive planning history for this site however none is considered relevant to the determination of this application.

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
- LP13 Locally Important Heritage Assets
- LP17 Skills
- LP23 Layout of Sites and Parking
- LP32 Community, Cultural and Built Leisure Facilities
- 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

Supplementary Planning Documents:

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

Gosport Borough Council Parking: Supplementary Planning Document: February 2014
Hampshire County Council Developers Contributions towards Children's Services Facilities
December 2013

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".

Consultations

The Gosport Society	No objection, subject to the following observations: - the removal of temporary buildings is welcomed - a medium term plan to remove further similar buildings from the setting of the Listed Building would be welcomed - tree planting and landscaping should be sought; and, - a clear ground level should be established as the site ground levels vary.
HCC Ecology	No response received.
HCC Public Health Team	No response received.
Building Control	No objection. Notes potential area of concern relating to space separation to prevent fire spread between the new and existing buildings that is shown as a minimum of 2m. Building Bulletin BB100 guidance for fire safety design in school buildings should be followed.
Environmental Health	No objection from a noise or pollution perspective.
Streetscene Parks & Horticulture	No objection subject to measures for the protection of trees in the Arboricultural Impact Assessment being followed.

Response to Public Advertisement

1 letter of objection

Issues raised:-

- will the fences be retained as with the proposed increase in the number of windows looking towards properties to the west, this could increase overlooking
- is this going to be an evening/night time disturbance outside normal school hours associated with the marine careers centre?
- Will there be a change in the access to these new buildings? at the moment the large metal school gate next to our building is locked all day, our concern is whether this gate will be used evenings/night time?

1 letter of support

Issues raised:-

- the benefit to the pupils, children and community of Gosport is vitally important. The creation of the Marine & Maritime facility is really great new for Gosport and the long term future of the Gosport community.

Principal Issues

1. This proposal does not include the removal or replacement of any existing boundary fences. The main issues are, therefore, whether: the development is acceptable in principle; the design is acceptable and the impact on heritage assets; there would be a significant impact on amenity; and, whether there is sufficient parking,
2. Policies LP1 and LP3 encourage development within the urban boundary area of Gosport, which the site is within and Policy LP17 of the Gosport Borough Local Plan 2011 - 2029 highlights the need to improve the skills of the local population as one of the most critical issues for the Borough's economy and its residents. It is important for the Borough Council to facilitate the creation of improved and new facilities to enable training and learning. The proposed development would provide enhanced classrooms and marine training classrooms. In principle, and subject to detailed matters on design, highways/parking, amenity and ecology, the development is therefore considered to be acceptable.
3. The formal setting of the Grade II Listed Bay House School has been eroded to the rear and sides by the 20th Century additions, for example, modern buildings, hardstanding, services and car parking, but these serve an essential function purpose to allow the campus to operate as a modern educational facility serving the wider community.
4. The site of the proposed new building currently consists of five temporary classrooms that are beyond their useful life span and are in a dilapidated condition and whose appearance detracts from the setting of the main Listed Building. The proposed new building is contemporary in design terms, single storey and well-proportioned, occupying a larger area than the existing classrooms, though on a single footprint which serves to provide a more formal arrangement of accommodation. The scale and design of the new building respects the setting of the Listed Building and is visually distinct in terms of separation and would not compete for dominance or presence within the setting. The removal of the existing classrooms and their replacement with the building proposed will improve the immediate setting of the Listed Building.
5. Whilst noted on plan form, the variety of proposed building materials and proposed hard and soft landscaping, such as furniture, plants, paving, bollards, etc. have not been provided in sufficient detail. However, as the overall scale of the building and its siting is considered acceptable, it is considered these details could be secured through the imposition of a planning condition. On this basis, the proposed new building would preserve the setting of the Listed Building and for similar reasons the setting of the locally listed Gosport Lines from Battery No.2, in accordance with Policies LP11 and LP13 of the Gosport Borough Local Plan 2011 - 2029.
6. Initial comments from the Council's Conservation Consultant indicated that the proposed building should not extend further forward of the principle elevation of the Listed Building. This is because the lawned area to the front of the Listed Building remains relatively unaltered and therefore incremental encroachment to the side would detrimentally impact upon its setting. The applicants have submitted amended plans detailing a modest amendment to the proposed siting of the building, with its alignment no further forward than the existing Listed Building. On this basis, the proposed siting of the building would preserve the setting of the Listed Building and would accord with Policies LP10 and LP11 of the Gosport Borough Local Plan 2011 - 2029.
7. The plans indicate that one tree, (T2, beech) would be felled to facilitate the works. The arboricultural impact assessment indicates this tree is in a good condition with a likely life span of 40 years or more. Whilst the loss of one tree in a healthy condition would be regrettable, through the use of soft landscaping, which is proposed to be secured by condition, it is considered that any harm arising from its loss could be mitigated. The arboricultural impact assessment also includes measures to protect the other trees on the site. Given the importance of the remaining trees to the setting of the Listed Building and character of the overall site, a condition could be imposed to secure the implementation of these measures. With conditions, the impact on the trees would be acceptable and would accord with Policy LP10 of the Gosport Borough Local Plan 2011 - 2029.

8. Although the proposed building would increase the teaching floor space by 284.8m² GIA, it is not considered that this would significantly increase the level of noise and disturbance or light pollution for local residents, given the size and use of the existing site as an educational facility. The application form indicates hours of use from 6am to 10pm, Monday to Sunday including Bank Holidays. Given the potential for extra-curricular activities associated with the proposal, the increase in windows facing Stokes Bay Mobile Home Park to the west and the wider function of the site there is potential for some degree of harm to neighbours arising from the proposed building/use. However, it is noted that the western elevation of the building would be 25m east of the nearest neighbours, the hours are not considered to be unreasonable and the disturbance above the existing situation is not considered to be significant. Whilst the concerns of neighbours are noted in respect of the use of the pedestrian access gate, the Council would have no control over the schools existing use of this gate and would be difficult to enforce any planning conditions. For these reasons, the development would accord with Policy LP10 of the Gosport Borough Local Plan 2011 - 2029.

9. The supporting information indicates that although the teaching space would increase by 284.8m² GIA, the staffing numbers and level of parking would remain unchanged and under the Adopted Parking SPD, if there are no changes in the staffing numbers, there may be no need for additional parking to be provided. Given the scale of the existing site and the improvement to teaching facilities, it is not considered that the development would result in a harmful overspill of parking. The proposed building would appear to be built over the existing internal path, which will need to be re-routed in order to maintain pedestrian access. These details are shown in outline on the submitted plans, but no specific details have been provided. However, this matter could be controlled as part of a planning condition. In this respect, it is not considered that the needs of the development would have a harmful impact on parking locally, and subject to a condition to secure details in respect of a pathway (hard landscaping), the development would accord with Policy LP23 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:

2027-MEB-XX-00-DR-A-3-100 P1 - Location Plan

2027-MEB-XX-00-DR-A-3-106 P2 - Proposed Site Plan

2027-MEB-XX-00-DR-A-3-102 P1 - Proposed Floor Plan

2027-MEB-XX-00-DR-A-3-104 P1 - Proposed Roof Plan

2027-MEB-XX-00-DR-A-3-105 P1 - Proposed Services Plan

2028-MEB-XX-00-DR-A-3-103 P2 - Proposed Elevations

Arboricultural Impact Assessment and Method Statement, prepared by Scott Tree Services LTD (dated 12.02.2021)

Tree Protection Plan (dated 12.02.2021)

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policies LP10 and LP11 of the Gosport Borough Local Plan 2011-2029.

3. 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 Policies LP10 and LP11 of the Gosport Borough Local Plan 2011-2029.

4. a) The development hereby permitted shall not be occupied until
- i) a detailed landscaping scheme (to include all hard surfaces and planting) that shall have been submitted to approved, in writing, by the Local Planning Authority; and
 - ii) the approved hard landscaping approved pursuant to part a)i) of this condition has been completed.
- b) The approved planting scheme shall be implemented within the next planting season following first occupation of the development.
- c) 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.

5. a) Development shall not commence until the tree protection measures set out in Tree Protection Plan (dated 12.02.2021) and Arboricultural Impact Assessment and Method Statement, prepared by Scott Tree Services LTD (dated 12.02.2021); 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.

ITEM NUMBER: 03.
APPLICATION NUMBER: 21/00100/FULL
APPLICANT: Ms Dominique Allison
DATE REGISTERED: 12.03.2021

ERECTION OF DETACHED GARAGE
112 St Thomas's Road Gosport Hampshire PO12 4JX

The Site and the proposal

1. The application site contains a two storey mid terraced property located on the northern side of St Thomas's Road. It has an extensive rear garden approximately 40 metres long which backs on to a rear service road. The service road separates the application property's rear garden from those located on Priory Road.
2. St Thomas's Road comprises predominantly of similar two-storey terrace dwellings finished in brick with tiled roofs. The established residential character of the locality is of family homes.
3. Following the demolition of the existing garage, it is proposed to erect a garage at the end of the garden constructed of brick with a tiled roof with a velux roof window, a roller shutter garage door facing the service road and a rear door and window facing back towards the house. The garage structure will measure 4.5 metres in width, 4 metres in height with an eaves height of 2.8 metres and 7.2 metres in length.
4. This application has been brought before the Regulatory Board for determination as the applicant is an employee of the Council.

Relevant Planning History

Nil

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

LP10 Design

LP23 Layout of Sites and Parking

Supplementary Planning Documents:

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

Gosport Borough Council Parking: 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 to be considered in the determination of this application are whether the proposed garage is acceptable in design terms, the impact of the proposal on the residential amenities of the occupiers of neighbouring properties and any impact upon highway or pedestrian safety.

2. It is considered that the overall scale and form of the proposed outbuilding is acceptable given it would be sited behind the terrace of houses that reduces the visual impact of the building on the street scene. There are many examples of garages all along the service road with no one design being prominent with the scale and design of the proposal being considered acceptable in this context. The proposal is acceptable in design terms and accords with Policy LP10 of the Gosport Borough Local Plan and the Design Guidance: Supplementary Planning Document in this regard.

3. The building the subject of this application would be visible from the service road and neighbouring properties over boundary walls and fences, however, its scale and siting are such that it would not result in an unacceptable loss of light, overshadowing or other impact that would harm the residential amenities of neighbouring occupiers. The proposal is acceptable in amenity terms and accords with Policy LP10 of the Gosport Borough Local Plan in this regard.

4. The plans indicate that the garage is to be set back from the site boundary with the adopted service road and fitted with an automatic roller shutter door. A suitably worded condition will ensure that the garage door does not open over the highway. The proposed garage would not be detrimental to pedestrian safety or parking or traffic conditions in the locality and accords with Policy LP23 of the Local Plan in this regard.

Equalities Impact Assessment: No Implications

RECOMMENDATION: Grant Permission

Subject to the following condition(s):-

1. The development hereby permitted must begin 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, 1980 (as amended)

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan & Plans received 12.03.2021.

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 door in the north facing elevation of the garage hereby approved shall be installed in such a manner as to be incapable of opening over the adjacent public highway and shall be so maintained thereafter.

Reason - In the interests of highway safety and to comply with Policy LP23 of the Gosport Borough Local Plan 2011-2019.