

Public Document Pack



GOSPORT
Borough Council

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4 January 2022

S U M M O N S

MEETING: Regulatory Board
DATE: 12 January 2022
TIME: 6.00 pm
PLACE: Council Chamber
Democratic Services contact: Lisa Young

PAUL GRANT
BOROUGH SOLICITOR AND MONITORING OFFICER

MEMBERS OF THE BOARD

The Mayor, Councillor Hook (ex-Officio)
Chairman of the Policy and Organisation Board, Councillor Burgess (ex-Officio)

Councillor Mrs Hook (Chairman)
Councillor Casey (Vice-Chair)

Councillor Mrs Batty
Councillor Carter
Councillor Earle
Councillor Foster-Reed
Councillor Hammond

Councillor Mrs Jones
Councillor Miss Kelly
Councillor Mrs Morgan
Councillor Murphy
Councillor Westerby

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 downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

IMPORTANT NOTICE:

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

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

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.
- iv. Please do not attend the meeting if you have symptoms of Covid-19, and take a lateral flow test before attending. Please wear a mask when moving around the Council Chamber.

AGENDA

1. **Apologies for non-attendance**

2. **Declarations of Interest**

3. **Minutes of the meeting held on 1 December 2021**

To sign as a true and correct record the minutes of the Regulatory Board meeting held on the 1 December 2021.

4. **Deputations - Standing Order 3.4**

(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Monday 10th January 2022 The total time for deputations in favour and against shall not exceed 10 minutes)

5. **Public Questions - Standing Order 3.5**

(NOTE: The Board is required to allow a total of 15 minutes for questions from members of the public on matters within the terms of reference of the Board provided that notice of such questions (s) shall have been submitted to the Borough Solicitor by 12 noon Monday 10 January 2022)

6. **Report of the Development Manager**

To consider the reports of the Development Manager.

7. **Any Other Items**

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Public Document Pack Agenda Item 3

Regulatory Board
1 December 2021

A MEETING OF THE REGULATORY BOARD WAS HELD ON 1 DECEMBER 2021

Councillor Burgess

Councillors Casey, Earle, Hammond, Mrs Jones, Mrs Morgan and Westerby

90. APOLOGIES FOR NON-ATTENDANCE

An apology for non attendance was received from Councillor Mrs Hook.

91. DECLARATIONS OF INTEREST

Councillor Mrs Westerby advised that she had been involved in calling in item 2.

92. MINUTES OF THE MEETINGS HELD ON 6 OCTOBER 2021 AND 2 NOVEMBER 2021

RESOLVED: That the minutes of the meetings held on 6 October 2021 and 2 November 2021 be signed as true and correct records.

93. DEPUTATIONS - STANDING ORDER 3.4

Deputations were received on the following items

21/00076/FULL – Haslar Marina
21/00481/TPO – 19 Queens Road

94. PUBLIC QUESTIONS - STANDING ORDER 3.5

There were none.

95. REPORT OF THE DEVELOPMENT MANAGER

**21/0076/FULL ERECTION OF AN OPEN AIR BAR AND RESTAURANT WITH MARQUEE ON NEW PONTOONS (as amplified by as amplified by Construction Management Statement and Shadow HRA received 17 May 2021)
Haslar Marina Haslar Road Gosport Hampshire PO12 1NU**

Consideration was given to a report of the Development Manager recommending that planning application 21/0076/FULL be approved.

A deputation was received from Councillor Mrs Cully as Councillor for Town Ward

She advised that she had received communication from several residents who were concerned about the proposal and the impact would have on the Watergate.

The new proposal would cause additional noise with longer opening hours and more disturbance particularly if the wind was in an unfavourable direction.

Councillor Mrs Cully advised that she agreed with the inclusion of a lighting and noise management plan and expressed concern that there was no parking included as part of it which would present parking issues in the surrounding area and would infringe on the reserved spaces for Seward Tower and Harbour Tower

The Board was advised that suppliers often used the single gate located close to the Timespace for deliveries and that these deliveries along with boat owners and would use the visitors spaces, which in turn would mean that there were no visitors spaces available.

It was suggested that deliveries be restricted from using the access at the Timespace and be rediverted along to the larger access at the bottom of Haslar Bridge and that this be included in the service plan to ease the concerns of residents.

The Board was advised that the flats created a microclimate and that as a result noise from it magnified. This would be the third hospitality site in the marina and it was felt that this was excessive.

Councillor Meenaghan was invited to address the Board as Ward Councillor. She advised the Board that she was contacted by residents who had expressed concerns about the noise the site would create. The proposal would mainly be used by those using the marina and felt that support should be provided for the economy outside the marina.

The Board was advised that the proposal was for use between April and October and that heaters and blankets would be provided. Concern was expressed that the heating would be using a generator and fossil fuels which went against proposals to better address climate change.

It was felt that the tent would be an eyesore on what was a pleasant promenade and as the marquee deteriorated through exposure to wind and sunshine it would be a blot on the landscape.

In answer to a Member's question, the Board was advised that it was possible to condition the use of the side gate for the delivery of food.

A Member also queried whether it would be possible to condition that no external heating be used on the site. The Board was advised that planning permission would not be required to install heaters.

In answer to additional question, the Board was advised that the facilities, including sanitary block were located 20 metres from the site.

Members hoped that the owners would make an effort to ensure the tent remained in good condition.

Members questioned whether an additional facility would be located at what had previously been Trinity's, and was advised that there was supporting information to advise that the applicant was considering the use of the former Lightship, but that it did not form part of the application being considered.

The Board was advised that the Lightship already had existing permission to operate as a restaurant and could be occupied as such at any time.

The Board was also advised that there were separate applications under consideration relating to the existing office building being replaced with a restaurant and bar.

Members reiterated concern about the noise and light pollution the proposal would generate and felt that insisting on using the larger gate would cause issue for those living in Rampart Row.

RESOLVED: That application 21/0076/FULL be approved, subject to the conditions in the report of the Development Manager.

21/00481/TPO CROWN THIN BY 20% AND CROWN LIFT OF UP TO 5 METRES TO 1NO. HORSE CHESTNUT TREE, POLLARDING OF 4NO. POPLAR TREES BACK TO PREVIOUS POLLARDING POINTS (APPROXIMATELY 10 METRES), CROWN THIN BY 20% AND REDUCTION OF OVERHANGING BRANCHES BY 3 METRES TO 1NO. HOLM OAK, 1NO. HORSE CHESTNUT AND 1NO. HOLLY TREE AND CROWN REDUCE AND RESHAPE BY 3 METRES TO 1NO. ASH TREE (TPO G.7) (CONSERVATION AREA)

Consideration was given to a report of the Development Manager requesting that consideration be given to application 21/00481/TPO.

Mr Marshall was invited to address the Board.

He advised that he lived opposite the site and had done so for 30 years.

The trees were mature and rare in an urban setting and were beautiful and were part of the reason he had chosen to live there.

He advised that he had seen the tree be lopped previously and that both the house and trees had significant history. The site had formed part of the large Burton House site and were the only significant houses remaining.

He advised the Board that the trees were only visible from Google Earth, and were no inconvenience. There was some overhanging to the road but no impacts on the gardens either side. The properties to the south may suffer by not being shaded but there would be no impact on the properties to the north.

He felt the trees should be protected as there had already been the loss of a significant number of mature specimens and advised that urban trees were a privilege, and these were nonstandard trees not just oak trees in a forest or field.

Mr Marshall advised that he believed he was the only objector but advised they were well loved. They had been distressing lopped before and he felt that this term was not appropriate as it signified great damage to them. The trees had not recovered from being lopped and felt that urban trees should be left in their natural state as they were beautiful.

Mr Chetwynd was invited to address the Board and provided the Board with pictures of the trees.

He advised the he had purchased the property in December 2020 and that part of the appeal of it was the trees which he was committed to preserving.

He advised that he was not applying to fell any of the trees, but conduct much needed maintenance. He understood that the previous owners had conducted maintenance 15 years prior, but none had been undertaken since.

The tree in picture one was consumed with ivy which was choking the tree and adding significant weight, increasing its risk of falling, which would be in close proximity to neighbours properties.

The branches of the tree in the second photograph showed that they had grown so much they were now enveloping the power cables into the property. This made access to them very difficult and only possible by cherry picker and therefor risked damaging supply

Picture 3 showed the trees with a lot of dead wood stuck in branches posing a risk to the applicants and neighbouring properties and those walking by.

Picture 4 showed that there had been significant damage to the large trunks of dead wood that remained trapped in the trees and were also at risk of falling and causing damage.

The historical property was at risk as the branches extended so they were in contact either the roof of the property. This was shown in picture 5 and showed the risk of damage to the roof in poor weather.

The 6th photograph showed a large trunk that had recently fallen causing damage to a car on the driveway, on a route used by the applicant and the neighbours, it was 8-9ft and required 3 people to move it and it was fortunate that no one had passed underneath at the time.

He reiterated that he was not looking to fell trees but to preserve them and the buildings, protect the buildings and the future health of the trees.

In answer to a Members question the Board was advised that a tree surgeon had been consulted and had advised on the work required.

Members felt the application was a sensible approve.

RESOLVED: That application 21/00481/TPO be approved subject to the conditions in the report of the Development Manager.

96. ANY OTHER ITEMS

There were none.

CHAIRMAN

Concluded at 6.36 pm

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

12th January 2022

ITEMS WITH RECOMMENDATIONS

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

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<u>Item</u>	<u>Page No</u>	<u>Appl. No.</u>	<u>Address</u>	<u>Recommendation</u>
01.	03-08/1	21/00136/FULL	Haslar Marina Haslar Road Gosport Hampshire PO12 1NU	Grant Permission subject to Conditions / s106
02.	09-14/1	21/00518/FULL	Haslar Marina Haslar Road Gosport Hampshire PO12 1NU	Grant Permission subject to Conditions / s106
03.	15-16/1	21/00530/LBA	No 2 Battery Stokes Bay Road Gosport Hampshire	Grant Listed Building Consent subject to Conditions
04.	17-19/1	21/00549/FULL	Historic Diving Society No 2 Battery Stokes Bay Road Gosport Hampshire	Grant Permission subject to Conditions

ITEM NUMBER: 01.
APPLICATION NUMBER: 21/00136/FULL
APPLICANT: Mr Philip Lay Boatfolk Limited
DATE REGISTERED: 16.03.2021

DEMOLITION OF EXISTING BUILDING AND ERECTION OF SINGLE STOREY BUILDING AND EXTERNAL DECK TO FORM RESTAURANT (as amended by plans received 27.07.2021)

Haslar Marina Haslar Road Gosport Hampshire PO12 1NU

The Site and the proposal

1. The application site comprises the existing Haslar Marina Office and extends to the eastern side of Haslar Road, north of Haslar Bridge, having an irregular form and covering a site area of 392 square metres
2. The site lies outside of the Urban Area Boundary. To the west of the site is Haslar Lake which is designated as a Special Protection Area, Ramsar Site as well as a Site of Special Scientific Interest. To the north-east of the site is Bastion No.1 which is a Scheduled Ancient Monument (SAM). To the south of the site lies the boundary of the Haslar Peninsula Conservation Area.
3. Full planning permission is sought for the demolition of the existing marina office and the erection of a single storey building with external decking to form a restaurant.
4. The proposed single storey building would have a footprint measuring 29.1 by 27.8 metres and would have a ridge height of 6.1 metres and eaves of 2.2 metres in height. At the southern end of the building there would be a cupola (a small roof mounted clock tower), to a maximum height of 8.9 metres. The building would be finished in slate tile with grey weatherboarding and a brick plinth to the elevations, windows and doors would be dark grey with white fascias and soffits. An external deck measuring approximately 140 square metres would be located on the southern elevation of the building with access down to the marina pontoons. Amended plans were received on the 27 July 2021 which reduced the size of the proposed external deck from 250 sq metres.
5. Planning permission was granted under 18/00118/FULL for the change of use of the existing marina office building and a modest extension in order to facilitate its use as a restaurant with a floor area of 80 sqm and an external deck of 90.4 sqm. This development was part of a suite of proposals within that application which were distributed across the Haslar Marina site as a whole and which, while not yet implemented, remain extant. The current application proposal relates only to the demolition of the existing marina office building and the erection of a restaurant in its place.

Relevant Planning History

18/00118/FULL - erection of part three storey, part single storey building to form boat workshop (class B8) and showroom (class A1), erection of single storey boat sales centre (class A1), erection of terrace of single storey storage units (class B8), alterations to car park layout and existing slipway, change of use and extension of existing offices to form restaurant (class A3), change of use of existing restaurant to shop (class A1), offices or light industry use (class B1), erection of single storey office building (class B1) and alterations and extensions to existing pontoons to provide 50 additional berths - permitted - 07/2/2019

21/00076/FULL - erection of an open air bar and restaurant with marquee on new pontoons - permitted 02/12/2021

21/00517/FULL - change of use of two office units to form four hotel rooms in building 1 to include construction of a mezzanine and amendments to fenestration; change of use of four ground floor office units to form four hotel rooms and amendments to fenestration in building 2; change of use of part of restaurant at ground floor and offices at first floor to form five hotel rooms in building 3 incorporating amendments to fenestration (as amended by plans received 28th October 2021) - pending

21/00518/FULL - change of use and extensions of existing single storey office building to form a restaurant - pending

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

- LP3 Spatial Strategy
- LP10 Design
- LP19 Marinas and Moorings
- LP23 Layout of Sites and Parking
- 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

National Planning Policy Framework (NPPF), July 2021

Consultations

Natural England	No objection subject to appropriate mitigation being secured.
Queen's Harbour Master	No objection.
HCC Ecology	No objection subject a condition securing adherence to the CEMP submitted.
Environmental Health	No objection subject to conditions regarding land contamination, noise and dust control in construction, noise control in operation and odour control.

Response to Public Advertisement

3 letters of objection received to original proposal.

Issues raised:

- the proposal is excessive in size
- the footprint is too close to numbers 16 and 17 Rampart Row
- the proposal is too high relative to surrounding buildings
- the proposal will block views of the marina
- the proposal will lead to the loss of a piece of land used for the landing of emergency helicopters
- the grass area is home to a family of foxes
- the proposal is not conducive to the surrounding historic area and buildings
- there will be noise and disturbance to neighbours
- the proposal will lead to a loss of privacy to neighbours
- there are highway safety issues arising from the parking of delivery vehicles adjacent to the traffic lights
- customers for the restaurant may park in Rampart Row to the inconvenience of residents
- noise and smells from food preparation will impact upon neighbours
- the proposal will lead to the loss of the green strip between Rampart Row and the marina
- the location of the LPG tank for the restaurant may introduce a fire risk

1 letter of objection received to amended plans.

Issues raised:

- noise and disturbance
- parking in residents spaces at Rampart Row
- impact of cooking odours

- impact of deliveries and parking adjacent to Haslar Bridge traffic lights

Principal Issues

1. The loss of views to the marina for properties in Rampart Row and the use of the area near the site as an informal landing strip for emergency helicopters are not material to the consideration of this planning application which must be considered, as submitted, on its own merits in light of the relevant national and local planning policies. It must also be noted that foxes are not a protected species in UK law. The location and safety measures related to LPG tanks are matters for the Building Regulations and are not material to the assessment of this application for planning permission. The main issues to consider are therefore: whether the proposals are acceptable in principle; whether they are acceptable in design, heritage, amenity, and highway terms and whether the proposals would affect any ecological interests and if so whether any impacts can be mitigated.

2. The site lies outside the Urban Area Boundary where Policy LP3 sets out a presumption against development unless for appropriate recreational uses, or for works essential to the operational requirements of public or other essential services. The supporting text to Policy LP3 "recognises that in certain instances there will be a need for particular types of development to be located outside of the Urban Area Boundary" and highlights that any "exceptions must be integrated into the surrounding environment in order to protect the open character of the urban fringe as well as its ecological and recreational value". The principle of a restaurant at this site was accepted with the granting of planning permission 18/00118/FULL in February 2019 and it is considered that in terms of the relevant material considerations there has been no significant change that would alter this position. The proposal is therefore considered acceptable in principle in this location.

3. The proposed building is of a style and design that echoes that of the existing building on the site as well as those to the opposite side of Haslar Road. Furthermore the materials to be used are considered to be in keeping with this context and the site's marina location. It is acknowledged that the proposed building has a ridge height which exceeds that of the existing building on the site by 1 metre and that the proposal has a floor area almost double that of the existing marina office building (333 square metres as opposed to 168 square metres). However, it is considered that the proposal does not represent an overdevelopment of the site and that the scale of the building is acceptable. As such it is considered that the proposed building is acceptable in terms of its design and scale and is in accordance with the guidance within the Design SPD and Policy LP10 of the Gosport Borough Local Plan 2011-2029 in this regard.

4. The nearest residential dwellings to the site lie to the north of the site within Rampart Row, with the closest of these being No. 16 Rampart Row which is separated from the proposed building by 18 metres. Given this degree of separation, it is considered that the proposed building would not lead to an overbearing or unneighbourly building relationship or to a loss of light to the detriment of the amenities of the occupiers in the dwellings of Rampart Row. The northern elevation of the proposed building has windows which face the dwellings in Rampart Row. The southern facing rear gardens of the dwellings are enclosed by 1.8 metre high close boarded timber fencing and given the single storey scale of the proposed building it is considered that this fenestration will not lead to undue loss of privacy or overlooking to the detriment of the amenities of the residents in Rampart Row. Concerns expressed by objectors with regard to noise and odour impact arising from the restaurant kitchen, noise impact during construction and noise impacts associated with the proposed use as a restaurant are recognised and accordingly conditions requiring the submission of details of noise and odour mitigation for the proposed kitchen plant, and a Construction Environment Management Plan to include mitigation measures for noise and vibration are to be imposed. Such measures will thereafter be required to be maintained. With regard to the impact of noise arising from the proposed restaurant use, it is noted that the principle of the use of the site as a restaurant was established on the granting of 18/00118/FULL and it is considered that the impact of this proposal would not be materially more likely to generate noise impacts to the detriment of the amenities of neighbours than was that previously approved in the event that members are mindful to resolve to approve the application. A condition restricting hours of opening from 07:00 to 23:00 were imposed in respect of 18/00118/FULL and are considered to be reasonable and necessary in this instance also. Similarly a condition was imposed upon 18/00118/FULL that restricted the use of the external terrace to between the hours of 08:00 and

22:00 and such a condition is considered to be both reasonable and necessary to protect the amenities of the residents of Rampart Row in the event that members are mindful to resolve to approve this application. As such it is considered that the proposed development is acceptable in terms of its impacts upon the amenities of neighbours and is thereby in accordance with Policy LP10 of the Gosport Borough Local Plan 2011-2029 in this regard.

5. Natural England and the Council's Ecologist have raised no objection to the proposed development subject to the condition that appropriate mitigation of the potential impacts of the proposal upon the ecological interests of the wider area. The applicant has submitted a Construction Environmental Management Plan (CEMP) which the Council's Ecologist has confirmed that it is satisfactory subject to a condition securing adherence to the measures set out in the CEMP. Such a condition is considered to be both reasonable and necessary and is recommended in the event that members are mindful to resolve to approve this application. As such the proposal is considered to be in accordance with Policies LP42, LP43 and LP44 of the Gosport Borough Local Plan 2011-2029.

6. The Environmental Health Service has recommended the imposition of conditions to ensure appropriate investigation and mitigation of any land contamination at the site. Such conditions are considered to be both reasonable and necessary and will be imposed in the event that members are mindful to resolve to approve this application. Therefore the proposal is considered to be in accordance with Policy LP47 of the Gosport Borough Local Plan 2011-2029.

7. No additional parking is proposed in association with this proposal and the applicant asserts that the parking associated with the proposal can be accommodated in the existing marina car park or the other public car parking facilities nearby. It is noted that there are a number of public car parks within the vicinity of the site which could be available to patrons of the proposed development in the event that capacity were not available in the marina car park. As such it is considered that the proposal would not be likely to lead to additional pressure for on street parking to the detriment of highway safety. The marina has an existing restaurant use adjacent to the application site on the other side of Haslar Road that the servicing arrangements for the proposal could replicate the existing arrangements. As such it is considered that the proposal would be in accordance with Policy LP23 of the Local Plan .

8. Planning permission under 18/00118/FULL was granted subject to a Section 106 agreement securing for a financial contribution towards a Traffic Regulation Order (TRO) to prevent the loading of vehicles on the existing double yellow lines adjacent to the and the Haslar Bridge traffic lights. The Highway Authority has confirmed that the same contribution would be required in respect of this proposal in the interest of highway safety and the convenience of highway users. Subject to the financial contribution towards a TRO being secured the proposal is considered to be in accordance with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

Equalities Impact Assessment: No Implications

RECOMMENDATION: Grant Permission

Subject to Section 106 agreement relating to

1. a financial contribution towards securing a Traffic Regulation Order to update the existing double yellow lines to incorporate a no loading restriction on Haslar Road adjacent to the Bridge.

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:

PA20-144-05(B) ELEVATIONS AS PROPOSED, PA20-144-06(B) PLAN AS PROPOSED, PA20-144:01 REV A SITE BLOCK PLAN AS EXISTING

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) 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.

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

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in BS 10175:2011+A2:2017 - Investigation of potentially contaminated sites - Code of practice; and unless otherwise agreed in writing by the Local Planning Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A2:2017 - Investigation of potentially contaminated sites - Code of practice; and, unless otherwise agreed in writing by the Local Planning Authority.

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

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

5. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 4(c) that any remediation scheme required and approved under the provision of condition 4(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

a) as built drawings of the implemented scheme

b) photographs of the remediation works in progress

c) certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 4(c).

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

6. Development activities shall proceed in strict accordance with the submitted Construction Environment Management Plan (CEMP) (Mayhew Callum Ltd, March 2019) unless otherwise agreed in writing by the Local Planning Authority.

Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, the Wildlife & Countryside Act 1981, the NERC Act 2006, NPPF and with Policy LP44 of the of the Gosport Borough Local Plan 2011-2029.

7. a) The use hereby permitted shall not commence until equipment to suppress and mitigate odour and noise has been installed in accordance with a detailed scheme that shall be submitted to and approved, in writing, by the Local Planning Authority.

b) The equipment to suppress and mitigate odour and noise installed pursuant to part a) of this condition shall, unless otherwise agreed in writing by the Local Planning Authority, thereafter be operated and retained in accordance with the approved details.

Reason - To ensure that the operation of the cooking equipment does not harm the residential amenities of the occupiers of neighbouring properties in accordance with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

8. The use hereby permitted shall only be open to customers between the hours of 07:00 and 23:00.

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. The external seating area associated with the restaurant hereby permitted shall only be open to customers between the hours of 0800 and 2200.

Reason - In the interests of safeguarding the amenities of the occupiers of neighbouring premises in accordance with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

ITEM NUMBER: 02.
APPLICATION NUMBER: 21/00518/FULL
APPLICANT: Mr Tom Cullen Boatfolk Marinas Ltd
DATE REGISTERED: 05.10.2021

CHANGE OF USE AND EXTENSIONS OF EXISTING SINGLE STOREY OFFICE BUILDING TO FORM A RESTAURANT
Haslar Marina Haslar Road Gosport Hampshire PO12 1NU

The Site and the proposal

1. The application site comprises the existing Haslar Marina Office and extends to the eastern side of Haslar Road, north of Haslar Bridge, having an irregular form and covering a site area of 300 square metres
2. The site lies outside of the Urban Area Boundary. To the west of the site is Haslar Lake which is designated as a Special Protection Area, Ramsar Site as well as a Site of Special Scientific Interest. To the north-east of the site is Bastion No.1 which is a Scheduled Ancient Monument (SAM). To the south of the site lies the boundary of the Haslar Peninsula Conservation Area.
3. Planning permission is sought for the change of use of the existing marina office, the erection of a single storey extension to the north eastern and north western elevations and a pergola to form a restaurant.
4. The proposed single storey extension to the north eastern elevation would have a footprint measuring a maximum of 14.6 by 10.4 metres and would have a ridge and eaves height matching that of the existing building. The proposed extension would have a hipped and pitched roof matching the design of the roof of the existing building and would have a flat roofed element with roof lights to its southern elevation. The proposed single storey extension to the north eastern elevation would sit below the eaves of the existing canopy roof of the building and would measure 8.4 metres in width and 1.5 metres in depth. A timber pergola would span the southern and eastern sides of the building measuring 2.7 metres in height and projecting 2.9 metres from the building. The proposed extensions would be clad with weather boarding with brick plinths and have a slate tiled roof.
5. Planning permission was granted under 18/00118/FULL for the change of use of the existing marina office building and a modest extension in order to facilitate its use as a restaurant with a floor area of 80 sqm and an external deck of 90.4 sqm. This development was part of a suite of proposals within that application which were distributed across the Haslar Marina site as a whole and which, while not yet implemented, remain extant. The current application proposal relates only to the change of use and extension of the existing marina office building to facilitate its use as a restaurant.

Relevant Planning History

18/00118/FULL - erection of part three storey, part single storey building to form boat workshop (class B8) and showroom (class A1), erection of single storey boat sales centre (class A1), erection of terrace of single storey storage units (class B8), alterations to car park layout and existing slipway, change of use and extension of existing offices to form restaurant (class A3), change of use of existing restaurant to shop (class A1), offices or light industry use (class B1), erection of single storey office building (class B1) and alterations and extensions to existing pontoons to provide 50 additional berths - permitted 07/2/2019

21/00076/FULL - erection of an open air bar and restaurant with marquee on new pontoons - permitted 02/12/2021

21/00136/FULL - demolition of existing building and erection of single storey building and external deck to form restaurant (as amended by plans received 27.07.2021) - pending

21/00517/FULL - change of use of two office units to form four hotel rooms in building 1 to include construction of a mezzanine and amendments to fenestration; change of use of four ground floor office units to form four hotel rooms and amendments to fenestration in building 2; change of use of part of restaurant at ground floor and offices at first floor to form five hotel rooms in building 3 incorporating amendments to fenestration (as amended by plans received 28th October 2021) - pending

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

LP3 Spatial Strategy

LP10 Design

LP19 Marinas and Moorings

LP23 Layout of Sites and Parking

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

National Planning Policy Framework (NPPF), July 2021

Consultations

Natural England	No objection subject to appropriate mitigation being secured.
HCC Ecology	No objection subject to a conditions requiring adherence to the submitted CEMP.
Environmental Health	No comments received.
Economic Development And Regeneration	No objection.

Response to Public Advertisement

5 letters of objection received.

Issues raised:

- the proposal is excessive in size
- the footprint is too close to numbers 16 and 17 Rampart Row
- the proposal is too high relative to surrounding buildings
- the proposal will block views of the marina
- the proposal will lead to the loss of a piece of land used for the landing of emergency helicopters
- the grass area is home to a family of foxes
- the proposal is not conducive to the surrounding historic area and buildings
- there will be noise and disturbance to neighbours
- the proposal will lead to a loss of privacy to neighbours
- there are highway safety issues arising from the parking of delivery vehicles adjacent to the traffic lights
- customers for the restaurant may park in Rampart Row to the inconvenience of residents
- noise and smells from food preparation will impact upon neighbours
- the proposal will lead to the loss of the green strip between Rampart Row and the marina
- the location of the LPG tank for the restaurant may introduce a fire risk
- proposal will take up land useful in the absorption of water run off
- food waste will encourage vermin
- overdevelopment of the site when other development proposals within the Marina are considered

Principal Issues

1. The loss of views to the marina for properties in Rampart Row and the use of the area near the site as an informal landing strip for emergency helicopters are not material to the consideration of this planning application which must be considered, as submitted, on its own merits in light of the relevant national and local planning policies. It must also be noted that foxes are not a protected species in UK law. The location of, and safety measures relating to LPG tanks are matters for the Building Regulations and are not material to the consideration of this application for planning permission. The main issues to consider are therefore: whether the proposals are acceptable in principle; whether they are acceptable in design, heritage, amenity, and highway terms and whether the proposals would affect any ecological interests and if so whether any impacts can be mitigated.
2. The site lies outside the Urban Area Boundary where Policy LP3 sets out a presumption against development unless for appropriate recreational uses, or for works essential to the operational requirements of public or other essential services. The supporting text to Policy LP3 "recognises that in certain instances there will be a need for particular types of development to be located outside of the Urban Area Boundary" and highlights that any "exceptions must be integrated into the surrounding environment in order to protect the open character of the urban fringe as well as its ecological and recreational value". The principle of a restaurant at this site was accepted with the granting of planning permission 18/00118/FULL in February 2019 and it is considered that in terms of the relevant material considerations there has been no significant change that would alter this position. The proposal is therefore considered acceptable in principle in this location.
3. The proposed extensions are of a style and design that echo that of the recipient building as well as those to the opposite side of Haslar Road. Furthermore the materials to be used are considered to be in keeping with this context and the site's marina location. It is acknowledged that the proposed extensions lead to a floor area significantly larger than that of the original building (300 square metres as opposed to 168 square metres) and extends the building's footprint almost 15 metres to the north west when the proposed pergola and bin store is taken into account. However, it is considered that the proposal does not represent overdevelopment of the site and that the scale of the building is acceptable. As such it is considered that the proposed building is acceptable in terms of its design and scale and is in accordance with the guidance within the Design SPD and Policy LP10 of the Gosport Borough Local Plan 2011-2029 in this regard.
4. The nearest residential dwellings to the site lie to the north of the site within Rampart Row, with the closest of these being No. 16 Rampart Row which is separated from the proposed building by 16 metres. Given this degree of separation it is considered that the proposed building would not lead to an overbearing or unneighbourly building relationship or to a loss of light to the detriment of the amenities of the occupiers in the dwellings of Rampart Row. The northern elevation of the proposed north eastern extension has no windows which face the dwellings in Rampart Row. The southern facing rear gardens of the dwellings are enclosed by 1.8 metre high close boarded timber fencing and given the single storey scale of the proposed building it is considered that this proposal will not lead to undue loss of privacy or overlooking to the detriment of the amenities of the residents in Rampart Row. Concerns expressed by objectors with regard to noise and odour impacts arising from the restaurant kitchen, noise impact during construction and noise impacts associated with the proposed use as a restaurant are recognised and accordingly conditions requiring the submission of details of noise and odour mitigation for the proposed kitchen plant, and a Construction Environment Management Plan to include mitigation measures for noise and vibration are to be imposed in the event that members are minded to approve this application. Such measures will thereafter be required to be maintained. With regard to the impact of noise arising from the proposed restaurant use it is noted that the principle of the use of the site as a restaurant was established on the granting of 18/00118/FULL and it is considered that the impact of this proposal would not be materially more likely to generate noise impacts to the detriment of the amenities of neighbours than was that previously approved. A condition restricting hours of opening from 07:00 to 23:00 was imposed in respect of 18/00118/FULL and such a condition is considered to be reasonable and necessary in this instance also, in the event that members are minded to approve the application. Similarly a condition was imposed upon 18/00118/FULL that restricted the use of the external terrace to between the hours of 08:00 and 22:00 and such a condition is again considered to be both reasonable and necessary to protect the

amenities of the residents of Rampart Row in the event that members are mindful to resolve to approve this application. Objections to the proposal raise the prospect of vermin arising from waste storage. The plans submitted include the construction of an enclosed bin storage area and a condition will be added to ensure that any development arising from this application takes place in accordance with the approved plans in the event that members are mindful to resolve to approve this application. As such it is considered that the proposed development is acceptable in terms of its impacts upon the amenities of neighbours and is thereby in accordance with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

5. Natural England have raised no objection to the proposed development subject to the condition that appropriate mitigation of the potential impacts of the proposal upon the ecological interests of the wider area. The applicant has submitted a Construction Environmental Management Plan (CEMP) and whilst Natural England have not commented upon it the Hampshire County Council Ecologist has confirmed that he considers it satisfactory subject to a condition securing adherence to the measures set out in the CEMP. Such a condition is considered to be both reasonable and necessary and is recommended to be imposed in the event that members are mindful to resolve to approve this application. As such the proposal is considered to be in accordance with Policies LP42, LP43 and LP44 of the Gosport Borough Local Plan 2011-2029 and is acceptable in this regard.

6. The Head of Environmental Health has not commented in respect of this application but it is noted that in comments regarding 21/00136/FULL for a new build development of a restaurant at the site recommended the imposition of conditions to ensure appropriate investigation and mitigation of any land contamination at the site. Such conditions are considered to be both reasonable and necessary in respect of this application also and will be imposed in the event that members are mindful to resolve to approve. Therefore the proposal is considered to be in accordance with Policy LP47 of the Gosport Borough Local Plan 2011-2029 and acceptable in this regard.

7. No additional parking is proposed in association with this proposal and the applicant asserts that the parking associated with the proposal can be accommodated in the existing marina car park or the other public car parking facilities nearby. It is noted that there are a number of public car parks within the vicinity of the site which could be available to patrons of the proposed development in the event that capacity were not available in the marina car park. As such it is considered that the proposal would not be likely to lead to additional pressure for on street parking to the detriment of highway safety. The marina has an existing restaurant use adjacent to the application site on the other side of Haslar Road that the servicing arrangements for the proposal could replicate the existing arrangements. As such it is considered that the proposal would be in accordance with Policy LP23 of the Local Plan .

8. Planning permission under 18/00118/FULL was granted subject to a Section 106 agreement securing for a financial contribution towards a Traffic Regulation Order (TRO) to prevent the loading of vehicles on the existing double yellow lines adjacent to the and the Haslar Bridge traffic lights. The Highway Authority have confirmed that the same contribution would be required in respect of this proposal in the interest of highway safety and the convenience of highway users. Subject to the financial contribution towards a TRO being secured the proposal is considered to be in accordance with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

Equalities Impact Assessment: No Implications

RECOMMENDATION: Grant Permission

Subject to Section 106 agreement relating to

1. a financial contribution towards securing a Traffic Regulation Order to update the existing double yellow lines to incorporate a no loading restriction on Haslar Road adjacent to the Bridge.

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:

PA20-144-10 SITE LOCATION PLAN, PA20-144-11 PROPOSED RESTURANT PLAN AND SITE LAYOUT, PA20-144-12 PROPOSED RESTURANT ELEVATIONS, PA20-144-20 COMPARATIVE 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. 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.

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

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in BS 10175:2011+A2:2017 - Investigation of potentially contaminated sites - Code of practice; and unless otherwise agreed in writing by the Local Planning Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A2:2017 - Investigation of potentially contaminated sites - Code of practice; and, unless otherwise agreed in writing by the Local Planning Authority.

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

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

5. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 4(c) that any remediation scheme required and approved under the provision of condition 4(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

a) as built drawings of the implemented scheme

b) photographs of the remediation works in progress

c) certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 4(c).

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

6. Development activities shall proceed in strict accordance with the submitted Construction Environment Management Plan (CEMP) (Mayhew Callum Ltd, March 2019) unless otherwise agreed in writing by the Local Planning Authority.

Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, the Wildlife & Countryside Act 1981, the NERC Act 2006, NPPF and with Policy LP44 of the of the Gosport Borough Local Plan 2011-2029.

7. a) The use hereby permitted shall not commence until equipment to suppress and mitigate odour and noise has been installed in accordance with a detailed scheme that shall be submitted to and approved, in writing, by the Local Planning Authority.

b) The equipment to suppress and mitigate odour and noise installed pursuant to part a) of this condition shall, unless otherwise agreed in writing by the Local Planning Authority, thereafter be operated and retained in accordance with the approved details.

Reason - To ensure that the operation of the cooking equipment does not harm the residential amenities of the occupiers of neighbouring properties in accordance with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

8. The use hereby permitted shall only be open to customers between the hours of 07:00 and 23:00.

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. The external seating area associated with the restaurant hereby permitted shall only be open to customers between the hours of 0800 and 2200.

Reason - In the interests of safeguarding the amenities of the occupiers of neighbouring premises in accordance with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

8. The use hereby permitted shall only be open to customers between the hours of 07:00 and 23:00.

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. The external seating area associated with the restaurant hereby permitted shall only be open to customers between the hours of 0800 and 2200.

Reason - In the interests of safeguarding the amenities of the occupiers of neighbouring premises in accordance with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

ITEM NUMBER: 03.
APPLICATION NUMBER: 21/00530/LBA
APPLICANT: Mr Kevin Casey Historical Diving Society
DATE REGISTERED: 15.10.2021

LISTED BUILDING APPLICATION - INSTALLATION OF UNDERFLOOR HEATING SYSTEM TO THE LINK CORRIDOR AND AIR SOURCE HEAT PUMP (amplified by plans received 02.11.2021) (description amended 03.12.2021)
No 2 Battery Stokes Bay Road Gosport Hampshire

The Site and the proposal

1. This application relates to a former No.2 gun battery of circa 1860, built as part of the fortifications to protect Portsmouth Harbour and designated as a Grade II* Listed Building. The basic structure was designed to house guns within casemates, supported by a series of ancillary rooms and was further developed during the Second World War. The fort is currently operated by the Historic Diving Society.

2. Listed Building consent is sought for the installation of an underfloor heating system to the link corridor in No.2 Battery that would have an external air source heat pump. The underfloor heating system would not require excavation and would be located in the corridor between two sections of the building at the lower point of a staircase prone to damp issues. The heating system would be comprised of a mixture of thermal insulation and pipework, but principally would have a separating membrane from the fabric of the Listed Building and no part would be permanently attached. Pipes from the underfloor heating to the external heat pump would run through existing holes in the walls. The proposed external heat pump would be discreetly sited in the north-west corner of the fort that would be approximately 1m wide, 0.8m deep and 0.9m high.

3. This application has been brought to the Regulatory Board for determination because the Museum Director and the Vice Chair of the Historical Diving Society (the applicant) is an elected Councillor.

Relevant Planning History

Nil.

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

LP11 Designated Heritage Assets including Listed Buildings, Scheduled Ancient Monuments and Registered Historic Parks & Gardens

National Planning Policy Framework (NPPF), July 2021

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

Consultations

The Gosport Society	No objection.
HCC Landscape Planning & Heritage	No objection.
Property Services	No objection.
Joint Committee Of The National Amenity	No response received.

Societies

Response to Public Advertisement

Nil

Principal Issues

1. The main issues in this case are the acceptability of the provision of the internal insulation and the associated changes to the internal fabric to accommodate the additional wall depth, and the resultant impact on the Listed Building having special regard to the desirability of preserving the building, its setting, or any features of special architectural, or historic interest which it possesses.

2. Paragraphs 6.7 and 6.10 of the Heritage Statement indicate that the under floor heating would be installed above an existing concrete floor, which is a later addition to this historic fort and all works would be reversible. On this basis, the development would preserve any features of special architectural or historic interest of the Listed Building in accordance with Policy LP11 of the Gosport Borough Local Plan 2011 - 2029.

Equalities Impact Assessment: No Implications

RECOMMENDATION: Grant Listed Building Consent

Subject to the following condition(s):-

1. The works hereby consented must be begun within a period of three years beginning with the date on which this consent is granted.

Reason - To comply with Section 18 of the Planning (Listed Buildings and Conservation Area) Act 1990 (as amended).

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

1005/509 REV P1 - Location Plan

1005/510 REV P1 - Site Plan

1005/509 REV P1 - Proposed Underfloor Heating

1005/510 REV P1 - Proposed Sections

1005/513 REV P2 - Proposed Underfloor Heating Outdoor Air Source Heat Pump

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

ITEM NUMBER: 04.
APPLICATION NUMBER: 21/00549/FULL
APPLICANT: The Historical Diving Society
DATE REGISTERED: 08.11.2021

REPLACEMENT OF EXISTING EXHIBIT TO SOUTH OF NO.2 BATTERY (LISTED BUILDING)
Historic Diving Society No 2 Battery Stokes Bay Road Gosport Hampshire

The Site and the proposal

1. This application relates to a former No.2 gun battery of circa 1860, built as part of the fortifications to protect Portsmouth Harbour and designated as a Grade II* Listed Building. The basic structure was designed to house guns within casemates, supported by a series of ancillary rooms and was further developed during the Second World War. The fort is currently operated by the Historic Diving Society. The Battery is located outside of the Urban Area Boundary of Gosport and within the Fareham-Gosport Strategic Settlement Gap. The grassed lawn on the southern side of the Battery is designated as Open Space.
2. Planning permission is sought for the replacement of an existing exhibit to the south of the battery. The replacement exhibit would include the Seven Eagle Diving Bell to replace display no.6, which has been removed due to deterioration and would be sited on a concrete foundation. The Seven Eagle Diving Bell is 3.27m high and 2.63m at its widest point. The base of the diving bell would be 2.1m.
3. The site is within close proximity to the Browdown Site of Special Scientific Interest (SSSI) and the priority habitat coastal vegetated shingle.
4. This application has been brought to the Regulatory Board for determination because the Museum Director and the Vice Chair of the Historical Diving Society (the applicant) is an elected Councillor.

Relevant Planning History

- 10/00126/FULL - use of premises of heritage diving museum - permitted 14.06.2010
- 11/00149/FULL - display of 9no. outside exhibits, 1no. flagpole and flag and reinstatement of internal door and window to switch room - permitted 24.08.2011
- 11/00151/LBA - display of 9no. outside exhibits, 1no. flagpole and flag and reinstatement of internal door and window to switch room and re-instatement of internal door to switch room - consented 24.08.2011
- 13/00184/FULL - display of 1no. external exhibit - permitted 09.07.2013
- 13/00223/LBA - display of 1no. external exhibit - consented 09.07.2013

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

- LP1 Sustainable Development
- LP3 Spatial Strategy
- LP10 Design
- LP11 Designated Heritage Assets including Listed Buildings, Scheduled Ancient Monuments and Registered Historic Parks & Gardens
- LP42 International and Nationally Important Habitats
- LP43 Locally Designated Nature Conservation Sites

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), July 2021

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

Consultations

The Gosport Society

No response received.

Response to Public Advertisement

Nil

Principal Issues

1. The main issues in this case are: whether the replacement exhibit is acceptable in principle; whether the replacement is acceptable in design terms; and, whether there would be a significant impact on amenity.

2. The principle of the use of the site as a museum by the Historic Diving Society and the display of external exhibits has been established by planning permissions 10/00126/FULL and 11/00149/FULL. Although the application site is located outside of the defined Urban Area Boundary, the proposal to display diving memorabilia is directly related to the approved use of the site as a museum and is appropriate to, and in keeping with, the building's maritime heritage, the coastal location and the recreational value of Stokes Bay more generally. Like the existing exhibits, the Seven Eagle Diving Bell would be sited behind the existing railings on the southern side of the Battery, adjacent to the more urban context of the public car park. The exhibit would occupy a very small footprint relative to the larger, more open expanses of the Alver Valley to the north and Browndown to the west, and would be sited on land that is not publicly accessible. The proposed replacement exhibit would not, therefore, individually, or cumulatively with the other existing exhibits at the site, harm the recreational value of the Open Space, or physically or visually diminish the attractive, open character of the Fareham/Gosport Strategic Gap. Due to its limited height and positioning relative to adjacent buildings, the proposal would not prejudice landward or seaward views. Under the circumstances, the proposal is acceptable in land use terms and is appropriate in this coastal location, in accordance with the Policies LP1 and LP3 of the Gosport Borough Local Plan 2011 - 2029.

3. The proposed replacement exhibit would be sited on the southern side of the site and would retain key views of the Listed Building and would be of a scale and siting similar to other exhibits. The appearance of the diving bell cannot be changed. The replacement exhibit would not prejudice views of the historic, arched casements in the southern façade of the building. The external exhibit would be sited on a concrete slab with the exhibit not being permanently affixed to the building. In line with the previous planning permission, a condition is proposed requiring the external exhibit be removed and the land restored to its former condition within 56 days from the date that No.2 Battery is no longer used as by the Historic Diving Society as a museum, in accordance with a written scheme of work to be submitted and approved, in writing, by the Local Planning Authority. Subject to this condition, the proposed development would be acceptable in design terms and would preserve the setting of the Listed Building, in accordance with Policy LP11 of the Gosport Borough Local Plan 2011 - 2029.

4. The proposed external exhibit would be located on the southern side of the building, approximately 40 metres away from the nearest residential occupiers in Stokes Bay Mobile Home Park. The replacement of an exhibit would not significantly increase noise disturbance over and above that which would be expected from the comings and goings of existing visitors to the Historic Diving Society, in accordance with Policy LP10 of the Gosport Borough Local Plan 2011 - 2029.

5. The proposed development, by reason of its small scale, and limited requirement for ground disturbance, will not harm the nature conservation interests of the nearby ecological assets in accordance with Policies LP42 and LP43 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:

TQRQM21307093822599 - Site Location Plan (scale 1:1250, dated 03.11.2021)

Block Plan of Display Area - Replacement of exhibit no.6 (dated 26.10.2021)

7 Eagle Bell without stand dimensions (dated October 2021)

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

3. The Seven Eagle Diving Bell hereby approved shall be removed and the land restored to its former condition within 56 days from the date that No.2 Battery is no longer used as a museum by the Historic Diving Society, in accordance with a scheme of work submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenity of the area and to preserve the architectural and historic character, and setting, of the Listed Building and to comply with Policies LP10 and LP11 of the Gosport Borough Local Plan 2011 - 2029.

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