

# Public Document Pack

*Please ask for:*

**Lisa Young**

*Direct dial:*

**(023) 9254 5340**

*Fax:*

**(023) 9254 5587**

*E-mail:*

**[lisa.young@gosport.gov.uk](mailto:lisa.young@gosport.gov.uk)**

**Tuesday, 1 June 2021**

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

**MEETING:** Regulatory Board  
**DATE:** 9 June 2021  
**TIME:** 6.00 pm  
**PLACE:** Thorngate Hall  
**Democratic Services contact:** Lisa Young

PAUL GRANT  
BOROUGH SOLICITOR AND MONITORING OFFICER

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## **MEMBERS OF THE BOARD**

Councillor Burgess (ex-Officio)  
Councillor Hook (Mayor) and Councillor Mrs Hook (Chairman)

Councillor Mrs Batty	Councillor Mrs Jones
Councillor Carter	Councillor Miss Kelly
Councillor Casey	Councillor Mrs Morgan
Councillor Earle	Councillor Murphy
Councillor Foster-Reed	Councillor Westerby
Councillor Hammond	

## **FIRE PRECAUTIONS**

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

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

### **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**

1. APOLOGIES FOR NON-ATTENDANCE

2. ELECTION OF VICE CHAIRMAN

To elect from the Members of the Board a Vice Chairman for the municipal year 2021-2022.

3. 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.*

4. MINUTES OF THE MEETING HELD ON 14TH APRIL 2021

5. 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 7<sup>th</sup> June 2021. The total time for deputations in favour and against shall not exceed 10 minutes)*

6. 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 7<sup>th</sup> June 2021)*

7. REPORT OF THE DEVELOPMENT MANAGER

*Schedule of planning applications with recommendations. Grey sheets.*

8. ANY OTHER ITEMS

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# Public Document Pack Agenda Item 4

Regulatory Board

14 April 2021

## **A MEETING OF THE REGULATORY BOARD WAS HELD ON 14 APRIL 2021**

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

### **47. APOLOGIES FOR NON-ATTENDANCE**

An apology for non-attendance was received from Councillor Mrs Jones, who was substituted by Councillor Hook

### **48. DECLARATIONS OF INTEREST**

There were none

### **49. MINUTES OF THE MEETING HELD ON 24 FEBRUARY 2021**

RESOLVED: That the minutes of the meeting held on 24<sup>th</sup> February be signed as a true and correct record.

### **50. DEPUTATIONS - STANDING ORDER 3.4**

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

### **51. PUBLIC QUESTIONS - STANDING ORDER 3.5**

There were none

### **52. REPORT OF THE DEVELOPMENT MANAGER**

#### **21/00032/FULL- CONVERSION OF GARAGE 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**

Consideration was given to a report by the Development Manager requesting that consideration be given to planning application 21/00032/FULL.

A deputation from The Lee Residents Association was read out by the Borough Solicitor and Monitoring Officer.

The LRA objects to this Planning Application on the grounds that it does not conform to GBC Parking Standards as the proposed alternative parking area, without using the garage, is inadequate for the property. The attached photos illustrate that even with removing the garden borders there is still insufficient room to access both sides of 3 parked vehicles nor open the doors. Already the prevalence of parking on walkways and cause obstructions in this modern estate is evidence that

neither in this Barratt's Development (nor in the adjoining MoD married quarters) is parking provided to the Gosport SPD parking standard. The implementation of this application, permitting the conversion of a double garage into a self-contained property will allow more rooms within this dwelling and former garage to be rented out, an activity currently witnessed by neighbours and advertised in property papers. This multiple occupation will have a commensurate requirement for additional parking.

It is advised that if this is approved it will also be setting a precedent that owners may breach the modern estate owners Client Charter, a schedule on the TP1 Land registry agreement which states: *"10. Not to use the garage (if any) on the property other than exclusively as a private garage for the keeping therein of a private motor car a motorcycle or horticultural nature & not carry out trade or business in or from such garage & not to use the same for the storage of goods in connection with or ancillary to any trade or business carried on at the Property or other than in accordance with the requirements of the planning consent permitting the construction of the property."*

*"11. Not to obstruct or allow to be obstructed the Estate Roads the Maintenance Property Reciprocal Rights of way forecourts (save for the designated parking areas which may be used for parking private vehicles) & footpaths not allow oil or any other material to accumulate thereon and not to do or suffer thereon & not to do or suffer thereon anything which may be a nuisance to the owners or occupiers of any adjoining or neighbouring property & to indemnify the Transfer in respect of any breach of this covenant."*

We attach photographs which illustrates the issues raised by local residents. By the current standards of sub-letting carried out from this property it already causes obstruction and creates dangers to both road users and pedestrians by restricting sight lines. Allowing the garage to be converted into additional accommodation the Council would be complicit in the breach of both of the above quoted provisions of the owner's charter.

The LRA is surprised that this Board will approve changes in a modern estate that this Council has recently approved under planning rules that demonstrate the spirit of Gosport Policy LP10 to identify Good Design, Development for Public realm and open space. It also appears to follow the SPD on Design Guidelines, a policy specifically to improve community and harmony in a neighbourhood. Therefore, allowing a compromise on these principals will not only impact on these commendable Gosport aspirations that carries the legal risk of acting complicitly to allow one owner to breach the owner's charter. This seems a surprising risk to the reputation of the Council as well as to the public purse.

Officers responded to a Members question by explaining that the building was originally used as the sales office for the development, is fitted out as such and has never been used as a garage.

Members were advised that the officers did not see any reason to revisit the parking issue in light of the deputation as the issue is covered in the report on the agenda.

Members were advised that the Charter referred to in the declaration was not a material planning consideration and should not form part of Members deliberations.

Regulatory Board  
14 April 2021

A deputation from Robin Lomax was read out by the Borough Solicitor and Monitoring Officer.

My client has asked me to respond to the neighbour's comments/objections that relate to the above application, as there are a number of inaccurate statements embodied within them. I will detail these individually below:

That my Client Wants to Convert This Space into an Independent 'Stand-alone' Annex

This garage structure was originally occupied by the developer of the HMS Daedalus Estate, who utilised it as their site office and when my client bought this house the garage structure was fitted out as a liveable, dry-lined space. The garage doors, although openable, cannot be driven through, therefore no parking spaces are being lost.

It is my client's proposed intention that this space be converted into a bedroom space with associated ensuite & kitchenette to allow her son to remain part of the household, but live independently when he wishes - i.e. an extension to the household.

To confirm this space will not be occupied at any time other than for purposes incidental to the residential use of the dwelling of 48 Bayntun Drive, as a single dwelling house.

That the Household is a HMO [House in Multiple Occupation]

My client has assured me that this is definitely not the case, the family take lodgers under the governments 'rent a room scheme', with a maximum of only two at any one time. When I visited there, it was clear to me that this is the family home not a property that is rented by three or more tenants who aren't part of the same household.

That this Development will Increase On-Street Parking

Integral within the proposed application is to increase the households parking spaces to 3 spaces to meet 'Gosport Borough Council's Parking: Supplementary Planning Document' for a 4+ bed house, therefore reducing the need for 'Off-Street Parking'.

My client explains the local parking problem as follows '*There is a parking issue on the double bend in the part of the street prior to ours; where because of parking on both sides of the road and the path around the whole bend, blind spots are created and room for traffic to only travel in one direction most of the time. This is not exacerbated by parking from our home (as is suggested) on any level and is fine if people proceed with due care and attention at a reasonable speeds*'.

Members were reminded that whether the occupancy of the residence was by a family or rented to tenants was not a planning consideration.

Members were advised that the development was built at a time when the minimum parking standards that were in operation are significantly lower than current standards, but officers were satisfied that the proposed parking met the SPD.

Members felt that the parking proposed was adequate.

RESOLVED: That the application was approved subject to the conditions in the report of the Development Manager.

**21/00092/FULL 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**  
**Bay House School, Gomer Lane Gosport Hampshire PO12 2QP**

A Member supported the application as he had memories of being taught in the existing structures in 1973

RESOLVED: That the application was approved subject to the conditions in the report of the Development Manager

**21/00100/FULL ERECTION OF DETACHED GARAGE**  
**112 St Thomas' Road Gosport Hampshire PO12 4JX**

RESOLVED: That the application was approved subject to the conditions in the report of the Development Manager

**53. ANY OTHER ITEMS**

The Development Manager updated members on the Cross Boundary planning application for the access road and residential development off Brookers Lane, and confirmed that the two appeals have been linked by the Planning Inspectorate so will be heard together at an informal hearing with a provisional date in June.

Dependent on Covid regulations this will either be a virtual meeting or held in person at the Civic Offices in Fareham.

Farehams' Planning Committee resolved that they would have refused the planning application, and as a result both Gosport and Fareham as the LPAs share a common position in opposing the development.

**CHAIRMAN**

Concluded at 6.34 pm

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

**9th June 2021**

### **ITEMS WITH RECOMMENDATIONS**

1. The 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.

**INDEX**

<b><u>Item</u></b>	<b><u>Page No</u></b>	<b><u>Appl. No.</u></b>	<b><u>Address</u></b>	<b><u>Recommendation</u></b>
01.	03-09/1	19/00415/FULL	Site Of Former Royal Sailors Rest Grange Lane Gosport Hampshire PO13 9RX	Grant Permission subject to Conditions / s106
02.	10-20/1	20/00292/FULL	Brockhurst Gate Cotsworth Road Gosport Hampshire	Grant Permission subject to Conditions / s106
03.	21-30	20/00404/FULL	55 Elson Road Gosport Hampshire PO12 4EY	Grant Permission subject to Conditions
04.	31-33/1	21/00168/FULL	5 St Marks Close Gosport Hampshire PO12 2DB	Grant Permission subject to Conditions
05.	34-37/1	21/00122/FULL	38 Waterloo Road Gosport Hampshire PO12 2AL	Grant Permission subject to Conditions

**ITEM NUMBER: 01.**  
**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. There is 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 six 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 from 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 Highway 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.
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 material change in circumstances since the last application relates to the availability and use of the adjacent Crossley Community Centre by groups that serve the wider public rather than being restricted to just families of Armed Forces personnel as it was previously.
5. Having regard to the submitted details, it is considered that the applicant has demonstrated that there no longer appears to be any requirement for the site to be retained for community purposes. The proposed financial contribution towards the improvement or enhancement of off-site community facilities in the Rowner & Holbrook 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). Overall, and on balance, it is considered that the proposal would not conflict with part 5 of Policy LP32 of the Local Plan and that the loss of the site for Community and Built Leisure Facilities is acceptable in this instance.

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.
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 would 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.
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. The submitted plans include details of the facilities of cycle storage, the provision and retention of which can be secured through the imposition of a suitably worded planning condition. The submitted plans also show facilities for the storage of refuse and recyclable materials in an appropriate manner. The provision and retention of these facilities can 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.
12. The proposal would not affect the protected trees on or adjacent to the site and tree protection measures will be secured through 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 Arboricultural 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 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 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.

10. 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.

11. 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: 02.**  
**APPLICATION NUMBER: 20/00292/FULL**  
**APPLICANT: Millngate Gosport Developments Ltd**  
**DATE REGISTERED: 14.08.2020**

**ERECTION OF EXTENSION TO FORM A RETAIL UNIT (USE CLASS E(a)), CAR PARKING AND ASSOCIATED WORKS (as amended by plans received 09.02.21, and additional information received 04.02.21 and 19.03.21 and amplified by plan received 19.05.21)  
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 the southeast boundary and includes a number of newly planted trees, along with an area of hard surfacing. The site is located within the urban area and is covered by Policy LP9B which relates to Economic Development Use Sites.

2. The Scheduled Ancient Monument (SAM) of Fort Brockhurst adjoins the site on its south eastern edge, with the Fort and its Redan located within 40m of the retail park boundary. There are existing trees along this boundary with the site. To the southwest of the car park is an existing sub-station which includes a substantial wall on the boundary. 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, coffee shop with drive-thru and an existing factory. This grouping of leisure type facilities are served by a surface car park. 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 230m to the northwest of the site, on the opposite side of Fareham Road. To the east of the shops is an area of land approved to be sports pitches, beyond which is an industrial estate comprising a mix of office and light industry uses.

3. The area is connected by a variety of transport options with bus stops in Fareham Road along the site frontage with links through Holbrook, Rowner and the town centre. The Eclipse bus route linking the town centre with Fareham is just a few hundred metres to the west beyond the nearby leisure centre. Cycle and pedestrian routes also permeate the wider area and serve the site.

4. Application 19/00375/FULL for erection of 2no. commercial units (use class A1/A3/D2/beauty/tanning salon (sui generis)) related to part of this application site and was also for additional retail units on the site. This application was refused for the following reasons:

*"1. In the absence of an appropriate assessment that demonstrates there are no sequentially preferable sites within the Town and other designated centres, the proposals within this out of centre location would fail to satisfy the requirements of the sequential test and would have a detrimental impact on the vitality and viability of the town centre, contrary to Policies LP9B and LP29 of the Gosport Borough Local Plan 2011-2029 and the NPPF.*

*2. The proposals by reason of the siting of unit 9 forward of the main retail building and within the more open 'field of fire' associated with the Scheduled Ancient Monument (SAM) of Fort Brockhurst would result in less than substantial harm to the significance of the SAM, contrary to Policy LP11 of the Gosport Borough Local Plan 2011-2029 and the NPPF."*

5. This application takes an alternative approach to providing an additional retail unit on the site. The proposals are for the erection of an extension to the existing building to form one additional unit. The proposals have been amended to take into account concerns expressed by Historic England and the Head of Conservation and Design regarding the proximity to the boundary of Fort Brockhurst.

The extension has been reduced in width and as a result increased in length to extend the full depth of the existing retail units. This gives an overall floorspace, over two floors, of 760 square metres.

6. A further amendment by the applicant, to this current application, has removed the possibility of a café/restaurant (formerly Class A3) with only a shop (Class E(a)) (formerly known as Class A1) now proposed. Furthermore the applicant has confirmed that they would propose to use the unit solely for the sale of 'bulky goods'. The applicant has also provided additional information relating to the sequential test considering if alternative sites are available within other retail centres for this proposal.

7. The proposed extension would be situated at the southern end of the building adjacent to the boundary with Fort Brockhurst. The extension would have a flat roof and be 8.2m high, 9.2m wide and 47m long. The frontage would also be flush with the other buildings, with a canopy over. Its design would replicate that of the building to which it would be attached with a glazed frontage and matching brick and cladding on the other elevations. Two floors of retail space are proposed with a lift and stairs to the first floor. The reduction in the width means that the extension would be sited within approximately 5.3m from the southern boundary with a 1.5 tarmac footpath running alongside the building. A yard would be constructed to the rear, extending the existing hard surfaced area behind the buildings.

8. An additional parking area is proposed, with 16 spaces, 2 of which would be electric charging points, where there is presently an area of grass and landscaping. Additional long and short stay cycle parking is also proposed. Six trees planted as part of the original scheme would be replaced with eight native trees, elsewhere within the development. The units would need to utilise the existing vehicular and pedestrian access points within the wider Brockhurst Gate site. The main difference between this and the previous refusal is the previously proposed units were smaller freestanding buildings located adjacent to the existing building (unit 8) and forward of the building (unit 9) and no delivery yard, or additional parking was proposed.

### ***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 GIA; provision of 392 car parking spaces and 238 cycle spaces, provision of open space and footpaths; provision of sports pitches with changing facilities; provision of highway works and access & egress; service yard; parking; landscaping; infrastructure; and associated works and improvements - permitted 15.11.17

18/00388/FULL - erection of two shop/cafe units (use Class A1/A3) and installation of outdoor seating - withdrawn 09.01.19

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:

- LP1 Sustainable Development
- LP2 Infrastructure
- LP3 Spatial Strategy
- LP9B Allocations outside the Regeneration Areas: Economic Development Use Sites
- LP10 Design
- LP11 Designated Heritage Assets including Listed Buildings, Scheduled Ancient Monuments and Registered Historic Parks & Gardens
- LP15 Safeguarded Areas
- LP23 Layout of Sites and Parking
- LP29 Proposals for Retail and other Town Centre Uses outside of Centres
- LP44 Protecting Species and Other Features of Nature Conservation Importance

Supplementary Planning Documents:

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

Gosport Borough Council Parking: Supplementary Planning Document: February 2014

National Planning Policy Framework (NPPF), February 2019

**Consultations**

Natural England	No objection. Request condition requiring noise mitigation measures.
Defence Infrastructure Organisation	No objection, subject to conditions. The site is within the Vulnerable Building Distance surrounding the Defence munitions and the proposals are considered to be potentially vulnerable construction. Request a pre-commencement condition to deal with the construction, should permission be granted.
Local Highway Authority	<p>No objection.</p> <p>No amendments are proposed to the site access arrangements with the site access for the Brockhurst Gate site to be utilised. This is deemed acceptable to accommodate the proposed development.</p> <p>With regard to servicing the layout of the site means that if an HGV is servicing Unit 7 then an HGV would not be able to manoeuvre past the other HGV to access Unit 8. However, it is considered that that it is acceptable that any HGVs accessing Unit 8 will wait in the yard area for the unloading at Unit 7 to proceed due to the likely infrequency of this occurrence.</p> <p>The tracking shown in Drawing 22156-01b demonstrates that an HGV can wait in the service yard area and manoeuvre through the site.</p> <p>The trip rates, distribution and modelling provided by the applicant are accepted.</p> <p>It was agreed as part of application 19/00316/FULL for the Employment Phase 2 element of the site that the applicant will implement a white lining scheme to lengthen the flare on the A32 South right turn lane. This has been assumed to be committed for the junction modelling review.</p> <p>The proposals would impact on the A32 north right turn lane, however, this is an arm which would be subject to the white lining</p>

scheme improvement, under the application noted previously, which increases the flare length to accommodate this additional traffic.

If the application is to be granted planning permission then the white lining scheme should be secured to ensure that it has been implemented prior to occupation, as the junction capacity assessments have been reviewed on this basis.

The TA states that the proposed Unit 8 will fall under the obligation of the Brockhurst Gate Retail Park Travel Plan. This is accepted.

Crime Prevention & Design

No response received.

Hampshire Fire And Rescue Service

No objection. Building Regulations: Access for Firefighting

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

Hampshire Act 1983 Section 12 - Access for Fire Service

Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

HCC Landscape Planning & Heritage

No objection. Archaeological impacts have been assessed as part of the wider applications on the site.

Environmental Health

No objection. Any plant, ventilation and air conditioning units should be fitted with anti-vibration mounts to reduce noise to neighbouring premises. Ensure any extraction systems are suitable to reduce odour from cooking to prevent nuisance to neighbouring properties.

Building Control

No objection. Proposals require a Building Regulations application.

HCC Ecology

No objection. The proposal will affect newly-planted landscaping and this minor loss is to be compensated by the inclusion of additional tree and plug planting adjacent to

the woodland to the south-east, which is all acceptable.

English Heritage Estates

No response received.

Historic England

No objection. We are pleased to note an amendment has been made to the plan form of Unit 8, so that is now narrower in width in accordance with our recommendations.

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

1 letter of objection received

Issues raised:

- ecology and recreation
- The strip of land forms part of the area purposely set aside for public open space and ecological enhancement to help offset the impacts of the existing development
- Fort Brockhurst moat is about 90m away at the nearest point, and whether impacts to these habitats would occur needs consideration
- also concerned that the proposed development will make public access along the boundary of the Fort Brockhurst site at best inconvenient or at worst unviable. Although a tarmac footpath is shown on the plan, the available width of space for this will be only 1-2 metres
- There is shallow ditch at the base of the Fort Brockhurst boundary fence and it is important for several reasons that this is not filled in or covered over

### ***Principal Issues***

1. The main issues for consideration are whether the principle of the provision of the building is acceptable, the impact of the retail development on the Town Centre and other Centres, the impact on the setting of the Scheduled Ancient Monument (SAM), whether there would be a detrimental impact on highway safety, on the amenities of local residents and the impact of the proposals on protected species.

2. The site is located within the Urban Area boundary (Policy LP3) and within an identified regeneration area for economic development (Policy LP9B), as defined by the Gosport Borough Local Plan 2011-2029 (GBLP). The principle of additional development on the site is, therefore, acceptable so long as the proposals accord with other National and Local Policies. The proposals would introduce additional retail development and in accordance with Policy 9B of the GBLP the applicant has provided information to support the application in relation to the required sequential test. The NPPF also confirms the sequential approach (test) is that main town centre uses should be located in town centres first, then edge of centre locations and only if suitable sites are not available, or expected to become available should out of centre sites, such as Brockhurst Gate be considered. The latest retail study evidence, forming part of the emerging Local Plan, is that the threshold for an impact test, which would consider the impact over time of certain out of centre and edge of centre proposals on town centre vitality/viability and investment, should be reduced from 1000 sqm to 350 sqm. However, given the early stage of its preparation this should be given very limited weight and the requirements in the current Local Plan have, therefore, been considered in this case. Given the size of development, being under 1,000sqm, an impact test is, therefore, not required in this instance.

3. The GBLP sets out the hierarchy of retail centres within the Borough from the Town Centre to Neighbourhood Centres and confirms that new floorspace would be directed to the Town Centre and Gosport Waterfront. The GBLP policies also set out the expectations for new retail development to be directed to those designated Centres. The National Planning Policy Guidance (NPPG) indicates that the sequential test supports the Government's 'town centre first' policy. It is considered that retail centres are particularly vulnerable at this time from a variety of sources and this was a concern raised at the time of the original application for retail development on this site.

4. The applicant's sequential test has been assessed, along with the additional information provided by them. Given the larger size of the unit and the applicant's confirmation that it is to be for bulky goods, it has been determined that there are no available units within the High Street, or designated centres of the appropriate size that could be considered suitable and sequentially preferable. Therefore, the applicant has provided adequate information to satisfy the sequential test in this instance, relating to these revised proposals for a bulky goods development in a unit of the size proposed. Conditions preventing the sub-division of the unit, some external alterations and extensions, alternative uses within Class E and limiting its retail offer, in line with the limitations on unit 7 of the original retail development, are considered necessary to ensure that this remains the case and to protect the other retail centres. The proposals are, therefore, in accordance with the aims and objectives of Policy LP9B and LP29 of the GBLP and the NPPF.

5. Comments have been received from Historic England (HE), noted above, and the Council's Head of Conservation and Design, both of which have confirmed that these revised proposals have addressed the concerns raised under the previous refusal and in respect of the originally submitted drawings for this application. The proposals would not introduce any buildings forward of the existing building line, and longer views from the northwest across the open car park and towards the Fort, where views have been opened up, would be maintained, even with the additional car parking areas. The increased gap, proposed by the revised proposals, to the boundary with Fort Brockhurst helps to balance the appearance and the setting of the adjacent Monument. Access to the adjacent land would not be adversely affected by the proposals. These revised proposals would, therefore, preserve the setting of the adjacent Scheduled Ancient Monument, in accordance with Policies LP10 and LP11 of the GBLP, addressing the previous reason for refusal.

7. The accompanying Transport Statement and addendum identifies the level of parking within the site and the number of anticipated trips associated with the proposals. The Statement also indicates that it is expected that a number of trips would be associated with visits to the other retail units. The Statement confirms the provision of the additional parking would meet the needs of the development. There is no evidence to dispute the applicant's claims, or indicate that the demands would exceed the extended capacity within the car park, which would be secured by planning condition. The Local Highway Authority has not raised objection to the trip generation assessment and has confirmed that the signalled junction with Heritage Way would operate within capacity, subject to the white lining secured under planning permission 19/00316/FULL being undertaken on Fareham Road. Given there is no guarantee that the industrial development to which the white lining is associated with would take place, it is also necessary to require the white lining to be secured through a Legal Agreement in connection with the requirements of this development. The dedicated delivery area, to the rear, would provide adequate space for this to function on enclosed and private land and is an improvement over the previous refused application. The additional cycle parking would be secured by planning condition and the provision of electric car charging points is welcomed. Overall the levels of parking are acceptable and subject to the conditions and Legal agreement, the proposals would not have a detrimental impact on highway safety, in accordance with Policy LP23 of the GBLP and the aims and objectives of the Parking SPD.

8. There are no direct residential neighbours to the development and the closest residential properties are a significant distance away. The possible restaurant use that had potential to create greater levels of noise and smells, has been removed from the proposals. The proposals would not, therefore, have a detrimental impact on the amenities of residential properties in accordance with Policies LP10 and LP46 of the Gosport Borough Local Plan 2011-2029.

9. The applicant has provided additional ecology information which has been assessed by the Council's Ecological Advisers, who have confirmed that the proposals would not harm any existing ecological provision. There is an opportunity for the proposals to provide some additional enhancements, as noted by the applicant's ecologist, beyond the replacement of the more recently planted trees that would be secured by planning condition. Given the sites proximity to the Special Protection Area supporting habitat on Heritage Way, a condition relating to noise from construction activities would be recommended if the proposals were acceptable in all other respects. The proposals are, therefore, in accordance with Policy LP44 of the GBLP.

10. Given the site's location within a safeguarded area, the comments of the Defence Infrastructure Organisation have been sought. They have confirmed that subject to a condition, similar to that imposed on the original retail development, they have no concerns over the proposals. Subject to this condition the proposals are in compliance with Policy LP15 of the GBLP.

Equalities Impact Assessment: No Implications

**RECOMMENDATION: Grant Permission**

Subject to Section 106 agreement relating to

1. Implementation of the highway works (line painting) as shown in principle on Drawing No. 15351-34-01, prior to first occupation of the development.

**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:

16579-110C; 16579-111C; 16579-112B; 16579-113B; 16579-100A

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

3. a) No development hereby permitted shall commence until a Construction, Environment 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, site office facilities, construction traffic access, the turning and loading/off-loading of delivery vehicles within the confines of the site, wheel wash facilities, 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, Environment and Traffic Management Plan and shall continue 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, ecological interests and to comply with Policies LP42, LP44 and LP46 of the Gosport Borough Local Plan, 2011-2029.

4. No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at either the closest part of the Portsmouth Harbour Special Protection Area or the closest part of supporting habitat G19 (as identified in the Solent Waders and Brent Goose Strategy and in the Solent Brent Goose Strategy and referred to in the supporting ecological information prepared by Ecological Planning & Research Ltd)) shall be undertaken during the bird over wintering period - October to March inclusive.

Reason - To mitigate against the potential adverse effects of the development on nearby protected sites in accordance with Policy LP44 of the Gosport Borough Local Plan, 2011-2029.

5. a) Construction above slab level shall not commence until details of all external facing and roofing materials have been submitted to and approved, in writing, by the Local Planning Authority.  
b) The development shall thereafter be 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.

6. a) Construction above slab level shall not commence until details and assessments to demonstrate that of all new buildings included in the development hereby permitted are of non-vulnerable construction, using dynamic assessment methods and including details of the glazing specification, shall be submitted to and approved, in writing, by the Local Planning Authority.

b) The buildings shall thereafter be constructed in accordance with the approved details.

Reason - The site of the proposed development is located within the outer statutory explosives safeguarding zone surrounding DM Gosport. All buildings within this zone should be 'non-vulnerable' and of robust construction and design, so that in the event of an explosive incident, nearby buildings will not collapse or sustain damage that will cause critical injury to the occupants of those buildings, and to comply with Policy LP15 of the Gosport Borough Local Plan, 2011-2029.

7. a) The development hereby permitted shall not be brought into use until the facilities shown on the approved plan 16579-110 C for the parking, turning, loading and unloading of vehicles and electric vehicle charging points 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 car 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.

8. a) No part of the development hereby permitted shall be occupied or otherwise brought into use until long and short stay cycle parking facilities have been provided in accordance with a detailed scheme that shall have been submitted to and approved in writing, by the Local Planning Authority.

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

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

9. No part of the development hereby permitted shall be occupied or otherwise brought into use until all hard landscaping around the building, car parks and service areas, have been completed in accordance with a detailed scheme that shall have been submitted to and approved, in writing, by the Local Planning Authority.

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

Reason - In the interests of the visual amenities of the area and to ensure the scheme is of an appropriate quality given the setting of the Scheduled Ancient Monument to comply with Policies LP10 and LP11 of the Gosport Borough Local Plan, 2011-2029.

10. a) Construction above slab level shall not commence until details of the proposed soft landscape scheme, incorporating the proposed ecological enhancements and replacement tree planting, have been submitted to and approved, in writing, by the Local Planning Authority.

b) The approved soft landscape scheme shall be implemented before first occupation of the development, or the next available planting season, whichever is the sooner.

c) Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - In the interests of visual amenity and to comply with Policies LP10, LP41 and LP44 of the Gosport Borough Local Plan 2011-2029.

11. The retail unit hereby permitted shall not be subdivided so as to form two or more trading units.

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

12. The development shall, unless otherwise agreed, in writing, by the Local Planning Authority, be carried out in accordance with the ecological mitigation, and enhancement measures detailed within the Ecological Statement (Pro Vision, 8th December 2020 ref: 7617 Heritage Way).

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.

13. No permanent external lighting shall be installed until details have been submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out as approved and retained thereafter.

Reason - To safeguard the character of the area and protect the amenity of neighbouring residential properties in accordance with Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

14. The unit hereby approved shall only be used for the sale of furniture and furnishings; DIY; gardening and associated products; car accessories, cycles and cycle accessories; carpets and floor coverings; electrical goods; textiles; kitchenware and homeware products; bathroom products; and pet and pet products.

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking or re-enacting that Order with or without modification), the development shall be used only for purposes falling within Class E(a) of the Town & Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose whatsoever.

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

16. The retail unit hereby permitted shall only be open to customers between the hours of 0700 and 2200.

Reason - In the interests of safeguarding the amenities of the occupiers of neighbouring premises and having regard to the limitations on the adjacent retail units, in accordance with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

17. 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 service yard.

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

18. No materials for sale shall be stacked or stored outside any building on the site.

Reason - To limit the area for sale and storage of goods as indicated on the approved plans in the interests of amenity, safety and to ensure the retail impact of the development does not have a significant impact on the town centre in accordance with Policy LP29 of the Gosport Borough Local Plan, 2011-2029.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, C and E of Part 7 of Schedule 2 of the Order shall be undertaken on the application site.

Reason - In the interests of the visual amenities of the area and to ensure the scheme is of an appropriate quality given the setting of the Scheduled Ancient Monument to comply with Policies LP10 and LP11 of the Gosport Borough Local Plan, 2011-2029.

20. 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 the Order without the prior written permission of the Local Planning Authority.

Reason - In the interests of preserving the setting of the Scheduled Ancient Monument to comply with Policies LP10 and LP11 of the Gosport Borough Local Plan, 2011-2029.

21. The development shall be operated in accordance with the requirements and details of the Travel Plan approved under planning permission 16/00598/FULL.  
Reason - To encourage and promote alternative and sustainable modes of transport and to comply with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

**ITEM NUMBER: 03.**  
**APPLICATION NUMBER: 20/00404/FULL**  
**APPLICANT: Sandhu**  
**DATE REGISTERED: 19.10.2020**

**ERECTION OF FIRST FLOOR EXTENSION TO EXISTING FIRST FLOOR ONE BEDROOM FLAT TO CREATE 2NO. ONE BEDROOM FLATS AND 1NO. TWO BEDROOM FLAT (CLASS C3), INSTALLATION OF DOOR/WINDOWS ON THE FRONT, SIDE ELEVATIONS, RELOCATION OF 3NO. VENTILATION UNITS AT FIRST FLOOR LEVEL ON EAST SIDE ELEVATION AND ACOUSTIC SURROUND, ERECTION OF BICYCLE STORAGE SHEDS AND REFUSE AREA AND CREATION OF 3NO. VEHICULAR PARKING SPACE (as amended by plans received 07.12.2020)**  
**55 Elson Road Gosport Hampshire PO12 4EY**

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

1. This application relates to a two-storey semi-detached building located on the southern side of Elson Road at the junction with Worthing Avenue. At ground floor level, the property is occupied by a shop (Class E) with a one bedroom flat (Class C3) at first floor level that is access via a staircase leading from Worthing Avenue. At ground floor level, there is a flat roofed single storey rear extension that is approximately 9.5m deep. Above this at first floor level, the building line is set in from the side elevation on Worthing Avenue by 3.1m and comprises a gable roof and rendered elevations. The property has an existing first floor level projection in the form of a gable end that extends south of the main building and is 4.8m deep. An area of hardstanding exists beyond this that is informally used for parking, with a rear service road located to the south of the property, which runs in an east-west direction. The adjoining property, no.57 Elson Road, is a two-storey dwelling.
2. In the surrounding area there are a variety of dwelling types but most commonly are two-storey terraces, some with accommodation in the roof, and semi-detached dwellings with few detached dwellings. Most parking is on-street, although several properties on Worthing Avenue have dropped kerbs. Most properties have garages to the rear that are accessed via a service road.
3. Planning permission is sought for the erection of a first floor extension to create: 2no. one bedroom flats and 1no. two bedroom flat (Class C3) (including the retention of the existing one bedroom flat). Planning permission is also sought for the installation of a door and windows on the front and side elevations, the relocation of 3no. ventilation units at first floor level on the east side elevation to include an acoustic surround, the erection of a bicycle storage shed and refuse area and the creation of three off-road vehicular parking spaces.
4. The existing first floor gable roof element that is set in from the boundary with Worthing Avenue would be extended by 3.1m and would be flush with the existing side elevation of the property. It would have a gable roof form, with several windows installed at first and second floor level on the side elevation. This would result in the loss of the existing flat roof section and staircase that is used to access the existing first floor flat. An additional entrance on the side elevation would allow access independent of the shop to the upper floor without compromising the function of the ground floor shop or its storage.
5. Above the existing single storey extension that is some 9.5m in depth, a first floor extension with a gable roof would be erected that would cover 6.1m of its 7.1m width. This would facilitate the retention of a small flat roofed area (1.6m wide by 9.5m deep) that would house the re-located ventilation units and acoustic surround, adjacent to the common boundary with 57 Elson Road. The first floor extension would align with the eaves on the existing building at 5.2m with a ridge height of 8m and notably, those in the wider street scene. At first floor level on the eastern elevation, three high level windows would be installed, with roof lights installed at second floor level on the eastern roof slope. An existing window opening on the southern elevation would be reduced in height, although its width would be increased and serve a bathroom. On the rear (south) roof slope, two roof lights would be installed, serving a living room and bedroom. The extensions would be finished in

brick and textured render and red concrete roof tiles to match the existing property with grey UPVC windows and doors.

6. The existing high-level ground floor windows on the west side elevation on Worthing Avenue would be retained with new entrance doors on this elevation although their siting and size would be unchanged. The existing shopfront would remain unaltered.

7. The ground and first floor of the proposed south (rear) elevation of the gable would be windowless that would face onto the adjacent dwelling, 2 Worthing Avenue. On the side elevation with the adjoining dwelling (57 Worthing Avenue) three high-level first floor obscure glazed windows would be installed.

8. To the rear of the proposed site on the existing hard surfacing, three off-road car parking spaces would be provided that would be 4.8m deep and 2.4m wide, with a 0.45m gap with the end space to Worthing Avenue and a 1.5m set back from the back edge of the forecourt/service yard. Also located here would be three bicycle storage sheds, with a 0.8m isle between the rear position of vehicles to the open doors and the refuse and recycling storage. The refuse storage for the existing shop would remain separate from the proposed flats.

9. Internally and at ground floor level, the shop and ancillary storage would remain unaltered. At first floor level three flats would be created (one existing, two proposed) with one of the units a maisonette with additional accommodation in the roof space. The units would range in size from 37m<sup>2</sup> to 61m<sup>2</sup>.

10. Amended plans have been submitted and the changes can be summarised as follows:-

- reduction in the number of units from 4 to 3
- an acoustic housing around the ventilation units would be provided to reduce sound output by 20-25dB
- the quantity of windows proposed on the west side elevation with Worthing Avenue has been reduced and is of a more consistent scale and siting
- a flat dormer has been removed from the western roof slope and glazing from the end gable end has been removed; and,
- details of external bike and refuse storage along and three proposed off-road parking spaces have been provided.

11. It is noted that some of the plans contained minor labelling errors, for example, on plan 101 Rev 1 - Proposed Elevations, the Proposed East Elevation is marked as Existing East Elevation etc.

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

10/00291/FULL - erection of single storey side and rear extension to enlarge ground floor shop, garage and external staircase - permitted 31.08.2010

### ***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
- LP28 Uses in Centres
- LP39 Water Resources
- LP42 International and Nationally Important Habitats
- LP43 Locally Designated Nature Conservation Sites
- 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**

Environmental Health	No objection subject to existing ventilation units fitted with acoustic surround as specified and anti-vibration mounts.
Natural England	No objection subject to securing nitrates credits and contribution to the Solent Recreation Mitigation Partnership.
Streetscene Waste & Cleansing	Further details requested on the final layout of the bin storage to prevent damage to vehicles.

**Response to Public Advertisement**

4 letters of objection to original plans

Issues raised:-

- the parking count was undertaken when most residents are at work instead of evenings and weekends when competition is highest
- there would be insufficient off-road parking for the proposed flats
- the increased building bulk / flats would overlook currently private residential gardens and bedrooms / conservatory and would block access to light and outlook
- the location of the ventilation units would impact upon living conditions of neighbours as they operate 24 hours a day; and,
- other residents in Elson Road had applications for dropped kerbs denied which does not make sense given the parking pressures on the road.

2 letters of objection to amended plans

Issues raised:-

- there is still insufficient parking for the proposed number of flats
- the proposed windows overlook neighbours which is unacceptable and may result in existing homeowners having to sell
- there has already been a significant increase in traffic from other local developments and the scheme would make it worse
- motorists do not comply with the highway code and park on yellow lines which makes the corner of Worthing Avenue / Elson Road a difficult junction to navigate
- the owners of the shop should provide dedicated off-road parking for deliveries
- houses that have recently been sold have brought an increase in cars to the road, especially where previous owners did not own vehicles and this has increased parking pressure locally
- several vehicles park across alleyways that causes issues for pedestrians
- access could be provided through Heritage Way and Gunners Lane to help alleviate the problem; and,
- traffic management should more actively visit the site.

**Principal Issues**

1. Applications for dropped kerbs would be determined by the Local Highways Authority (LHA) and new access points onto Classified Roads would be determined by Gosport Borough Council as Local Planning Authority, with advice from the LHA based on their planning merits and implications for

highway safety, not on parking pressure locally. The Planning System cannot control whether motorists follow the Highway Code, whether they park on yellow lines or whether residents have cars. This application does not consider the function of the shop and cannot therefore consider a dedicated delivery bay. The creation of a new point of access on Heritage Way/Gunners Lane for motorists is not material to the determination of this application. The role of traffic enforcement officers is not controlled by the Planning System. The main issues are, therefore, whether: the principle of development is acceptable including the protection of the existing shop; whether the design is acceptable; whether there would be a significant impact on amenity; whether the parking provision is acceptable and whether there is suitable refuse/recycling provisions; and whether there would be a likely significant impact on notable and protected species.

2. The site is located within the Urban Area Boundary where policies LP1 and LP3 of the Gosport Borough Local Plan 2011 - 2029 [herein referred to as the Local Plan] are in favour of granting planning permission for the further extension of the building to provide additional flats, subject to compliance with other policies in the Local Plan, such as design, amenity, parking and ecology.

3. Policy LP28 of the Local Plan and paragraph 85(f) of the National Planning Policy Framework encourage the use of upper floors and existing land uses for residential purposes. Policy LP28 also requires that any upper floor residential development: 'does not affect the function (including servicing) of any commercial units; does not have a detrimental effect on adjoining uses; and, includes separate independent and appropriate access to serve the residential accommodation'. In this case the existing and proposed first floor would have separate access points on the side elevation that are suitable for residential access and separate storage of refuse. The proposal would introduce a need to provide facilities for the storage of cycles and waste. The submitted plans indicate that these would be provided to the rear of the shop unit in an area of hardstanding that currently serves as an informal parking area. The plans also detail a separate area of storage for the retail unit. On this basis, the proposal would comply with Policy LP28 of the Local Plan.

4. The first floor extension to the building would represent a significant increase in building bulk compared to the existing building and result in the loss of the set back from Worthing Avenue. However, in the context of the overall street scene, the gable roof form, the eaves and ridge height and use of materials would be a sympathetic addition. The first floor extension would also result in the loss of the existing staircase, visible from Worthing Avenue and Elson Road, which would be beneficial. On this basis, it is considered that the scale of the first floor extension and loss of the staircase are acceptable in design terms, both to the recipient property and wider street scene and would accord with Policy LP10 of the Local Plan and Design SPD.

5. The proposal would result in the retention of a small area of flat roof (1.6m wide by 9.5m deep) adjacent to the boundary with 57 Elson Road. The flat roof section would be of limited visibility and would reduce the building bulk adjacent to the boundary with 57 Elson Road. The in-part retention of the flat roof is considered acceptable in design terms and in accordance with Policy LP10 of the Local Plan.

6. On the flat roof section would be three ventilation units enclosed in an acoustic surround 3.9m deep, 0.6m wide and 1m high. Due to the limited scale of the acoustic surround and the 3.85m distance from the elevations, it is considered to be an acceptable addition in design terms in accordance with Policy LP10 of the Local Plan.

7. On the proposed west side elevation, the amount of glazing would be increased at first floor level with an additional window in the gable end at second floor level. Although this would represent an increase in comparison to the existing building, due to the even spacing and size of the proposed windows, it is not considered they would be harmful to the recipient property or wider street scene. This part of the proposal would accord with Policy LP10 of the Local Plan.

8. The informal parking area to the rear would accommodate three spaces, refuse and cycle storage and in terms of hard landscaping the details could be secured by planning condition in accordance with Policy LP10 of the Local Plan.

9. For these reasons, the development is considered to be acceptable in design terms and subject to conditions, would accord with Policy LP10 of the Local Plan and Design SPD.

10. Three ventilation units that service the existing shop would be re-located to the in-part retained flat roof and enclosed in an acoustic surround but adjacent to the boundary with 57 Elson Road. The plans indicate the surround would reduce noise output by 20-25db and the units would be 3.85m away from the rear elevation of 57 Elson Road.

11. Environmental Health recommends that in addition to an acoustic surround, the units should be installed on anti-vibration mounts to reduce the impact on 57 Elson Road and other neighbours. To ensure the ventilation units, acoustic surround and anti-vibration mounts would provide adequate dampening from noise during the day and night, when background noise levels are lower, a condition is considered to be required before these units are installed and operated in the new position. Subject to condition, this part of the proposal would not conflict with Policy LP10 and LP46 of the Local Plan.

12. A window would be installed on the southern elevation at first floor level that would serve a bathroom for Unit 3. Although it is expected that this window would be obscure glazed, it is considered that in order to safeguard the amenities of 57 Elson Road, a condition could be imposed as such with additional measures to secure the opening parts of this window as 1.7m above finished floor level. With this condition, this part of the development would accord with Policy LP10 of the Local Plan.

13. Three high level windows would also be installed on the east side elevation facing 57 Elson Road. Two of these windows would serve the hallway and form the secondary window for a living room for Unit 3. A condition would be imposed to secure the first two windows as obscure glazed and fixed shut to protect the amenities of 57 Elson Road and would accord with Policy LP10 of the Local Plan.

14. The third high level window on the east side elevation would serve the kitchen / dining room for Unit 2. Unit 2 would be a maisonette with additional living space provided at second floor level (within the roof space). Ordinarily, a high level window would not be accepted as the sole source of light and outlook for this living space, given that it would require future occupiers to have the lights on for most of the year. However, given the presence of the additional living space within the roof, it is considered that on balance, the access to light and outlook provided by this area would be acceptable to overcome the harm at first floor level. A condition would be imposed to secure the first floor level side window as obscure glazed and non-opening below 1.7m (or inward opening above 1.7m) above finished floor level. For these reasons, it is not considered that this part of the development would conflict with Policy LP10 of the Local Plan.

15. The Design SPD recommends that the layout of residential development should ensure that reasonable visual privacy is provided for both the residents within the dwellings and private gardens. Where properties back onto one another, except where overlooking a street or public space, a distance of at least 21 m between facing habitable room windows (such as living or bedrooms) is advisable.

16. To neighbouring properties from the proposed development, the following distances are noted:-

- 18.5m to properties on the northern side of Elson Road
- 16.5m to 53 Elson Road to the west
- 25.9m to 1 Elson Road to the south-west; and,
- 14.45m to 2 Elson Road to the south.

17. In comparison to the existing property, the additional bulk would be significant; however, due to the distances with neighbouring dwellings, the already built-up nature of the surrounding area and the similarities in scale to the wider street scene (eaves/ridge height), it is not considered that there would be a significant impact in respect of loss of outlook (although it would be different) or increased sense of enclosure. For similar reasons, whilst the development may result in some loss of light, due to the distances to neighbouring dwellings and existing built-up nature of the surrounding area, any impact is not considered to be harmful. On this basis, the development would provide an acceptable

standard of living for existing and future occupiers of and would accord with Policy LP10 of the Local Plan.

18. Any building work has the potential to cause disruption, most commonly due to dust, noise, vibrations and dirt and from the location of contractor's parking, a construction compound, materials storage and refuse, site office facilities etc. and if not mitigated could have a significant and harmful impact on the lives of residents during construction (even during short works). To ensure disruption to residents is mitigated, where possible, the applicant has agreed to the imposition of a pre-commencement planning condition to secure the submission of a Construction and Traffic Management Plan, in accordance with Policies LP10 and LP46 of the Local Plan.

19. To protect users of the footway on Worthing Avenue, a condition could be imposed to secure inward opening doors, in accordance with Policies LP10 and LP23 of the Local Plan.

20. This development would have a parking demand of four resident spaces and 0.8 (1) visitor space, a total of 5 spaces. On the submitted plans, three Parking SPD compliant spaces have been shown, a shortfall of one resident and one visitor space.

21. In the Design and Access Statement, the applicants have undertaken a parking survey during the day (12.40-12.55) on Worthing Avenue, School Road, Selsey Avenue and Brighton Avenue where 5-29 spaces were available. However, when the survey was undertaken on Worthing Avenue, in close proximity to the application site during early evening (5.26pm-6.51pm), there were between 2-4 spaces - a significant reduction in comparison to daytime availability.

22. The usual methodology for a parking survey would be to use the "Lambeth Methodology" and this requires surveys to be undertaken late at night to ensure that most people would be at home. Over time accepting development where the Adopted Parking SPD standards are not met would inevitably increase the number of vehicles parked on-street and ultimately on-street parking capacity would be reached. With fluctuations in households sizes and car ownership overtime collectively there may be future implications for highway safety, and the function / capacity of the surrounding road networks when the availability of parking is outstripped by demands.

23. Developments which do not meet their reasonable parking needs on-site would collectively be detrimental to highway safety, and the function / capacity of the surrounding road networks. As such, it should not be presumed that it is appropriate to fill all road side space to capacity.

24. Three spaces would be provided on-site. Dismissing Part 1 of the survey is considered reasonable, given that it was undertaken during the day when most residents are out. Part 2 of the survey was undertaken in the early evening and provides a more realistic scope to parking capacity locally. In terms of the one visitor space shortfall, as they tend to be infrequent and are not permanent residents, this space could be accommodated on-street without causing significant implications for highway safety and the function / capacity of the surrounding road network / inconvenience for existing residents and would not conflict with Policy LP23 of the Local Plan.

25. Most harm would occur from the one permanent resident space that is not accommodated on-site and would have to be met on the road that has limited peak capacity.

26. In terms of site characteristics, it is within a short walk of the E1 Eclipse bus, a high frequency route with links to Gosport Town Centre and Fareham, with buses every 15 minutes with the E2 bus route a 6 minute walk from the property. Both Gosport Town Centre and Fareham offer a variety of well-connected transport options. In instances where harm would occur but the site is accessible by high frequency public transport, it is important to establish the level of likely harm that would occur, if permitted.

27. Point 3 of Policy LP23 of the Local Plan indicates that to encourage the use of public transport, a site should not be more than 400m from a bus stop. Point 7 of Policy LP23 recognises that where a site has higher levels of accessibility to alternative modes and in the interests of encouraging modal

shift, lower parking standards may be accepted. Each flat would also have access to secure and weatherproof cycle storage.

28. Although some degree of impact would occur from the shortfall of one resident space, given the high demand at peak times, it is considered that on balance, the sites accessible location and access to alternative travel would mitigate any significant harm and this part of the development would not conflict with Policy LP23 of the Local Plan.

29. Cycle and refuse storage has been indicated on the submitted plans and could be secured by planning condition.

30. Streetscene Officers have highlighted that there is a risk of refuse bins striking the parked vehicles on the proposed forecourt when they are being unloaded/loaded. To protect vehicles, a condition would be imposed to secure details of a strike barrier and this would accord with Policy LP10 and Policy LP23 of the Local Plan.

31. In conclusion, although some degree of impact would occur from the shortfall of parking, it is considered that for the reasons outlined above and with planning conditions, this part of the development would not conflict with Policy LP23 of the Local Plan.

32. The proposal would introduce additional dwellings that would likely result in increased recreational activity on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. To address this impact, a contribution towards appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, is required. The applicant has provided the correct level of mitigation towards the Solent Mitigation Recreation Protocol, in accordance with Policy LP42 of the Local Plan.

33. Natural England have also 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.

34. The applicant' proposed mitigation strategy involves off-setting the increase in nitrogen at the site, by a corresponding reduction in nitrogen elsewhere in the subcatchment. In this instance the land indicated as available as mitigation is on the Isle of Wight and will be owned and managed by the Hampshire and Isle of Wight Wildlife Trust (HIWWT) which will be removed from agricultural use and managed as such for the lifetime of the development. The applicant will make a financial contribution to the HIWWT to purchase land credits to an equivalent level to offset the amount of nitrogen produced by the development (nitrogen budget). The HIWWT has provided written confirmation that subject to finalising the contractual arrangements, the Wildlife Trust has reserved an area sufficient to mitigate 1 kg of nitrates generated, offsetting the proposed development.

35. Natural England has reviewed the Habitats Regulations Assessment/Appropriate Assessment and are satisfied with these proposed mitigation measures. The full details of these measures would be secured by planning condition, along with securing measures limiting water usage within the property to 110ltr per person per day. This is an acceptable approach to mitigating the proposed development and as such it would not cause harm to European and internationally designated protected sites in accordance with Policies LP42 and 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:

100 Rev 1 - Proposed Plans & Ordnance Map

101 Rev 1 - Proposed Elevations

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

3. a) No development hereby permitted shall 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; provision to be made on site for contractor's parking, construction compound (including the storage of building materials and waste) and site office facilities, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason - To safeguard residential amenity and in the interests of the safety and convenience of users of the surrounding highway network and to comply with Policies LP10 and LP46 of the Gosport Borough Local Plan, 2011-2029.

4. The development hereby permitted shall not 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.

5. a) The three ventilation units shall not be installed adjacent to the boundary with 57 Elson Road hereby permitted, as shown on the approved plans, until a scheme specifying the provisions to be made for the control of noise and vibrations emanating from the site (during both day and night time hours) shall be submitted to and approved, in writing, by the Local Planning Authority.

b) The development hereby permitted shall not be occupied or brought into use until the noise mitigation scheme approved pursuant to part a) of this condition has been implemented.

c) The noise mitigation measures shall thereafter be retained.

Reason - To protect the amenities of the occupiers of nearby premises, and to comply with Policies LP10 and LP46 of the Gosport Borough Local Plan 2011-2029.

6. a) The development hereby permitted shall not be occupied until details of vehicle strike barriers to protect the three parked cars from damage caused by the movement of refuse bins / cycles, have been submitted to, and approved in writing, by the Local Planning Authority.

b) The vehicle strike barriers shall thereafter be retained.

Reason - In order to safeguard future users of the car parking facilities from damage caused by the movement of the refuse bins / cycles, and to accord with Policies LP10 and Policy LP23 of the Gosport Borough Local Plan 2011-2029.

7. a) The development hereby permitted shall not be occupied 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.

8. a) The development hereby permitted shall not be occupied 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.

9. a) The development hereby permitted shall not be brought into use until the facilities shown on the approved plan 100 Rev 1 (Proposed Plans & Ordnance Map); 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.

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

11. The windows at first floor level on the eastern side elevation (facing 57 Elson Road); as shown on approved plan 100 Rev 1 - Proposed Plans & Ordnance Map - Unit 3, hereby permitted, shall be non-opening and glazed 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 shall thereafter be retained in that condition.

Reason - To preserve the amenities of the occupiers of the adjoining property, 57 Elson Road, and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

12. The windows at first floor level on the eastern side elevation (facing 57 Elson Road); as shown on approved plan 100 Rev 1 - Proposed Plans & Ordnance Map - Unit 2, hereby permitted, shall be non-opening and glazed 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 shall be non-openable below a distance of 1.7 metres above the finished floor level of the room in which it is installed, or inward opening above 1.7 metres above the finished floor level of the room in which it is installed, and shall thereafter be retained in that condition.

Reason - To preserve the amenities of the occupiers of the adjoining property, 57 Elson Road, and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

13. The window at first floor level on the southern elevation (adjacent to the boundary with 57 Elson Road); shall be glazed 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 shall be non-openable below a distance of 1.7 metres above the finished floor level of the room in which it is installed and shall thereafter be retained in that condition.

Reason - To preserve the amenities of the occupiers of the adjoining property, 57 Elson Road, and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

14. a) The doors in the western side elevation at ground floor level, hereby permitted, shall be installed in such a manner as to be incapable of opening over the adjacent public highway.

b) The doors shall be approved in the retained condition thereafter.

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



**ITEM NUMBER: 04.**  
**APPLICATION NUMBER: 21/00168/FULL**  
**APPLICANT: Mr & Mrs Shepherd**  
**DATE REGISTERED: 29.03.2021**

**ERECTION OF SINGLE STOREY SIDE EXTENSION AND REPLACE ROOF ON REAR EXTENSION**  
**5 St Marks Close Gosport Hampshire PO12 2DB**

***The Site and the proposal***

1. The application site is located at the northwest end of St Marks Close cul-de-sac. The site is rectangular in shape, with an enclosed rear garden, the front garden is enclosed by a low brick wall with hardstanding and a driveway to its northern boundary. The semi-detached house is brick built with render at first floor level with white uPVC double glazed windows under a brown plain tiled roof. The roof has been enlarged with a hip to gable extension and a rear dormer. There is an existing single storey rear extension. The adjoining property 4 St Marks Close has a similar single storey rear extension with a mono pitched roof. The adjacent property 6 St Marks Close, has a driveway on its southern boundary with the application site, it also has a single storey rear extension with a mono pitched roof.

2. St Marks Close is a residential cul-de-sac accessed from St Marks Road, it comprises similar two-storey semi-detached dwellings finished in brick/render with tiled roofs. The established residential character of the locality is of family homes.

3. Planning permission is sought for the erection of a mono pitched roof over the existing single storey flat roof rear extension. The existing single storey rear extension measures approximately 3.6 metres deep 6 metres wide and 2.6 metres high. The mono pitched roof would be 2.6 metres to eaves height and 3.7 metres to the ridge. It would be tiled to match the existing building with a vaulted ceiling with roof lights.

4. The proposed single storey side extension would measure 2.2 metres wide and 6.6 metres deep with a lean-to roof rising from an eaves height of 2.5 metres to a maximum height of 3.5 metres. It should be noted that the alterations to the fenestration in the existing single storey rear extension would be permitted development as could the proposed single storey side extension.

***Relevant Planning History***

88/22722/PA -erection of a single storey rear extension- permitted 20.09.1988

***Relevant Policies***

Gosport Borough Local Plan 2011 – 2029:  
LP10 Design

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), February 2019

***Consultations***

Nil

## **Response to Public Advertisement**

1 letter of objection.

Issues raised:

- loss of light
- single storey side extension would compromise the boundary fence and utilities under the driveway, undermine the integrity of the driveway and restrict to the Fire Service to the rear of the property
- concerns over potential for future development

## **Principal Issues**

1. Any potential impact on the boundary or utilities on the neighbouring property would be a civil matter and should be dealt with under the Party Wall Act. The issue of access to the rear of the property by Emergency Services would be dealt with under the Building Regulations. Any potential future development would need to be assessed on its own merits if any future application were submitted.

2. The application site is located within the Urban Area Boundary, where the principle of residential development is acceptable. The main issues to consider in the determination of this application are whether the proposed development is acceptable in design terms and whether it would impact on the residential amenities of the occupiers of neighbouring properties and the wider street scene.

3. The proposed mono pitched roof would appear as well designed and a proportioned addition to the recipient building. The overall scale and appearance of the roof would relate appropriately to both the existing building and to the wider street scene. The proposal is considered acceptable in design terms and complies with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

4. Given the relationship with neighbouring properties and orientation of the proposed roof it would not result in any unacceptable loss of light, outlook, or privacy to the occupiers of neighbouring properties. Therefore, the proposal is in compliance with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

5. The proposed single storey side extension, notwithstanding that it could be erected without the need for express planning permission, is given its size and siting, considered acceptable in both design and 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 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:

SHEET 1 of 2

SHEET 2 of 2

Site location Plan

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 shall match in type, colour and texture, those on the existing roof of the dwelling unless otherwise agreed in writing with the Local Planning Authority.

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



**ITEM NUMBER: 05.**  
**APPLICATION NUMBER: 21/00122/FULL**  
**APPLICANT: Mr & Mrs Wright**  
**DATE REGISTERED: 10.03.2021**

**PART TWO STOREY PART SINGLE STOREY REAR EXTENSION**  
**38 Waterloo Road Gosport Hampshire PO12 2AL**

***The Site and the proposal***

1. The application site is located on the southern side of Waterloo Road and is a semi-detached two storey dwelling with living accommodation in the loft space and a dormer to the eastern side elevation of the hipped and pitched roof. The property is a constructed of red brick and uPVC windows and doors under a hipped, pitched, tiled roof with pebble dashed render at first floor level. To the rear of the property is a single story rear conservatory. The immediately adjacent dwelling to the west is 40 Waterloo Road, the other dwelling in the semi-detached pair. To north lie 37 and 39 Waterloo Road which are a semi-detached pair of dwellings of similar design to the application dwelling. To the east is 36 Waterloo Road a semi-detached two storey dwelling of a more modern design in comparison to the application dwelling with a pitched and side gabled roof. To the south (rear) of the site lies a pedestrian rear access path and the two storey flatted development of The Redan.

2. The proposal is for the erection of a part two storey part single storey rear extension following the demolition of the existing conservatory. The proposed extension would span the full width of the rear elevation of the dwelling with the single storey element to the western side, adjacent to the semi-detached neighbour. The proposed extension would measure 5.7 metres width with the single storey element being 2.7 metres in width and the two storey element being 3 metres in width. Both elements of the proposed extension would measure 3.6m in depth and the single storey element would have a lean to roof with an eaves height of 2.3 metres and a maximum height of 3.7 metres with a single roof light. The two storey element would have a hipped pitched roof with an eaves height matching that of the host dwelling and a maximum height of 6.8 metres (two metres set down relative to the ridge of the host dwelling). The proposed extension would be constructed of matching materials with the addition of tile hanging at first floor level to the rear elevation. The number of bedrooms at the site would not be increased as a result of this proposal.

3. This application has been brought before the Regulatory Board for a decision as the applicant is a close relative of an elected Member.

***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**

None

### **Principal Issues**

1. The main issues for consideration are the impact on the appearance of the design of the proposal, its impact on the appearance of the locality, the amenities of the occupiers of adjacent properties and its impact upon parking.
2. The proposal would be subservient to the application property and in keeping in terms of materials. It is considered that the proposed single storey element and the hipped and pitched roof over the rear projection to the application dwelling would be in keeping with the character of the host dwelling and the surrounding area. Therefore the proposed extension is considered to be acceptable. The proposal is therefore considered appropriate to the location and acceptable in terms of Policy LP10 of the Gosport Local Plan 2011-2029.
3. The windows in the rear elevation of the proposed extension would look toward the flats to the rear of the site, which are separated from the proposal by a minimum of 24m. This distance is considered to be sufficient to prevent overlooking or loss of privacy impacts to the detriment of the occupiers of the flats. As the proposed extension would project further to the south than the plane of the rear elevations of the immediate neighbours to each side of the application site, the windows within the extension are considered to have no overlooking or loss of privacy impact upon these neighbours. Given the separation between the proposal and the flats, together with the fact that the development is to the north of the flats it is considered that the proposal would not have an overshadowing or loss of light impact upon the amenities of the occupants of these neighbouring properties. It is further considered that, due to its scale, depth and design, the proposal would not lead to a harmful loss of light or overbearing impact upon the amenities of the immediately adjacent neighbours to either side. As such it is considered that the proposal complies with this aspect of Policy LP10 of the Gosport Borough Local Plan 2011-2029.
4. The proposed extension would provide additional floor space to an existing bedroom, rather than increasing the number of bedrooms in the property. Whilst the number of bedrooms has likely been increased as a result of the conversion of the loft space to living accommodation, these works were permitted development and as such did not require an application for planning permission. As such it is considered that it would not be reasonable to recommend a reason for the refusal of this application on the grounds of a shortfall in parking provision at the site. This situation exists at present and will not be further exacerbated by the proposal as it would not result in an uplift in the level of parking required at the site. Furthermore, no alterations to the existing parking arrangements are proposed. Therefore the development is considered to be acceptable in terms of Policy LP23 of the Gosport Borough Local Plan 2011-2029.

Equalities Impact Assessment: No Implications

### **RECOMMENDATION: Grant Permission**

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

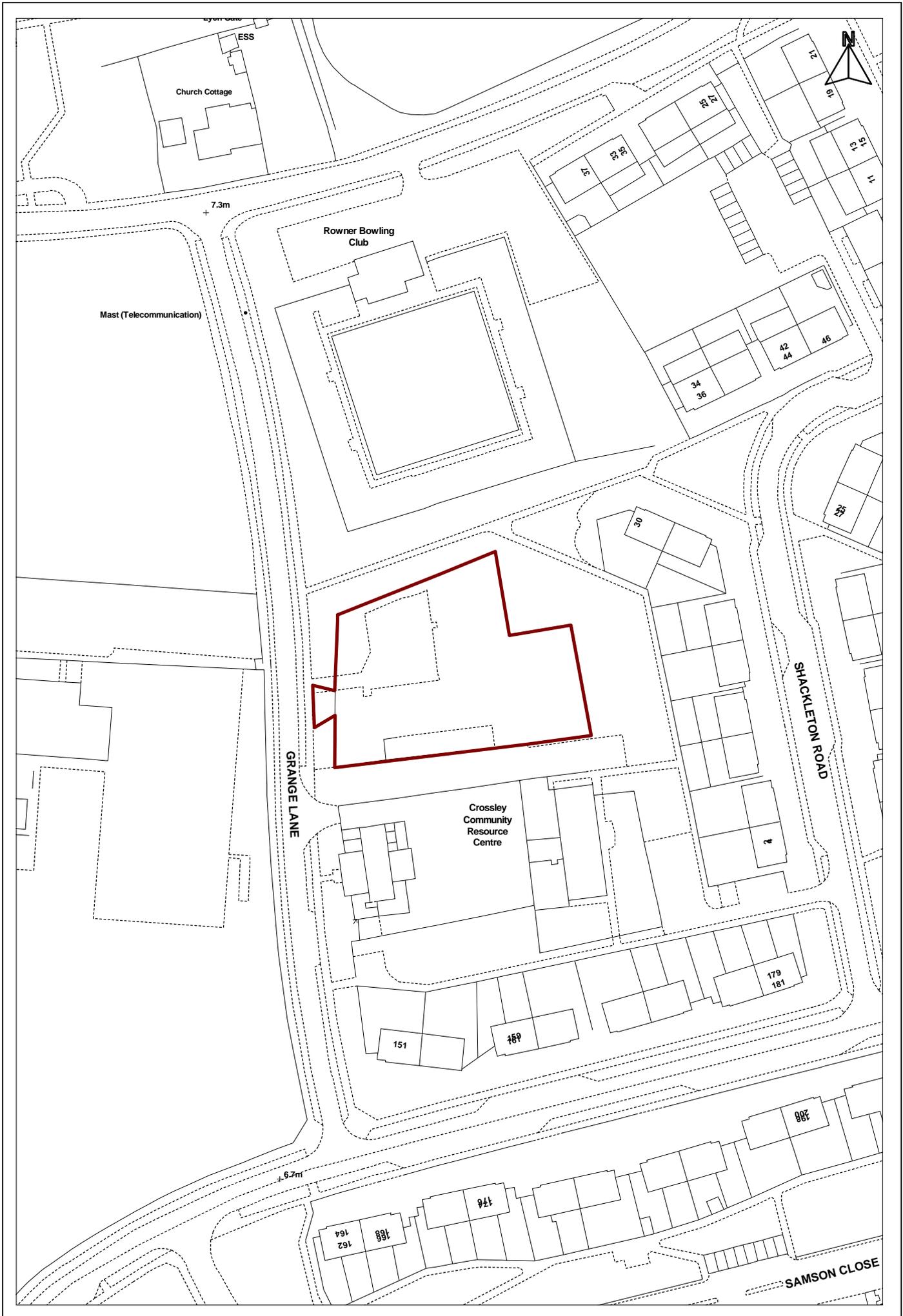
1. The development hereby permitted must be begun within a period of three years beginning with the date on which this permission is granted.  
Reason - To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Sheet 1 of 2, Sheet 2 of 2.

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

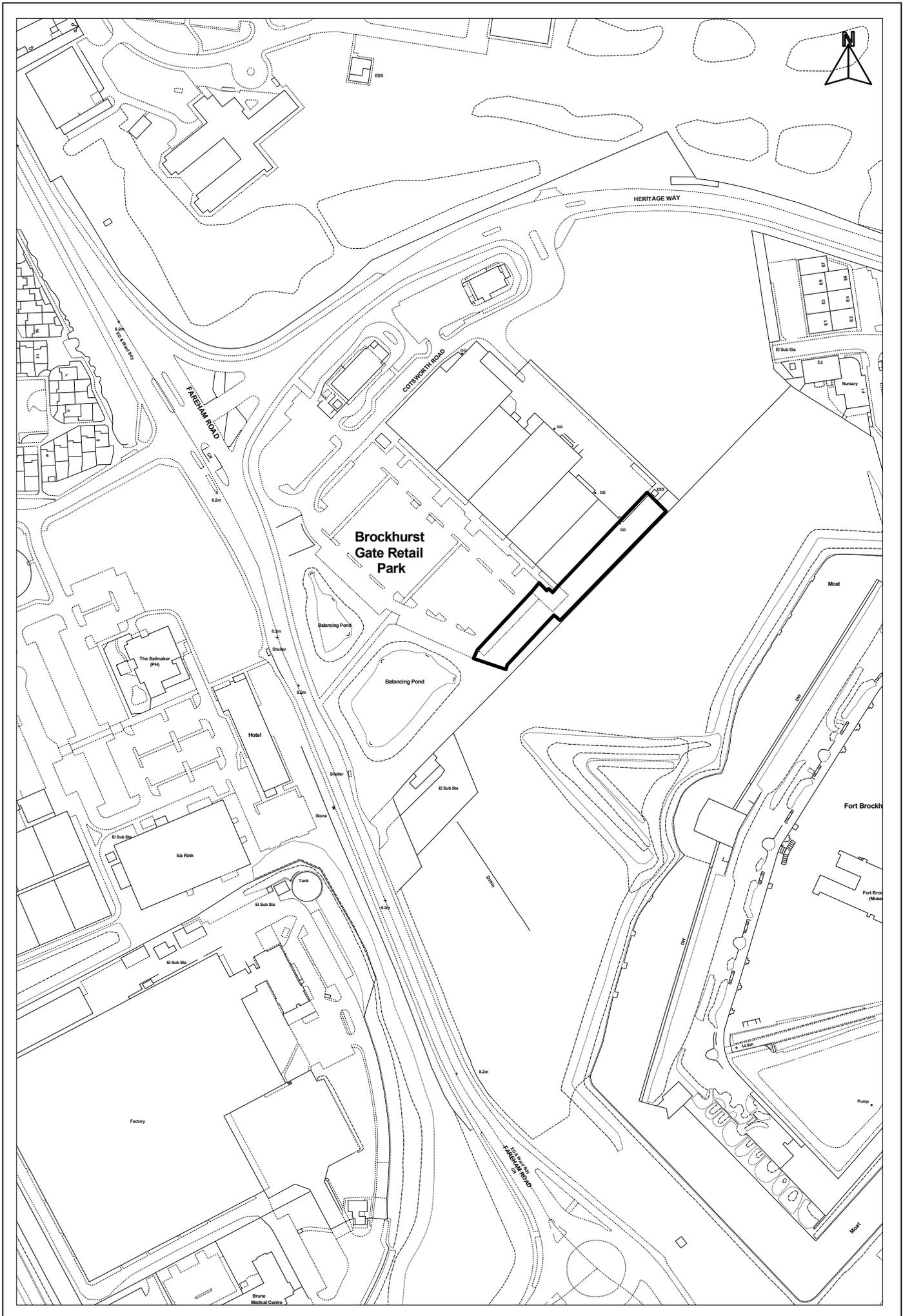
3. The materials to be used shall match in type, colour and texture those on the existing dwelling unless otherwise agreed, in writing, with the Local Planning Authority.

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

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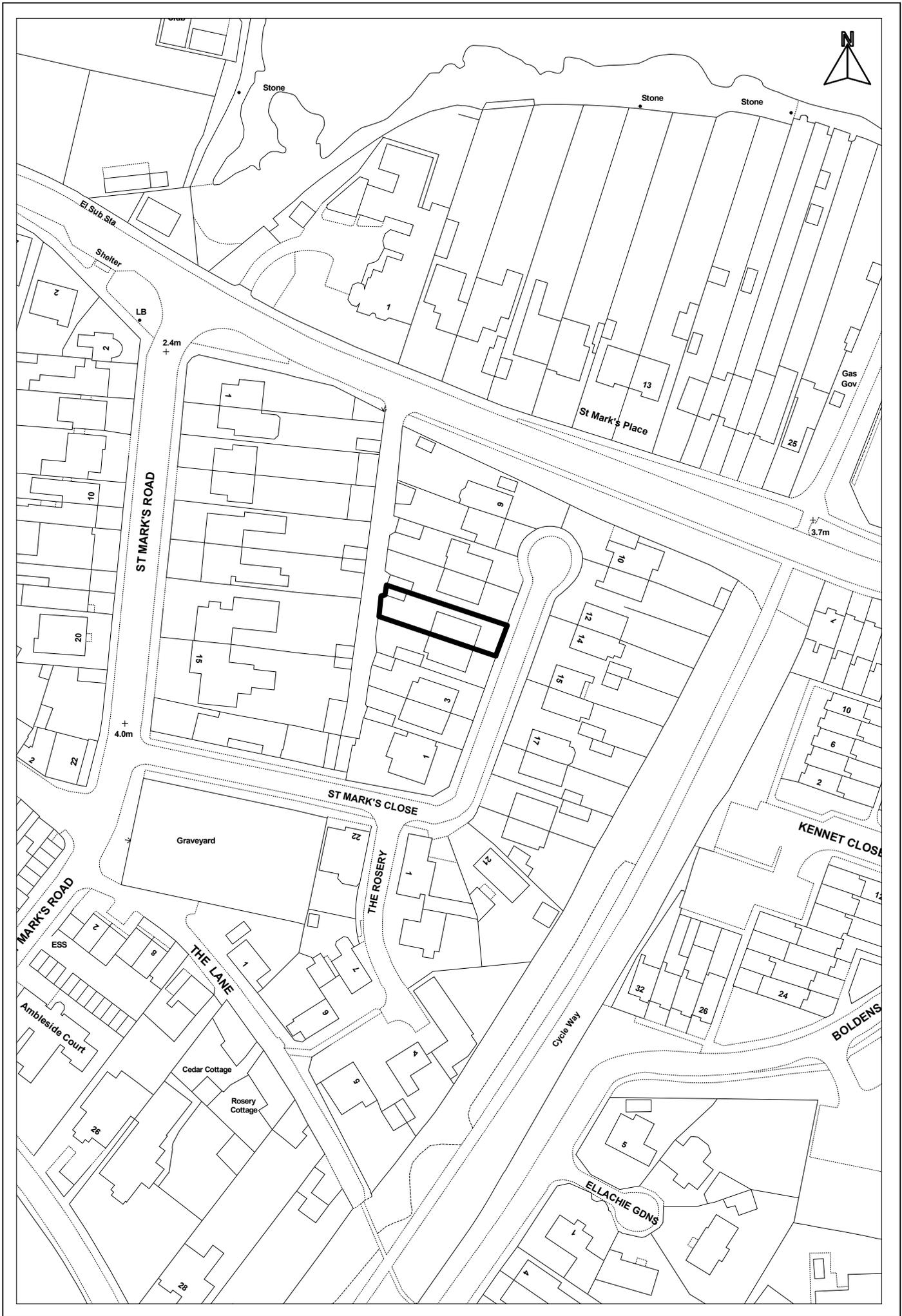
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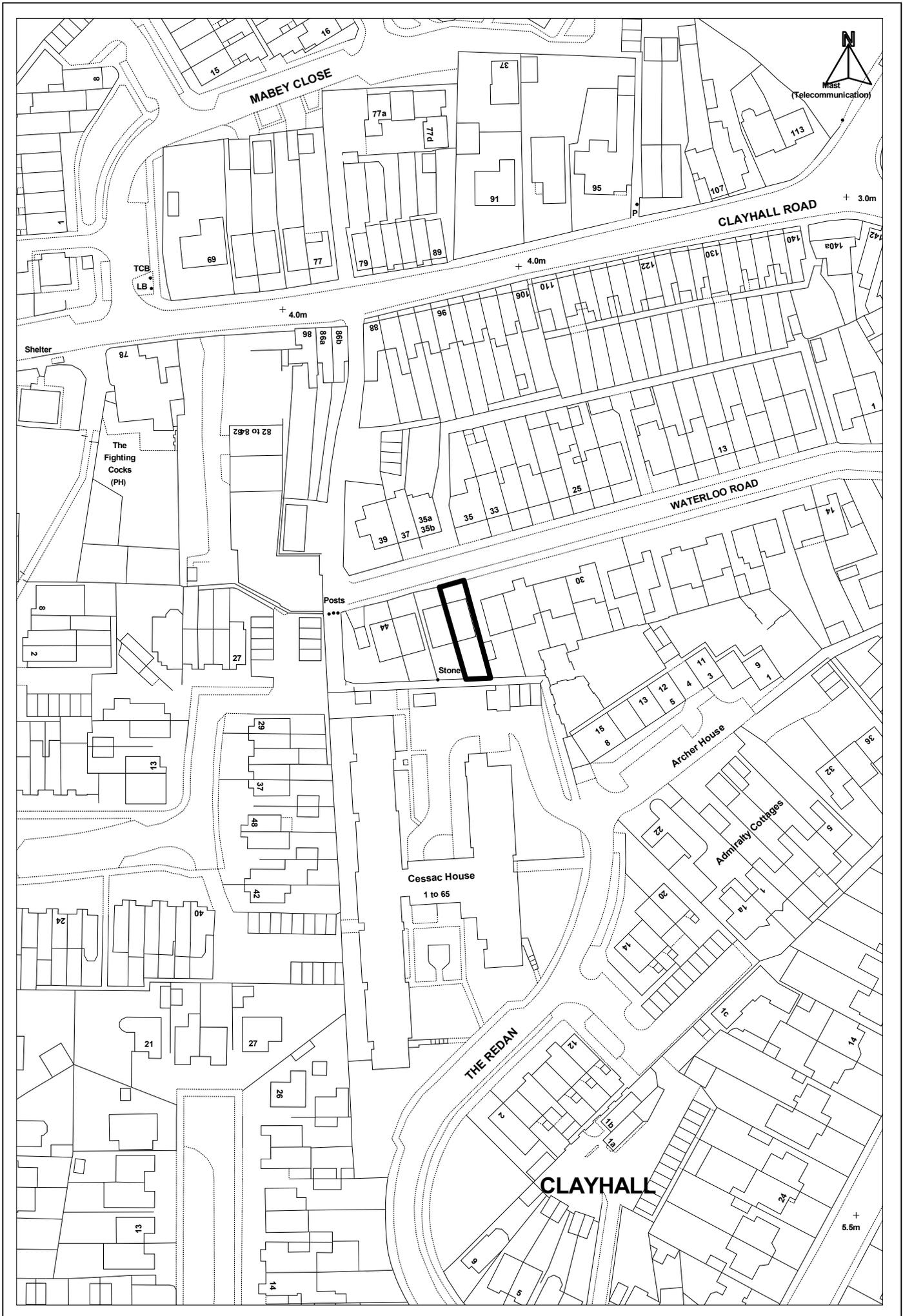
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