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GOSPORT
Borough Council

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14 March 2023

S U M M O N S

MEETING: Regulatory Board
DATE: 22 March 2023
TIME: 6.00 pm
PLACE: Council Chamber
Democratic Services contact: Lisa Young

DAVID WILLIAMS
CHIEF EXECUTIVE

MEMBERS OF THE BOARD

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

Councillor Earle (Chairman)

Councillor Bradley
Councillor Bradley
Councillor Casey

Councillor Hammond
Councillor Scard
Councillor Gledhill

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.

AGENDA

1. **Apologies for non-attendance**

To receive apologies for non attendance.

2. **Declarations of Interest**

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

3. **Minutes of the meeting held on 8 February 2023 (Pages 1 - 8)**

To sign as a true and correct record the minutes of the meeting held on 8 February 2023.

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 20 March 2023. The total time for deputations in favour and against a proposal shall not exceed 10 minutes

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

(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on 20 March 2023).

6. **Report of the Development Manager (Pages 9 - 24)**

To consider reports of the Development Manager

7. **Any Other Items**

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Public Document Pack Agenda Item 3

Regulatory Board
8 February 2023

A MEETING OF THE REGULATORY BOARD WAS HELD ON 8 FEBRUARY 2023

Councillors Earle, Bradley, Bradley, Casey, Hammond, Gledhill and Burgess (Substituting for Scard)

37. APOLOGIES FOR NON-ATTENDANCE

An apology for non attendance was received from Councillor Scard.

38. DECLARATIONS OF INTEREST

There were none.

39. MINUTES OF THE MEETING HELD ON 7 DECEMBER 2022

RESOLVED: That the minutes of the meeting held on the 7 December 2022 be signed as a true and correct record.

40. DEPUTATIONS - STANDING ORDER 3.4

Deputations were received on the following items.

20/00362/FULL – 22 Chester Crescent
22/00415/FULL – Land at Fareham Business Park
22/00410/FULL – Land adjacent to 8 Penn Way
22/00451/FULL – 66 Portsmouth Road
22/00489/FULL – 5 Elgar Close

41. PUBLIC QUESTIONS - STANDING ORDER 3.5

There were none.

42. REPORT OF THE DEVELOPMENT MANAGER

Consideration was given to the reports of the Development Manager.

**22/00362/FULL – ERECTION OF TWO-STOREY SIDE AND REAR EXTENSION
ALTERATIONS TO
EXISTING LOFT AND DORMER WINDOWS, FRONT FACING BALCONY AND
DEMOLITION OF EXISTING SINGLE GARAGE
20 Chester Crescent Lee-On-The-Solent Hampshire PO13 9BH**

Consideration was given to the report of the Development Manager detailing application 22/00362/FULL.

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The Board was advised that the application was deferred for a site visit which had taken place on the Monday proceeding the meeting.

The Board was advised that the application was for a 2 storey side and rear extension and that the existing garage would be replaced. The Board was advised that 2 previous applications had been submitted, one approved and a subsequent one refused that was the subject on an appeal dismissed by the planning inspector on the basis of design, the amenity impact deemed to be acceptable. The application presented increased the bulk, to a greater size than currently permitted, but less than the application that had been refused.

Rachel Lundy was invited to address the Board she presented the Board with a report that looked at the issues raised, and objections made by the planning inspector as to why the previous appeal was dismissed.

She advised the Board that there had been 6 issues raised, 5 of which had been upheld.

The width of the building was bulky and dominant and the new proposal although under the previous side across 2 floors was wider across the first floor to compensate. This proposal was wider, not smaller than that proposed and refused previously.

The second point was the extended roof width, the scale and the massing, as detailed in the report of the Surveyor the proposed roofline was wider and the planning officer had not commented on the width, which was wider.

The third point was the dormer and this had been addressed.

The fourth point was the building's second storey was close to the common boundary and with the increased proposal it should be more empathetic but wasn't and that the proposal was greater than the one the planning inspector had dismissed. The proposals had made the first and second floor closer than the previous application and

The fifth issue is the windows facing number 22, the report advises that if an appropriate boundary was in place they were acceptable, however, there was not appropriate boundary in place and that comment should be made on this not being present.

It was acknowledged that the window was seen as secondary, however, the increase in bulk would reduce the light further and the difference in this had not been addressed. In summary the Board was advised that of the 6 issues identified by the planning inspector, one had been addressed, one had not been addressed at all and four had worsened. The proposed scheme was different to the rejected scheme and the scheme with approval and the proposed scheme was 85% larger than the existing property which was already the larger.

The planning officer advised that the discussion around whether the proposal was sympathetic was whether it was sympathetic to the existing design and that the dimensions of the proposal changing did not necessarily alter the assessment. It was clarified that the proposal would be no closer to the neighbouring property than the existing garage.

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It was clarified that although the proximity would not be closer, the proposal was larger so the impact would be greater. The proposal was for two storeys with a roof light and the inspector's opinion was that this would worsen the impact on number 22.

It was accepted that the ongoing fencing issue was not a planning consideration, but there was no update to the situation.

Owen Rushworth was invited to address the Board. He advised that he had addressed the Board previously regarding the application and would only address new points at this Board.

Any potential issue from overshadowing was dismissed at appeal, and it was not a window considered primary as there was multiple windows. The proposals increased scale was located to the rear of the property and therefore was not detrimental to number 22. He reiterated that the proposal was no closer to 22 than the garage, the line of which had been previously approved.

He also reminded the Board that the fencing issue was a civil matter and not for planning consideration.

It was confirmed that the floorplan proposed was 5% larger than previously approved. The width of the ground floor was the same but the 1st floor was slightly wider. The proposal was also 1 metre deeper to the rear than previously approved. There were to be cat slide windows which would create a bigger frontage.

A Member sought clarification with regard to the bulk of the proposal and it was felt that a two storey proposal would create an impact. The Board was advised that there would be some loss of light and that the proposal would impact on the side windows and there would be a change in the view as a result of the change to the garage. The planning inspector had previously concluded that the impact would not be so great an impact on amenity that the application should be refused. The Planning Officer's view was that the impact of the proposal would be similar.

Members expressed concern at the impact of the proposal on the streetscene as it was already the largest property in the street and felt the proposal was worse than the one that was refused and upheld at appeal.

It was reiterated to the Board that the footprint was greater by a metre to the rear.

The Board debated the proposal. It was felt that the proposal presented was greater than the one that had previously been refused and upheld at appeal and that the scale and mass was greater.

Members expressed concern that the property was already large and this would make it even larger and that and that the neighbours were rightly concerned about the impact the proposal would have on their property.

Members expressed concern about the proposal and felt on balance it should be refused.

It was proposed and seconded that application 22/00362/FULL be refused for the following reason.

That the proposal be refused as the proposal results in an increase in scale and mass which is harmful, specifically to the amenity of number 22, as commented in the report of the planning inspector at the last appeal and also that the bulk and visual appearance would be contrary to LP10 and impact on the streetscene. -

RESOLVED: That application 22/00362/FULL be refused because the proposal would, by reason of its increased scale and massing, have an adverse impact on the amenities of the streetscene and result in loss of light and outlook harmful to the residential amenities of the occupiers of number 22 Chester Crescent contrary to Policy LP10 of the Gosport Borough Local Plan 2011-2029.

**22/00415/FULL - ERECTION OF A DRIVE-THRU COFFEE SHOP / RESTAURANT SELLING FOOD AND DRINK FOR CONSUMPTION ON AND OFF THE PREMISES (SUI GENERIS) WITH EXTERNAL SEATING AREA, TOGETHER WITH ASSOCIATED ACCESS AND CAR PARKING (as amplified by supporting information received 08.12.22, 23.12.22 and 09.01.23 and amended by plans received 23.01.23)
Land At Fareham Business Park Lederle Lane Gosport Hampshire**

Consideration was given to a report of the Development Manager detailing the application.

The Board was updated that the applicant has provided clarification regarding the number of staff which would be 37 Full Time Equivalent. This falls below the threshold for providing a skills plan under Policy LP17. In addition the applicant has confirmed that the building programme is short, at approximately 16 weeks so does not lend itself to a longer training plan, or taking on apprentices. So it is proposed to remove condition 4 as shown in the report, from the recommendation.

Condition 2 relating to the plans is proposed to be amended to reflect the revisions to the plans already referred to in the report. The revisions are Plan 01 becomes revision B, 02 Rev E, 03 rev C, 04Rev B and 05 Rev B. Plan 06 and 002 A are unchanged.

Subject to changes to the plan numbers in condition 2 and the omission of condition 4 the recommendation remains to grant conditional planning permission.

The applicant was invited to address the Board. They advised that the proposal was for the sale of food for consumption on and off the site with external seating using the existing access to the site and would be on brownfield land. The proposal was for a coffee shop and a drive through and would be in an area designated for employment.

The proposal met with the requirements of LP10 and was acceptable by highways, it was also acknowledged that there were no public health concerns. There had been support throughout the community.

The Chief executive of Tim Horton's UK advised that there were now 70 restaurants in the UK and that the proposal would be for only the second one on the south coast. There would be no cooking on the site, therefore no grease or odour.

A Member advised the Board that residents had expressed concern about levels of litter and asked if a litter management plan could be implemented. In addition it was requested that additional signage be erected reminding of the traffic restrictions.

The Board was advised that the proposal would be for opening 6am- 11pm.

Members recognised that it was good to see a company such as Tim Horton's within the Borough and welcomed the jobs it would provide.

RESOLVED: That application 22/00415/FULL be approved subject to the conditions in the report of the Development Manager.

22/00410/FULL - CHANGE OF USE OF LAND TO GARDEN AND ERECTION OF 2M HIGH FENCE/WALL

(as amended by plans received 30.11.22)

Land Adjacent To 8 Penn Way Gosport Hampshire PO12 2RR

Consideration was given to a report of the Development Manager detailing the application.

The Board was advised that the area that the proposal covered did not include the pathway, although this formed part of the land owned, it was not proposed to be developed on.

Councillor Huggins was invited to address the Board. She advised that she was the Ward Councillor and that she would be reading a deputation on behalf of a resident, as follows.

I would like to start with an apology for not being here in person but unfortunately my husband and I had an important prior commitment which we have been unable to cancel. I feel very strongly opposed to this planning application for the following reasons:

The estate was built in the 1960's by Percy Bilton Homes and was designed with a spacious, green and open character. Indeed it had been specifically landscaped to be this way. The word 'landscaped' is quite important in this matter. The areas of open green spaces weren't left undeveloped by accident. It was a deliberate landscaping decision by the builder when designing and building the estate to make it an appealing and attractive place in which to live, and this is what has given this particular housing estate its distinctive character.

For some reason, Bilton Land Ltd (which now owns and manages the residential land developed by Percy Bilton Homes) has for some years now been selling off pockets of the green spaces on the estate in what is in my opinion an unscrupulous attempt to make some money. I feel this is both morally and ethically wrong. It seems as though Bilton Land Ltd has no interest in what the estate looks like now as long as they get to make some money out of it. I come to this conclusion simply because what possible other reason could there be for them to sell off these pockets of green spaces? This is not, in my opinion, acceptable behaviour.

There have been several instances in recent years of slices of green spaces on the estate being bought up and then disappearing behind fences but in the main, these slices of green spaces have been relatively narrow strips adjacent to the purchasers gardens and have still left most of the original areas of grass visible and available to the other residents of the estate to enjoy. Even so, it has been very disappointing to see this happening at all.

In this particular Planning Application though, it isn't a narrow rectangular sliver of land that is to be fenced in, it is quite a sizeable square (indeed wide enough to cover the full width of

the back garden of Number 11 Briar Close and half the width of the back garden of Number 13 Briar Close) and to make matters worse it will be enclosed by a two metre high fence which will have a considerable visual impact, especially as all the other surrounding garden perimeters are brick built.

Whilst I realise that the Council has no control over the actions of Bilton Land Ltd, I appeal to the Regulatory Board to carry out a damage limitation exercise and limit the amount of land that purchasers are allowed to fence in, so that some of the character of the original estate is kept.

Shirley Smith
A resident of the St Helens Road Estate

In answer to a Member's question, the Board was advised that a number of applications to enclose amenity land have been submitted, some of which have been permitted and others refused. Where applications had been refused, some were allowed at appeal and some were dismissed.

It was clarified that the land parcels had previously been maintained under agreement between Hampshire County Council and Gosport Borough Council.

Members recognised that the estate had been designed to include open spaces.

Members felt the proposal was acceptable and was a relatively unused piece of land.

RESOLVED: That application 22/00410/FULL be approved, subject to the conditions in the report of the Development Manager.

**22/00451/FULL- ERECTION OF 1.8M HIGH FRONT AND SIDE BOUNDARY WALL
66 Portsmouth Road Lee-On-The-Solent Hampshire PO13 9AG**

Consideration was given to a report of the Development Manager detailing the application

Mr Ellis was invited to address the Board. He advised that he had prepared a document that had been distributed to the Board.

He advised the Board that the key point of the deputation was the proposal in relation to the local streetscene, he had looked at other walls within the area of Lee Suburbs and showed the Board examples of other walls.

The permeability of the walls varied and the proposal was similar to one that was already present. There were walls of height that were similar to the proposal, walls with large concrete balls on top of them, and one wall that was nearly identical to the proposal. There was an eclectic mix of walls throughout the locality.

The proposal was cleaner for the site, removing overgrown, unruly bushes and providing more space for pedestrians to use the pathway. It would blend in with the surrounding properties and tidy up the locality as part of the garden renovations for the property.

In answer to a Member's question the Board was advised that the existing boundary line was 3.7m from the edge of the carriageway. The proposed work would remove the existing flower bed moving the proposed wall 50cm closer to the carriageway.

The Board was advised that the wall was currently built to its permitted height but that the applicant would extend it if permission was granted.

A Member expressed concern that the walls detailed in the deputation were mostly side walls and it was unusual to have such a large wall at the front of the property. Officers advised that taller boundary walls were more typical to side and rear boundaries where they enclose more private rear gardens.

Some Members felt that the wall was visually permeable and it would be acceptable in the location.

The Board was advised that many of the walls detailed in the deputation would not be considered acceptable under the current local plan.

Members felt that the wall was tidier and more acceptable than the bushes that had been on site and felt that as it would not impact on traffic it would be acceptable.

It was proposed and seconded that the application be approved as it did not impact on the streetscene or amenity of neighbours and was in keeping with the local area in line with LP10.

RESOLVED: That application 22/00451/FULL be approved as it did not impact on the streetscene or amenity of neighbours and was in keeping with the local area in line with LP10 and that authority be delegated to the Development Manager to attach appropriate conditions to the planning permission.

**22/00489/FULL - ALTERATIONS TO EXISTING BUILDING INCLUDING, EXTENSION OF BALCONY, ADDITION OF PITCHED ROOF AND ALTERATIONS TO EXISTING FRONT DORMER WINDOW, AND ERECTION OF FRONT PORCH (CONSERVATION AREA) (as amended by plans received 18.01.2023)
5 Elgar Close Gosport Hampshire PO12 2LU**

Consideration was given to a report of the Development Manager detailing the application.

Jenny Walker gave a deputation to the Board on behalf of Zella Compton as follows.

The properties at 1/1A Ashburton Road which backed on to the proposal and would be impacted by the frosted window facing the north. Even with frosting, it would impact on the property in Ashburton Road, reduce privacy and increase overlooking.

The report did not note the impact on the property at 1/1a Ashburton and stated that the bay would be an interesting feature, which the residents in Ashburton Road did not agree with and simply intruded on their property.

A previous application had been turned down as a result of privacy concerns and there was a covenant on the properties in Elgar Close to prevent the amenity of the residents in

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Ashburton Road being affected by the height of any development dating from when the gardens had been sold and the properties were larger.

Members recognised that covenants were not planning considerations and the Board was advised that specific legal advice would need to be sought.

The Board was also advised that on the grading scale of frosted glass the glass required would be level 4, with level 5 being the most opaque, in addition the window would not be able to be opened.

It was felt that it was a sufficient distance not to make an impact.

RESOLVED: That application 22/00489/FULL be approved subject to the conditions in the report of the Development Manager.

43. ANY OTHER ITEMS

The Board was advised that in December an application had been approved for Storm Athletic. Part of that application had included an assurance from the applicant that they would seek permission for a drop kerb as per the conditions of the application, this had been submitted at the 11th hour. The work now needed to be undertaken.

Members expressed disappointment that the application was delaying the implementation until as late as possible.

CHAIRMAN

Concluded at 7.52 pm

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

22nd March 2023

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. 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.	04-15/1	22/00467/FULL	Hampson Car Sales Rowner Road Gosport Hampshire PO13 9UF	Grant Permission subject to Conditions

ITEM NUMBER: 01.
APPLICATION NUMBER: 22/00467/FULL
APPLICANT: Mr Tom Howell TSN Homes
DATE REGISTERED: 28.11.2022

CASE OFFICER:
Mark Bridge

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 8NO. DWELLINGS WITH ASSOCIATED PARKING, ROADWAYS AND LANDSCAPING (CONSERVATION AREA) (as amended by plans received 03.03.23)
Hampson Car Sales Rowner Road Gosport Hampshire PO13 9UF

The Site and the proposal

1. The site is located on the northern side of Rowner Road and comprises a car sales premises, comprising a significant area of hard surfacing, and a vehicle repair workshop, which are currently vacant. Prior to its current use, the site was used as a petrol filling station and the existing canopy associated with this use remains, along with a single storey building towards the rear which has been used as the workshop and car sales office. There are existing vehicular accesses at the eastern and western ends of the site, providing access onto Rowner Road. A railing, approximately 1m high, forms the boundary with the Rowner Road and there are mix of trees and dilapidated close board fences to the other boundaries. The northernmost part of the site forms part of a Site of Importance for Nature Conservation (SINC) and includes a wooded area. The site is also within the Rowner Village Conservation Area.

2. The surrounding area primarily comprises a mix of residential and commercial uses. There is a shared cycle/footway directly in front of the site. To the west are two detached dwellings, the closet being number 40 Rowner Road which is separated from the site by existing trees with non-habitable room windows on its side elevation. Vehicular access to these houses, which is shared with the two and a half storey terrace beyond, is approximately 20m from the application sites westernmost access point. On the opposite side of Rowner Road, in excess of 15m away, are the rear gardens of houses within Masten Crescent and the commercial properties fronting Rowner Road, which include takeaways, shops and a vets. To the north and east of the site is a woodland, which forms part of the SINC and there is a Tree Preservation Order relating to the woodland, beyond the site.

3. The proposals are for the erection of eight dwellings comprising four pairs of identical properties. The buildings would be set back approximately 17.5m from the boundary of the site to Rowner Road. The houses would be 3 bedroom, two storey properties with accommodation in the roof and projecting bays at first floor level, on the front elevation. They would have flat roof dormers on the front and back, and that proposed on the rear elevation has been moved slightly to line up with the windows below. Each pair of houses would be 10.6m high, 10m wide and 10m deep. Materials would be a mix of brick, render and tiles. The properties would have footpaths to the side leading to the rear gardens. The two existing vehicular access points would be retained. Parking would comprise 19 car parking spaces, with 16 spaces for the residents and 3 for visitors. Cycle stores would be located in the rear gardens, whilst bin stores would be in brick built enclosures at the front. A small area of garden would be provided in front of each property separating the parking from the houses. Bin collection areas are proposed adjacent to the access point to the site. A planted strip would separate the parking and turning area from Rowner Road, set behind a railing.

Relevant Planning History

18/00215/OUT - outline application - demolition of existing car sales buildings and erection of block of 20 flats with associated car parking, alterations to vehicle access and egress points and felling of trees within TPO G.41 - withdrawn 14.04.22

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

- LP1 Sustainable Development
- LP2 Infrastructure
- LP3 Spatial Strategy

- LP10 Design
- LP22 Accessibility to New Development
- LP23 Layout of Sites and Parking
- LP24 Housing
- LP38 Energy Resources
- LP39 Water Resources
- LP41 Green Infrastructure
- LP42 International and Nationally Important Habitats
- LP43 Locally Designated Nature Conservation Sites
- LP44 Protecting Species and Other Features of Nature Conservation Importance
- LP46 Pollution Control
- LP47 Contamination and Unstable Land

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), July 2021

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

Woodland Trust

The Trust responds in accordance with Natural England's decision on whether a woodland should be added to the Ancient Woodland Inventory.

Given the wood's presence on the 1st Edition OS mapping and HCC's Ecology consultation response, as a precautionary principle Rowner Copse should be afforded protection in line with Natural England and Forestry Commission's Standing Advice and Paragraph 180 of the National Planning Policy Framework. As the existing garage forecourt borders Rowner Copse SINC, we would recommend that HERAS fencing, fitted with acoustic and dust screening measures, is positioned to provide as large a buffer as possible to minimise any adverse indirect impacts on the woodland during construction.

Natural England

The Woodland Trust have asked Natural England's opinion on the ancient woodland status of the adjacent SINC. I can confirm that our mapping does not show this site as being on the ancient woodland register. This does not mean that the woodland here should not be on the register. Impacts to ancient and veteran trees should be considered, and weight should be given to the response by HCC ecology.

Further information on the mitigation in respect of nitrates and recreational disturbance is required.

Streetscene Parks & Horticulture

No objection. I concur with the report provided by ESL dated September 2022 and welcome the inclusion for additional planting within the proposed thinned out areas. None of the trees on site would be considered suitable candidates for protection by TPO either as individual trees or as a group.

HCC Ecology

No objection. I concur with the report provided by ESL dated September 2022 and welcome the inclusion for additional planting within the proposed thinned out areas. None of the trees on site would be considered suitable candidates for protection by TPO either as individual trees or as a group.

No objection, but recommend conditions. The application is accompanied by Preliminary Ecological Appraisal (ESL, September 2022) and a Biodiversity Impact Assessment (ESL, October 2022). The site comprises a car sales facility containing various light industrial structures and hardstanding. The site is immediately adjacent to Rowner Copse Site of Importance for Nature Conservation (SINC), a small parcel of ancient semi-natural woodland (It is the view of HBIC botanists that the woodland does merit ancient woodland classification). The car sales site itself is of limited ecological value, containing minimal vegetation and expanses of hard surfacing. No bats have been recorded roosting within the site, and the site overall is considered to offer minimal potential for protected and notable species.

A small section of the application site (called Area 2) is situated within the SINC (this is shown on the definitive SINC map held by HBIC) and under the ownership of the applicant. It is proposed to utilise this area for a woodland buffer zone, which is preferable to the previous use as amenity space.

The proposals would entail development immediately adjacent to Rowner Copse SINC.

There is clearly potential for associated impacts such as lighting, noise and increased recreational disturbance to result in impacts to the SINC woodland. Parts of Area 2 contain younger stage trees and are

different from the more obviously ancient sections further north. Loss of SINC habitat is not in accordance with Policy LP44 of the Gosport Borough Local Plan, and, therefore, it is welcome that the proposal does not include removal of SINC habitat.

The proposals include management of Area 2 to increase woody species diversity, and the inclusion of a strip of sown 'wildflower' grassland at the boundary between Area 2 and the rear gardens of the dwellings (defined by a wooden fence).

The recommendations for 'wildflower' grassland within the small area of proposed amenity space at the eastern end of the site is welcome. The recommendations for ecological enhancements such as bird and bat boxes, hedgehog houses and bee bricks are welcome and should be secured.

Royal Society For The Protection Of Birds

No response received.

Southern Water

No objection. Request condition requiring details of the proposed means of foul sewerage and surface water disposal.

The Gosport Society

No objection.

- The design of the semi-detached houses in a linear terrace form, set back on the site with the woodland backdrop are simple and clear in concept and demonstrate a site-specific identity.
- Given the historic use of the site and potential for contamination, the amelioration scheme needs careful management given the proposal for SUDS drainage and permeable paving.
- The Arboricultural Survey and Biodiversity Impact Assessment Reports and Ecological Constraints analysis and proposals appear to be comprehensive and well considered. It does not however propose plans for the combined management of the woodland to the north of the site which forms part of the remaining woodland within the Site of Interest for Nature Conservation (SINC) and part of the Rowner Village Conservation Area. The remaining woodland with some preserved trees may be in the ownership of Gosport Borough Council.

We believe that a management plan for the whole of the woodlands would be further beneficial to the character of the area and may include a transfer of ownership to the GBC.

	<p>The proposed demolition of unsightly prior development and redevelopment of this brownfield site in the Conservation Area. The scheme will be an enhancement to the character of the area.</p>
Hampshire & Isle Of Wight Wildlife Trust	<p>No response received.</p>
HCC Landscape Planning & Heritage	<p>No objection. The site lies 100m to the north of the historic core of Rowner, within an area which historically formed part of Rowner Copse. Whilst the wider area may have an identifiable archaeological potential, the previous use of the site as a garage is likely to have caused significant below ground impacts, including buried fuel tanks. Although this previous impact may not be site wide, it is likely to have compromised much of the site's archaeological potential. Given the likely widespread previous impacts, I do not believe that the burden of archaeological conditions would be justified in this instance.</p>
Building Control	<p>No objection.</p> <ul style="list-style-type: none">- Unless the distance between the dwellings and side boundaries is 1m or more, the amount of window openings in the side elevations will be limited to 1m² in total.- Electric car charging will be required in accordance with the new Part S that came into force on 15th June 2022.- Prevention of overheating needs to be demonstrated in accordance with the new Part O that came into force on 15th June 2022.
Environmental Health	<p>No objection. The recommendation of this section is that this application could be approved subject to conditions relating to contamination investigation and remediation measures.</p>
Streetscene Waste & Cleansing	<p>No objection. Adequate waste/recycling storage and collection arrangements shown. Bins will be collected from bin collection point adjacent Rowner Road.</p>
Local Highway Authority	<p>No objection, as this application features no change to the access.</p>
Hampshire Fire And Rescue Service	<p>No objection. Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.</p> <p>Hampshire Act 1983 Section 12 - Access for Fire Service</p>

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.

Response to Public Advertisement

2 letters of objection

Issues raised:

- encroachment into the adjacent copse impacting on the fauna of the habitat they currently enjoy
- living opposite this site I anticipate huge disruption, noise and coming and going of the various types of construction machinery
- could impact on adjacent Ancient woodland that supports increasingly rare native Bluebells, rare Funghi and other wildlife
- the additional footfall is highly likely to detrimentally affect this small but stunning area of nature that has local importance

1 letter of support

Issues raised:

- given that the only probable use for this site is for housing this is a much better proposal than that previously of cramming flats in with totally inadequate green space
- a proper assessment has been made on the 'wild' area at the back, however, I am concerned as to who will monitor this area when the homes are inhabited.
- currently much has been said about the green areas which constitute the rear gardens and, to a smaller extent, the gardens at the front. So many homes now have 'easy maintenance' gardens so could this have an impact?
- there is also mention of area 2 being a dark space once the construction has finished to minimise impact on wildlife. Again, who will monitor this? - the new householders may be concerned about unlit areas backing onto their homes and some security lighting is very bright
- pleased to see the provision of 'homes' included for wasps, bats, birds, hedgehogs etc. and hope the new residents see these as a permanent part of their properties and not an inconvenience to be removed at the earliest opportunity

Principal Issues

1. The main issues for consideration are whether the proposed use is appropriate, whether the proposed building is acceptable in design terms and would preserve, or enhance the character and appearance of the Conservation Area, whether the proposals would have a detrimental impact on the amenities of neighbouring, or future occupants, whether the level of parking is acceptable, and whether there would be harm to protected species or habitats.

Principle of development

2. The site is primarily located within the Urban Area Boundary where the principle of residential development is acceptable, subject to compliance with other planning policies and guidance. None of the proposed development is outside of the Urban Area Boundary. The site was previously used as a car sales and repair workshop and prior to this was a petrol filling station.

It is situated adjacent to residential properties and whilst opposite retail uses, its change to residential would be acceptable and accord with the overriding character of the area and particularly on this side of Rowner Road which is also residential. There are examples of various types of buildings in use, including flats and houses along Rowner Road. The emerging Gosport Borough Local Plan 2038 identifies the site as a housing allocation in Policy A2: Housing. However, having only been through the Regulation 18 stage, it carries very limited weight within planning decisions at this time, but the provision of housing is considered to be acceptable in principle.

Design and Heritage

3. Rowner Road includes a wide variety of property styles and designs within no consistent style, with many of the buildings being 1950s and later with little in the way of architectural features that can be incorporated into new development. The proposed front elevations provide articulation with the provision of the bay windows, and flat roofed dormers and whilst the buildings would be identical, this is considered acceptable on a site of this size, with the gaps between the houses providing some further visual breaks. The proposals include good quality materials and visual interest to the elevations. Given the extent of the adjacent trees and siting of the buildings, the side elevations would be largely screened, and whilst they would not include much articulation this is acceptable in this location. Whilst the proposals would mean that there is a substantial area of parking at the front of the houses, this reflects the existing situation and there is some opportunity along the frontages and partially along the side boundaries, to provide new landscaped areas. The proposals are considered to be of an acceptable design within this location, removing the unsightly car sales and former petrol filling station structures, which would have a positive impact on the appearance of the area. Details of the proposed landscaping to the frontage would be secured by condition, along with the boundary treatments to ensure adequate security measures and appearance. Overall the provision of 8 houses is considered to be acceptable in design terms.

4. On the north side of Rowner Road, the existing woodland forms the most important feature within the Conservation Area, and this is retained as part of these proposals. Whilst there may be a change in views through the site, as part of the development, the character would be preserved in this regard. There are no Listed Buildings, or other features of interest adjacent to the site that would be affected by the proposals. The existing buildings on the site are of poor quality and do not contribute positively to the character of the Conservation Area and the demolition of the existing structures and replacement with the proposed houses would have a positive impact on the character and appearance of the area. Overall it is considered that the proposals are acceptable in this instance and would enhance the character and appearance of the Rowner Village Conservation Area in accordance with Policies LP10 and LP12 of the Gosport Borough Local Plan 2011-2029 and the NPPF.

Residential Amenity

5. The siting of the westernmost proposed building is 8.5m from the side elevation of the closest neighbours, which are also screened by the existing trees. The only side windows proposed are for the stairwell and this would be conditioned to be obscure glazed and fixed shut to 1.7m, to prevent overlooking. A similar approach is proposed for the other side windows given they face each other on opposing elevations of the houses. Having regard to the orientation of the building and proposed relationships it is not considered the proposals would have an unacceptable impact in terms of loss of light, privacy, or outlook to the occupiers of existing neighbouring buildings to the west. Given the separation distance to the properties on the opposite side of Rowner Road there would be no harmful impact on the occupiers of these buildings. Having regard to the boundary treatment, the existing lawful use of the site and the position of the parking spaces, it is not considered that any vehicle movements would be harmful to the amenities of the neighbouring occupiers.

6. With regard to the proposed properties, given the position of the existing trees to the north in particular, there would inevitably be some impact on the levels of light within the proposed dwellings. The mature trees are not directly on the rear garden boundaries of the proposed houses and some management of the closest trees is proposed which would offer some improvement. There are similar relationships between north facing windows and the trees on other properties within this location and given these proposals would allow for the most efficient use of the land for residential purposes, providing family dwellings, on balance the resultant relationships are acceptable in this instance.

7. The proposals include provision of gardens for each property to rear of the buildings and this is acceptable. There are also substantial areas of public amenity space to the rear and on the opposite side of Rowner Road. Due to the former use of the site, the extent of the development and the proximity to neighbouring properties there is potential for some impacts during the construction phase. For these reasons, it is considered necessary to secure details on how the construction and

environmental impact of the development would be managed. As such, a condition requiring details of a construction environment management plan is necessary. Subject to conditions, the proposals would provide acceptable living conditions for the future occupiers of the properties and would not have a harmful impact on the amenities of the occupiers of neighbouring properties, in accordance with the aims and objectives of Policies LP10, LP24 and LP46 of the Local Plan and Design SPD.

Highways

8. The site already benefits from two access points which would be retained. It is considered that a development of the quantum proposed can be accommodated on the site, without having a detrimental impact on highway safety from the use of these access points, as acknowledged by the Highway Authority.

9. The site is located close to local services both opposite and within the Centres to the east and west. The site is also on an existing bus route and within walking distance of the Eclipse Bus Service. However, these facilities would not provide for all of a person's everyday needs and overall it is not considered to be a highly accessible location. It is, therefore, essential that the proposals make provision for adequate off-street car parking and cycle storage as set out within the Parking Supplementary Planning Document (SPD). The Parking SPD provides standards for allocated parking to be provided and the provision of 19 spaces for both the residents and visitors is SPD compliant. The parking layout is acceptable and a condition requiring the parking to be provided and retained is considered necessary. The provision of the cycle stores to the rear is acceptable and access is provided to the sides of the dwellings. Full details of the cycle storage facilities, would be secured by planning condition.

10. It is considered that the access points, level of parking and cycle storage accords with the Parking SPD and subject to them being secured, the proposals would not give rise to any demonstrable harm in amenity, or highway terms. The proposal is, therefore, in accordance with Policy LP23 of the Local Plan and the Parking SPD.

Ecology and Trees

11. There are no known protected species on the development site, however, it is considered appropriate for any new development such as this to include appropriate enhancement measures, the details of which are included in the accompanying ecology report and would be secured by planning condition.

12. The site includes part of the adjacent Site of Importance for Nature Conservation (SINC) which is the area of land beyond the hard surfacing. This land is understood to have been used in connection with the site and not to have originally been part of the woodland and the vegetation in this area is clearly different from the majority of the woodland area. Whilst the land is within the application site, it does not form part the development proposals, being beyond the proposed rear gardens of the houses. The proposals include details of how this will be managed which are acceptable. A condition restricting lighting is considered appropriate. Whilst the provision of housing on this site could lead to residents using the adjacent copse, this increase in footfall is not sufficient to warrant refusal of the application.

13. The proposal will introduce additional dwellings which is likely to result in increased recreational activity on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA are designated. To address this impact, a contribution towards appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, is required. The appropriate mitigation contribution has been paid by the applicant.

14. Natural England has 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. Additional mitigation measures will be required to offset any increases in nitrogen discharges that would result from the proposals. Natural England advises 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. The applicant has provided a scheme of mitigation measures relating to the removal of land within the fluvial catchment from agricultural use. The mitigation would result in a reduction in nutrient input equivalent to the increase that would result from the occupation of the proposed development. These mitigation measures meet the required reduction in nitrogen and phosphorus in accordance with Natural England guidance. Measures limiting water usage within the property to 110ltr per person per day would be secured by planning condition. The development would, therefore, provide suitable mitigation, and would not cause harm to European and internationally designated protected sites. The proposal would, therefore accord with Policy LP42 of the Gosport Borough Local Plan 2011-2029.

15. The adjacent woodland is not designated as ancient woodland, however, regard must be had to its potential to be considered as such. The proposals do ensure 15m separation from the rear of the buildings to the mature trees to the north. This is reduced to the southeast, however, having regard to the tree survey which confirms the majority of the trees along this boundary are of low quality, and the comments of the ecological advisors and the Council's Tree Officer, it is considered the proposals can be accommodated on the site without a detrimental impact on the adjacent trees. It is considered appropriate to secure tree protection measures and works in accordance with the accompanying methodology by planning conditions. Subject to the conditions the proposals are, considered to be in accordance with Policies LP10 of the GBLP in this respect.

Drainage and contamination

16. Given this is a brownfield site, with 100% hard surfaced coverage on the area being developed, the proposals would not result in any significant change in surface water issues. However, it is considered appropriate to require details of the proposed foul and surface water drainage, as requested by Southern Water, to be secured by planning condition.

17. The site's current and former use means there is potential for there to be contamination on the site. The Head of Environmental Health has confirmed that subject to conditions requiring an assessment, any required remediation and verification the proposals would be acceptable. Subject to these conditions, the proposals would be in accordance with Policy LP47 of the Gosport Borough Local Plan 2011-2029.

Refuse

18. The proposed bin stores are at the front of the buildings, however, they have been designed to be incorporated into the design. They would make provision for 3 bins to be stored, with the collection areas close to Rowner Road. Overall the provision is considered to be acceptable and would be secured by planning condition. Subject to this condition, the proposals are in compliance with Policy LP10 of the Gosport Borough Local Plan in this respect.

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: JTS-117-SLP 01; JTS-117-P01; JTS-117 JTS-117-PO2A; JTS-117-PO3B JTS-117-P05

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

3. No development, including demolition, 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.

4. 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 3(c) that any remediation scheme required and approved under the provision of condition 3(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 3(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.

5. a) No development, including demolition, shall commence until a Construction Environment Management Plan, to include (but not be limited to) details of: a method statement for control of dust and emissions from construction and demolition; an assessment and method statement for the control of construction noise for the site specifying predicted noise levels, proposed target criteria, mitigation measures and monitoring protocols, the timing of deliveries; the provision to be made on site for contractor's parking, construction compound, site office facilities, 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 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, amenities of the neighbouring occupiers and ecological interests and to comply with Policies LP10, LP43, and LP46 of the Gosport Borough Local Plan, 2011-2029.

6. a) No development, including demolition, shall commence until the tree protection measures set out in the Arboricultural Survey & Report, and plans prepared by ES Ltd have been provided.

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

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

7. The development shall be carried out in accordance with the ecological mitigation, compensation and biodiversity enhancement measures detailed within the Preliminary Ecological Appraisal (ESL, September 2022) and Biodiversity Impact Assessment (ESL, October 2022) hereby approved unless otherwise agreed in writing by the Local Planning Authority.

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

8. 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.

9. The development hereby permitted shall not be occupied until hard and soft landscaping works have been carried out in accordance with a detailed scheme that shall be first submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include plans showing details of hard surfacing materials and their position; boundary treatment; and a planting plan, to include a schedule of plants noting species, plant sizes and proposed numbers/densities.

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

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

i) a water efficiency calculation, prepared 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, has been submitted to and approved, in writing, by the Local Planning Authority; and,

ii) The measures for limiting water usage approved pursuant to part i) of this condition have been implemented.

b) The water efficiency measures approved and installed pursuant to part a) of this condition shall thereafter be retained.

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.

11. a) No part of the development hereby permitted shall be occupied until arrangements for the disposal of foul and surface water have been put in place in accordance with a scheme (to include details or adoption or future maintenance) that shall have been submitted to and approved, in writing, by the Local Planning Authority.

b) The approved drainage arrangements shall therefore be retained and maintained in accordance with any approved details.

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

12. a) The development hereby permitted shall not be brought into use until the facilities shown on the approved plan JTS-117-P01 for the parking of vehicles have been provided.

b) The approved 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 Supplementary Planning Document 2014.

13. a) The development hereby permitted shall not be brought into use until the facilities shown on the approved plan JTS-117-P01 for the parking of vehicles have been provided.

b) The approved 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 Supplementary Planning Document 2014.

14. 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 approved waste storage and collection facilities shall thereafter be retained and kept available for this purpose.

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.

15. The hall/stair windows on the east and west elevations 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.

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

16. a) No flood or other external lighting shall be installed until a detailed scheme has been submitted to and approved, in writing, by the Local Planning Authority

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

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

