

# Public Document Pack



**GOSPORT**  
Borough Council

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**15 October 2024**

## S U M M O N S

**MEETING:** Regulatory Board  
**DATE:** 23 October 2024  
**TIME:** 6.00 pm  
**PLACE:** Council Chamber  
**Democratic Services contact:** Lisa Young

PETER BAULF  
BOROUGH SOLICITOR AND MONITORING OFFICER

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## MEMBERS OF THE BOARD

Chairman of the Policy and Organisation Board,

Councillor Hammond (Chairman)

Councillor Earle (Vice-Chair)

Councillor Bradley  
Councillor Bradley  
Councillor Casey

Councillor Scard  
Councillor Hayes

## **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 any apologies for non attendance

2. **Declarations of Interest**

All 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 4 September 2024.** (Pages 1 - 10)

To sign as a true and correct record the minutes of the meeting held on 4 September 2024.

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 21 October 2024. 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 21 October 2024).*

6. **Report of the Development Manager** (Pages 11 - 38)

To consider reports of the Development Manager.

7. **Any Other Items**

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# Public Document Pack Agenda Item 3

Regulatory Board  
4 September 2024

## **A MEETING OF THE REGULATORY BOARD WAS HELD ON 4 SEPTEMBER 2024**

Councillors Bradley, Bradley, Casey, Earle, Hammond, Hayes, and Namdeo

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

An apology for non attendance was receive from Councillor Scard

### **17. DECLARATIONS OF INTEREST**

There were no Member's declaration's of interest.

The Democratic Services Officer left the room for item number 4.

### **18. MINUTES OF THE MEETING HELD ON 24 JULY 2024**

RESOLVED: That the minutes of the meeting of the Regulatory Board held on 24 July 2024 be signed as a true and correct record.

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

Deputations were received on item 24/00142/TPO

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

There were none

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

Consideration was given to the report of the Development Manager.

### **23/00446/FULL - INSTALLATION OF EXTERNAL HEAT EXCHANGE UNIT WITHIN FRONT COURTYARD (RETROSPECTIVE) 143 Queens Road Gosport Hampshire PO12 1LG**

A Member advised that the application had taken considerable time to discuss and be determined and that they felt there had been barriers from both sides to this being resolved sooner.

The applicant had advised that they had not realised they would be able to speak and that could not arrange work cover to come along. They had advised the Member that they saw no positivity within the report of the Planning Officer and that it was excessively negative.

Regulatory Board  
4 September 2024

The refusal of the application could lead to the closure of the pub as there would be costs to amend the cooling unit and concern was expressed that Gosport Borough Council would be blamed for this.

A Member advised that they felt that if there was a significant issue with the unit more than one person would have complained about it. The applicant was concerned about having to rectify unit that it would be too expensive for them to do so.

Members sought clarification as to what would happen if the application was refused, the Board was advised that planning enforcement action would need to be considered. The Board was advised that Environmental Health action had not been undertaken until now as it was being dealt with as a planning matter. It was also advised that there had had been no subsequent complaints but it was felt that this was because the complainant believed the matter to be under investigation.

Some Members of the Board felt that the applicant should give further consideration to adaptations to the existing units exploring sound muffling

The Board was advised that in the event of the application being refused, the applicant could, if they wish appeal the decision for consideration by the Planning Inspector. If the Planning Inspectorate agreed with the officers then time would be given to make amendments to the unit and mitigation options would be discussed.

Members felt that mitigation measures would be simple to undertake and that doing them should not cause the pub to cease trading, and that the pub should make an adequate effort to make amends and should have been more proactive. Members were particularly disappointed that the application had been withdrawn from a previous Board meeting to allow the applicant additional time to make amendments.

Members felt the issues with the unit were not subjective, but that they were clear as they were based on noise level numbers and that the unit needed planning permission. Had the unit been acceptable in planning terms and the noise disturbance been reported, Environmental Health would have investigated the complaint, discussed with the applicant and potentially enforcement action would be taken.

Members questioned whether the unit could be covered with plants or trellis to reduce the impact of the noise. The noise would not impact residents on the other side of the road. Disturbance as a result of noise was an impact on amenity.

Some Members felt that as only one noise complaint had been received there was minimal impact and that the complainant had only complained on one occasion and that if the impact was detrimental, they would have complained more than once.

Members were advised that the unit had been relocated from being inside as it was deemed to be a fire hazard and it was reiterated that there were standard options available to purchase for the unit to reduce the noise.

Members expressed disappointment that the applicant did not attend and hoped that the applicant could be supported in making the correct amendments to the unit to make it acceptable and refuse the noise level.

RESOLVED: That application 23/00446/FULL be refused.

**24/00142/TPO- FELLING OF 1NO. OAK TREE (TPO G.77)  
Land Adjacent To 16 Hurst Green Gosport Hampshire PO13 0PY**

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

Mr Wilkinson was invited to address the Board.

Good evening my name is Roy Wilkinson and I am the chairman of the Peel Common residents association. My apologies but may I begin with a brief outline of the Peel Common estate.

The Peel common Estate covers 70 acres and holds 544 properties covering approximately 40 acres. The estate was built under a Radburn system to help fulfill the ambitions of the Gosport Council in their aim to make Gosport a Garden town with safety in mind for their children.

**THE RESIDENTS ASSOCIATION**

The PCRA is a recognised non political residents association. As a residents association our aim is to collectively represent residents' views and concerns and encourage a community spirit that we believe is essential to the well being of residents living on the Peel Common Estate.

**REVIEW OF EVIDENCE**

The PCRA are deeply concerned that the applicant Sedgwick insurance has created a case for an oak tree felling with no degree of certainty in most of their conclusions. It is with grave doubt that the insurance companies evidence meets the high demands of a TPO set by the council nor consequently protects the interests of the resident of 16 Hurst Green. It is also with concern that opinions of an independent report from a professional Chartered Arboriculturist (also employed by Hampshire County Council) has been ignored.

- The Kiss Tree Arboricultural report commissioned by the estates managing agent highlights the current industry damage classification guidance of a 1 to 5 standard wisely used by the applicant. The applicant however is calling for a category fix of 5 on an admitted category 3 situation. It is disturbing that such an issue has been met with silence.
- The Kiss Tree Management report also questions the applicant's tree selection. The oak tree is chosen because of its position but not on any conclusive factual basis. There has never been a surveyors report or detailed test or review actually directly linking this tree to the property movement, If the applications assumption of tree root cause is accepted, (there are a number of oak trees) the possibility exists that the wrong tree is targeted.
- The subsidence has only occurred at the porch affixed to number 16 Hurst Green. There are a row of houses all within a similar distance of oak trees. It is greatly

suspicious that the porch is the only construction that succumbed to the ground movement causing the problem.

- As explained by the Kiss Tree Arboriculturist, there is a practiced industry system that follows a set of recommended rules when this type of damage is reported. These advisory rules take into account value and this appears to have been ignored in this application. On this occasion a single porch in a group of houses has suffered some form of foundation damage. There is obvious damage but the cracks have been sealed and a Category 3 case is very evident. When considering cost the application does not factor the question of valuable proportion to this application.

The insurers contracted surveyor states:

I consider that works including structural crack repair and redecoration at an approximate cost of £9,000 will be appropriate in order to repair the damage in this case.

This cost assumes the oak tree is removed.

A valuation of the Oak tree referring to Capital Asset Valuation for Amenity Trees (CAVAT) provides an estimation of £130,000 for the tree value. This value actually enforces the council and estates opinion that the oak tree provides significant amenity value and a visual contribution to the character of the location. The loss of the tree would also have a significant impact on the location.

Consideration of the calculated differences in value is normal practice in the industry. We are in the firm belief that Gosport Council should not remove the protection of the TPO for this oak tree.

In answer to a Member's question, the Board was advised that the survey referred to in the deputation had been commissioned by the residents association prior to the submission of the application being considered.

Councillor Philpott was invited to address the Board.

Mr Chairman. Thank you for the opportunity to address your Committee this evening.

To begin, I would like to be clear that I have not discussed this application with any resident of Hurst Green. I have not been lobbied to take a position one way or the other.

I am addressing your Board as the Ward councillor for Peel Common, having read the background papers.

I did put some questions about this application to the Planning Officer – nine in total – on 29<sup>th</sup> July, and for which I received only a limited amount of information in response. Many of my questions remain unanswered, and that is why I asked for this application to be considered by your Board, and why I am here making a deputation.

If satisfactory answers to my questions are now provided this evening I, and I hope your Committee, will be satisfied. But if not, then I would invite you to consider the evidence that has been presented from all sides and ask yourselves whether the case presented by the Planning Officer is persuasive enough for you to consider that the case for removing this healthy and protected tree has been made.

If you like, I am here to speak for the tree. It is a living thing, and it cannot speak for itself. So, before my questions, a very brief background.



The tree in question, T2, is one of nine oak trees in the vicinity of the properties in Hurst Green. Their position is such that no one tree appears to be especially closer to the buildings than the others, and all are several metres from the houses.

When looking at the background to this application, I was most interested in the two consultee comments submitted by the Council's Arboriculture Officer. The first was on 3<sup>rd</sup> June 2024 and the second on 23<sup>rd</sup> July 2024. These two submissions are available as background papers to this application, and I note that there were no other papers submitted by anyone in between these two dates. His letter of 23<sup>rd</sup> July 2024 appears as part of the report at page 7, but his original letter of 3<sup>rd</sup> June 2024 does not.

Having read the two submissions by the Council's Arboriculture Officer, I note that in his first letter dated 3<sup>rd</sup> June 2024 he concluded that:

***“extensive drain repairs are required to address escaping water which would appear to be a more likely cause of the damage to the property. I would suggest until the drainage has been repaired and the situation thereafter monitored it would be supposition to suggest the oak tree is the sole cause of any damage.”***

But, in his second letter he has completely changed his view and concludes that he:

***“would therefore concur that it is likely that movement will be of a cyclical nature with cracks opening in summer and closing in winter suggesting the tree to be a contributing factor in any damage to the property”***

He explains that he has reviewed the documents supplied in support of the application when drawing the conclusion he made on 23<sup>rd</sup> July 2024. That supporting document was, presumably, the report by Sedgewick dated 7<sup>th</sup> July 2021.

However, I note that the report by Kiss Tree Management draws a very different conclusion. It says,

***“Drainage repairs are required – drains leaking at three points and one drain MH4 blocked and not inspected. Further issues with the local water authority sections of pipework. There is a caveat that there may be further issues with the drainage. Water has escaped from the drains and are located close to the point of damage.”***

This report by Kiss Tree Management was written on 21<sup>st</sup> October 2023, more than two years after the document supplied in support of the application and upon which the Arboriculture Officer appears to have based his conclusion that “repairs to the drainage have taken place in 2021”.

#### **QUESTION 1**

So why did the Council's Arboriculture Officer only rely on “documents supplied in support of the application”? Did he carry out his own inspection of the drains that were said in October 2023 to be “leaking at three points”; that were, in October 2023 said to be “blocked and not inspected”; and that there was evidence in October 2023 that “water had escaped from the drains and (were) located close to the point of damage”?

On 3<sup>rd</sup> June 2024 the Council's Arboriculture Officer stated that:

***“with a number of oak trees in the vicinity there is no DNA evidence to support the claim that T2 is the sole cause.”***

Furthermore, Kiss, when commenting on Sedgewick's report said in October 2023:

***“Oak roots were found but no detailed (DNA) analysis has been done. As there are other oaks nearby, and their rooting pattern is unpredictable, it is possible that the small number of oak roots found are not originating from T2. This could result in the removal of a valuable tree for no reason”.***

Having read the Sedgewick report, I note that it is silent on the subject of DNA, leading the reader to conclude that Sedgewick did not carry out DNA testing analysis on the tree roots that it claims have impacted the but extension at 16 Hurst Green. This would seem to

suggest that the Council's Arboriculture Officer was correct to assert in his original letter of 3<sup>rd</sup> June 2024 that no DNA evidence existed to support the Applicant's claim.

Yet, just seven weeks later, and with no apparent additional documentary evidence, the Council's Arboriculture Officer changed his mind and concluded that he had been persuaded by the supporting evidence submitted by the Applicant.

#### **QUESTION 2**

What did the Council's Arboriculture Officer see that persuaded him by 23<sup>rd</sup> July 2024 that DNA evidence to establish the identity of the tree singled out for removal was no longer necessary?

Similarly, the Council's Arboriculture Officer stated on 3<sup>rd</sup> June 2024:

***"We would also request further root identification to ensure any claim as to T2 being the sole cause of damage is fully supported."***

By 23<sup>rd</sup> July 2024 he had changed his view and concluded that:

***"the submitted evidence meets the threshold to justify the felling of the tree identified in the reports".***

#### **QUESTION 3**

When carrying out his review between 3<sup>rd</sup> June 2024 and 23<sup>rd</sup> July 2024 what root identification work did he rely on to support his change of opinion?

Both Sedgewick and Kiss identified an adjacent pyracantha as being a potential contributory factor to damage to the extension building at 16 Hurst Green.

In their report from July 2021 Sedgewick describe the pyracantha as "mature", and they include photographs of it growing up against the built extension at 16 Hurst Green. They recommended its removal.

In their report of 21<sup>st</sup> October 2023 Kiss noted that:

***"The Pyracantha has been recently removed. (But that) No further evidence has been provided to show whether this has had a positive effect on the damage"***

In his letter to the Planning Officer dated 3<sup>rd</sup> June 2024 the Council's Arboriculture Officer justifiably highlights:

***"With the recent removal of the Pyracantha I would welcome evidence as to whether this has improved the situation"***

But, in his second letter to the Planning Officer dated 23<sup>rd</sup> July 2024 there is no mention of the pyracantha.

#### **QUESTION 4**

What evidence did the Council's Arboriculture Officer see between 3<sup>rd</sup> June 2024 and 23<sup>rd</sup> July 2024 that persuaded him that the removal of the pyracantha had "improved the situation", or had made little or no difference?

In determining the removal of any tree protected by a TPO the bar should be set high, so that the evidence for its removal is conclusive and persuasive. I note some of the language used by all parties in the submitted documents.

In their report of October 2021 Sedgewick concludes that removal of the oak tree T2 and the pyracantha:

***"will assist in reducing the impact of the adjacent vegetation on soil moisture levels, thereby potentially stabilising foundations of the affected area of the building."***

Sedgewick also supplied an Engineering Appraisal report dated 25<sup>th</sup> June 2021 in which they made a number of assessments:

- The assessment of the damage is slight and is classified as category 2 in accordance with BRE Digest 251.

- Categories 0,1 and 2 can, according to BRE Digest 251, “be regarded as ‘aesthetic’ issues that require only redecoration”. The impact on the built extension at 16 Hurst Green is classified as “slight damage”.
- The statement , “It is likely that movement will be of a cyclical nature with cracks opening in the summer and closing in the winter” appears to be speculation.

In his letter of 3<sup>rd</sup> June 2024 the Council’s Arboriculture Officer very much agrees that the evidence to support the felling of the tree is, at best, circumstantial:

- “escaping water which would appear to be a more likely cause of the damage”
- “it would be supposition to suggest the oak tree is the sole cause of any damage”
- “Streetscene Landscape Management would request the situation be re assessed on completion of full drainage repairs followed by a suitable period of monitoring.”
- He concludes that “any request for removal must be fully evidenced and justified before its removal.”

In his letter to the Planning Officer dated 23<sup>rd</sup> July 2024 he highlights the cyclical nature of soil movement “suggesting the tree to be a contributing factor”. Note that it is only “a” factor, and that this is only suggested.

#### **QUESTION 5**

Why, despite all the clear and obvious doubts expressed by all parties (including himself on 3<sup>rd</sup> June 2024) – and including experts on behalf of the Applicant, did the Council’s Arboriculture Officer change his mind and write on 23<sup>rd</sup> July 2024 that the felling of the tree would be justified?

The report of the Planning Officer before you this evening says under principal issues, ***“the main issues in this case are the acceptability of the felling of the tree in terms of the impact on the character and appearance of the streetscene and the wider visual amenity of the locality”.***

The letter of the Council’s Arboriculture Officer of 3<sup>rd</sup> June 2024 says:

***“The oak tree provides significant amenity value and a visual contribution to the character of the location, its loss would also have a significant impact on the location.”***

#### **QUESTION 6**

This question is for the Committee.

Are you satisfied that these two statements by two officers of this Council are consistent with the recommendation before you?

In April 2024 Sedgewick set out their case for the felling of the tree on the basis of damage to the property at 16 Hurst Green. In their submission they said:

***“The subject property is a mid-terrace house in a residential estate on a plot that is generally level. The property also benefits from a Porch, which is the subject of the claim.”***

I would suggest that the built extension, or porch, is, therefore a material consideration to this application. It is curious that no suggestion has been made that the house itself at 16 Hurst Green has sustained any structural damage, nor the attached adjacent property at number 18.

In all the expert submissions included as supporting documents to this application reference is made to “heave”. Heave is the opposite of subsidence. It occurs when the soil beneath a building expands and pushes the ground upwards. The removal of a tree can exacerbate this, especially in clay soils. When a tree is removed, the moisture levels of the surrounding soil increase and the soil expands. So, it is possible that removing T2 might make matters worse.

Heave can also occur following construction work, or when there is a problem with a building. This can have an effect on soil drainage. Even something as common as a broken drain could leave a building at risk of heave if clay soils become too saturated. Looking back over the past 27 years of planning applications on GBC's website for Hurst Green I was not able to find any planning application for the porch. Perhaps it did not require planning permission? It is impossible, therefore, to know what specification the porch was built to, or whether the way in which it was constructed has been a contributing factor to the slight damage that it has incurred.

#### **QUESTION 7**

Are we completely satisfied that it is the tree T2 that is responsible for the damage to the porch at 16 Hurst Green and not heave, or the condition of the building itself?

#### **CONCLUSIONS**

I would suggest that the Board needs to be satisfied with, and fully understand, the reasons why the Council's Arboriculture Officer changed his mind between 3<sup>rd</sup> June 2024 and 23<sup>rd</sup> July 2024; what the evidence was that persuaded him; and why he chose to review his original conclusions by only reading the "documents submitted in support of the application".

I would contend that all these reasonable questions need to be answered.

I am not taking sides in this matter. I am merely highlighting what I see as anomalies.

- I do not think it has been adequately demonstrated that the tree T2 is solely to blame for the damage to the porch at 16 Hurst Green
- I do not think it has been proven that damage was not caused by ongoing problems with drainage; by other oak trees in the immediate vicinity; by the recently removed pyracantha; by heave; or even as a result of the way in which the porch was constructed
- Removal of valuable oak tree, protected by TPO, should require a high bar. I contend that it is not sufficient for a Council Officer to simply say that he has reviewed the situation by reading just one side of the argument and, as a result, has changed his mind

I contend that Policies LP41(2) and Policy LP44 (3) are relevant in this case and, unless acceptable justification is forthcoming at this meeting, represent grounds for refusal.

Members sought clarification that there was no DNA proof that the tree was damaging the porch and this was confirmed, only that it was possible.

This was one of many reasons the Peel Common residents association had commissioned a report.

It was believed that if the tree was felled, the cost to the insurance company would be £8000 and that if the tree remained the cost would be £90000 as a result the residents had sought a second opinion from a highly recommended specialist.

The report considered by the arboricultural officer was submitted prior to the planning application and why later reports had not been considered.

Members were advised that there was a benchmarks of checks that needed to be attained before a tree was considered for removal, and the applicant had reached the benchmark in this case and although the threshold had been met, it did not mean that officers were happy that the tree was being proposed for removal.

The Board felt that there were gaps in the evidence supporting this.

It was reiterated that the answer to the questions were as follows

Question 1. – The Arboricultural Officer was provided evidence from professionals and used their extensive professional experience.

Question 2 – There was no DNA evidence of the tree causing the issues

Question 3 – The pyracantha was removed in 2022

Question 4 – Enough to determine the application, no extra information was received. The tree was healthy but had potentially contributed to the issues and that officers were satisfied as they could be that removing the tree would improve the situation.

Question 5 – this was based on the evidence provided and it was believed the tree was a contributing factor to the issues.

Question 7 – There is no record on the condition of the building

Policy LP10 advises how to apply LP41.2 and LP44.3

It was reiterated that it was felt that the insurance company's interest was financial and expressed concern that investigation had not been undertaken into the potential damage from drainage, water, construction or other trees and that there was a real possibility that the tree was not the cause of the subsidence. Members felt that soil should be tested for more definitive answers and that damage to one porch was not sufficient enough to remove the tree, particularly as there was no conclusive evidence it was the cause.

Members were advised that the tree had a financial value of £153000 and expressed concern that the tree could be removed and would not be the cause of the issue and as a result lead to more trees being felled.

Members were disappointed that there had not been further investigation into the drainage, the building, the soil to conclusive prove the damage was as a result of the tree.

Members acknowledged that the tree was 70 years old and deserved the best opportunity to remain.

It was proposed, seconded and unanimously agreed to refuse the application.

RESOLVED: Notwithstanding the submitted evidence, the tree the subject of this application makes such a significant and positive contribution to the locality as well as ecological and environmental benefits that insufficient evidence has been provided to overcome the harm associated with its felling. The proposal is therefore contrary to Policies LP10, LP41 and LP44 of the Gosport Borough Local Plan 2011 - 2029.

**24/00162/FULL - ERECTION OF OUTBUILDING (RETROSPECTIVE)  
61 St Thomas's Road Gosport Hampshire PO12 4JU**

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

Members expressed disappointment that the application was retrospective but acknowledge that it was an improvement on the previous building and that had it been 10cm lower it would not have required planning permission.

**RESOLVED:** That application 24/00162/FULL be approved subject to the conditions in the report of the Development Manager.

**24/00206/FULL - ERECTION OF SINGLE STOREY REAR EXTENSION  
41 Gorran Avenue Gosport Hampshire PO13 0NF**

Consideration was given to a report of the Development Manager.

The Board were advised that the application was required to be considered by the Board as the applicants are parents of a Gosport Borough Council officer.

**RESOLVED:** That application 24/00206/FULL be approved, subject to the conditions in the report of the Development Manager.

**22. ANY OTHER ITEMS**

There were none.

**CHAIRMAN**

Concluded at 7.47 pm

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

**23rd October 2024**

### **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.

**INDEX**

<b><u>Item</u></b>	<b><u>Page No</u></b>	<b><u>Appl. No.</u></b>	<b><u>Address</u></b>	<b><u>Recommendation</u></b>
01.	3-17/1	23/00427/FULL	Former Builders Yard 8 Brockhurst Road Gosport Hampshire PO12 3DE	Grant Permission subject to Conditions / s106
02.	19-27/1	24/00041/FULL	18 Rydal Road Gosport Hampshire PO12 4ES	Grant Permission subject to Conditions



**ITEM NUMBER: 01.**  
**APPLICATION NUMBER: 23/00427/FULL**  
**APPLICANT: Mr W Johnson**  
**DATE REGISTERED: 04.12.2023**

**CASE OFFICER:**  
**Mark Bridge**

**DEMOLITION OF EXISTING COMMERCIAL BUILDING AND ERECTION OF DETACHED BUILDING TO FORM 31 FLATS WITH ASSOCIATED REFUSE AND CYCLE STORAGE, PARKING AND CHANGES TO GROUND LEVELS (as amended by plans received 02.01.24, 05.02.24 and 21.03.24 and supporting information received 18.01.24, 22.02.24 and 25.03.24)**

**Former Builders Yard 8 Brockhurst Road Gosport Hampshire PO12 3DE**

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

1. The site is located on the north side of Brockhurst Road and close to its junction with Forton Road and Anns Hill. It comprises a large site which is predominantly open, with one metal clad building, which is of two-storey scale towards the southern end of the site, adjacent to the boundary with numbers 10 and 12 Brockhurst Road. The site has been vacant for a number of years, formally being a builders merchant (Solent Brick), and is predominantly hard surfaced. Access to the site is from a vehicle crossing onto Brockhurst Road to the south. The site is an unusual shape being wider to the north. The boundaries are a mix of fences, and walls of varying heights.

2. The surrounding area is a mix of residential and commercial uses. To the east is the Royal Mail Delivery Office, accessed from Mill Road. This is a building of two-storey scale that is set off of the application boundary by approximately 2m and extends along the majority of the eastern boundary, with an open parking area at its northern end. The building has high level windows facing the application site and a projection on its roof, increasing its overall height. On the east side of the access and to the south of the site is William Tite Court which is a part 3 and part 4 storey block of flats with a pitched roof. The parking and amenity area for the flats is situated on the north side of the building and forms part of the southern boundary to the site. To the west side of the access is number 10 Brockhurst Road, a two-storey terraced house, which has a rear garden that extends approximately 10m and has the application site to its side and rear. Beyond this property are two further terrace houses (12 and 14) whose gardens extend approximately 21m in depth, with the application site, to the side and rear of number 12 and to the rear of number 14. Numbers 16 and 18 are two-storey semi-detached houses with gardens that are approximately 19m in depth, whilst beyond this number 20, a detached two-storey dwelling has a detached outbuilding, approximately 10m from its rear elevation, with a further 41m of garden running along the length of the application site's western boundary. There is a greenhouse at the end of this garden. To the north of the site is the rear garden of number 21 Highfield Road, which has its side elevation facing south. The remainder of the northern boundary comprises the rear gardens of numbers 2-12 Durley Road, which are two-storey semi-detached houses with their rear gardens, which are approximately 15m deep, extending to the application site. The properties to the north have a higher ground level.

3. The proposals relate to the erection of a detached building to form 31 flats. Amended plans have been received which primarily make alterations to the appearance of the building, layout and levels. Access to the site would be from Brockhurst Road, utilising the existing access point. A 6.2m wide roadway is proposed into the site with a 1.5m wide footpath on its western side. The proposed building would be sited with its entrance on the south elevation, facing towards Brockhurst Road, with a projection on its western side. The projection on the western side would extend 11m forward to the remainder of the building. The building would be three-storeys in height and comprise 26 one bedroom and 5 two bedroom units. The building would be 8.4m high and, would have a flat roof. The building would be primarily rendered and clad, and the third storey would comprise a different cladding material. The proposals incorporate a number of two-storey projections on the building's north, south and west elevations. Juliet balconies are proposed to the main living areas of the flats. No windows are proposed on the east elevations facing towards the Sorting Office.

4. At its closest point the building would be 31m from the rear of number 10 Brockhurst Road, 12m from side boundary of number 20's rear garden, 28.5m from the properties within Durley Road and 2m from the boundary with the Sorting Office.

5. A parking area is proposed to the front of the building, providing a total of 40 spaces, including 2 disabled spaces and 5 Electric Vehicle charging points. Planting is proposed along the eastern side of the access road and within the car park, with further planting along the rear boundary with numbers 12-18 Brockhurst Road. Areas of shared amenity space are proposed, principally to the north of the building, whilst some of the ground floor flats are provided with private amenity space. Two cycle stores are proposed on the western boundary and a refuse store in an area behind number 10 and within the main flat block. There is a turning area for larger vehicles within the car park.

### **Relevant Planning History**

21/00126/OUT - outline application - erection of two buildings comprising 42no. flats together with associated works (all matters considered except for appearance and landscaping) - Withdrawn

### **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
- LP40 Waste and Material Resources
- LP41 Green Infrastructure
- LP42 International and Nationally Important Habitats
- LP44 Protecting Species and Other Features of Nature Conservation Importance
- LP45 Flood Risk and Coastal Erosion
- LP46 Pollution Control
- LP47 Contamination and Unstable Land

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), September 2023

### **Consultations**

HCC Local Lead Flood Authority	No objection.
Hampshire And Isle Of Wight Integrated Care Board	<p>The proposed development is for 31 dwellings and this will create an estimated of population of 69 new residents within the development based an average household size of 2.23.</p> <p>Residents in the area of the proposed development, will register mainly with the Willow Group practice at Forton Road with a small number attending the combined surgeries of The Willow Group and Blossom Health at the Gosport War Memorial Hospital in Bury Road. With the merging of the Willow</p>

Group and Blossom Health, the practice has determined several projects to increase patient infrastructure capacity to accept new patients from new developments in the central Gosport area.

These are as follows:

- Reconfiguration of patient record rooms across all relevant sites.
- Convert the vacant dental suite at Brune Medical Centre for GMS provision which will realise 4 new clinic rooms.
- Combine two rooms that cannot be fully utilized to create a well-spaced clinical room.
- The requested contribution of £614 per dwelling from this potential planning application will possibly be used by the ICB towards the projects listed above.

HCC Local Lead Flood Authority

No objection.  
Fernbrook's Surface Water Management Strategy Addendum No. 1 addresses our earlier comments satisfactorily.

HCC Education Office

No objection.

Streetscene Waste & Cleansing

No objection.  
The amended plans have addressed previous concerns and are acceptable.

Housing Services Strategic

Recommend a commuted sum be secured in lieu of on-site provision of affordable housing.

Environmental Health

Contamination - no objection subject to condition

Having regard to updated information in Phase II Site Investigation Report (Report Reference: GWPR5708/CAR/July 2024 V1.03 Status: Final), recommend conditions securing implementation of remedial measures and to deal with any unexpected contamination.

Noise - no objection subject to condition.  
The information contained in the submitted noise assessment shows noise levels to decrease between the hours of 23:30pm (approximately) and 04:00am. Outside of these times noise levels increase significantly. Internal noise levels between the hours of 04:00am and 23:30pm, with windows open, could exceed the recommended WHO guidelines for community noise. Plans of the building in the assessment show no external openings

on the eastern facades of the building which faces the Royal Mail sorting office, which would be recommended. The assessment recommends acoustically insulated trickle vents, which should be installed.

Building Control

No objection.  
Recommend investigations should be carried out highlighting any potential contamination issues. The Fire Brigade access is required to within 45m of the furthest point within the furthest top floor flat.

HCC Ecology

No objection subject to condition.  
The submitted Preliminary Ecological Appraisal Survey Report by Daniel Ahern Ecology Ltd (December 2023) confirms that the site is of low ecological value and raises no major concerns. There is however potential for a net gain in biodiversity which could be easily achieved through native tree and hedge planting and creation of flowering lawns in the communal gardens, along with installation of integrated bat and bird features. Recommend a planning condition to secure biodiversity enhancements.

Crime Prevention & Design

No objection.  
Recommend access to the elevations of the apartment blocks from the public realm must be prevented, with semi-private space, enclosed within a robust boundary treatment at least 1.2m high. The use of horizontal railings should be avoided.  
We would expect that the junction itself and the new road way for a distance of 20 meters into the development to be the subject of a traffic regulation order, to prohibit the parking of motor vehicles at any time within the junction and along the new road.  
The proposal creates 31 apartments and 40 parking spaces. There are limited opportunities for casual parking within the development. We would recommend that each apartment is allocated at least 1 parking space.  
Lighting is known to reduce crime and disorder and the fear of crime. To reduce the opportunities for crime and disorder and the fear of crime; lighting throughout the development (including pathways to and from the cycle and bin stores) should conform to the relevant sections of British Standard (BS) 5489-1:2020.

Southern Water

No objection, subject to a condition requiring details of the proposed means of foul sewerage and surface water disposal (including flow rates) to be approved.

Hampshire Fire And Rescue Service

No objection.  
Access and facilities for Fire Service Appliances and Firefighters, including access roads to the site, should be in accordance with Approved Document B5 of the current Building Regulations.

Coastal Partners

No objection.  
Notwithstanding some deficiencies within the submitted Flood Risk Assessment, the proposed Finished Floor Level is 5.35m AOD this would provide sufficient freeboard to account for model and climate change tolerances.

As the site is located within an area considered to be at risk of flooding as a result of climate change, we strongly recommend that flood resilience measures are incorporated into the design of the development.

Coastal Partners would advise that occupants sign up to the Environment Agency's Flood Warning Service and a Flood Warning and Evacuation Plan is prepared, as it is possible that the development will be cut off in an extreme flood event due to the access being flooded, therefore your emergency planners should consider this.

HCC Education Office

No objection.

Natural England

No objection, subject to the securing of appropriate mitigation.

Local Highway Authority

No objection. Revised information has been submitted, which includes a visibility splays based on speed surveys, and an RSA (Road Safety Audit) for the site access. The RSA for the site access recommended the removal of the railings and therefore this should be included as part of the S278. Furthermore, whilst an RSA for the internal site layout has not been provided, upon review there does not seem to be any concerns from a highway safety perspective.

The applicant should be aware that as the proposals include the formation of a new or altered access onto the highway, which will include works within the highway, these works will be required to be undertaken in accordance with standards laid down by, and under a Section 278 license agreement with, the Highway Authority.

1 letter of observation (to original plans)

Issues raised:

- consideration needs to be given to the local noise environment and the operation of the Royal Mail Delivery Office in assessing the application and that it considers the need for noise mitigation measures
- Royal Mail has concerns regarding noise generated from its ongoing operations and the potential for associated complaints from new residents of the planned development. The ability for Royal Mail to operate outside of the normal working day is critical to Royal Mail's business
- conditions should secure implementation of noise mitigation measures prior to first occupation as necessary

1 letter of objection (to amended plans)

Issues raised:

- the only objection I have is that they are planning on putting the refuse bins by our side wall, which I feel this is unreasonable
- the smell of 31 flats rubbish, associated pests and potential for fire close to the property, where we only have one form of access out of the property is a concern
- the current wall between us and the site is damaged and is leaning into my garden this also needs putting right as it's their wall

1 letter of observation (to amended plans)

Issues raised:

- can we have some reassurance that the dropped kerb for vehicle ingress/egress at number 10 will not be affected
- we would like to keep side access to the property, as although the plans show our side access gate, the illustrations show a wall blocking the access
- we would like to be consulted about drainage to the side of our property and the plans for our guttering run off, as well as how close the proposed wall will be to our property

### ***Principal Issues***

1. Provision of access between neighbouring properties and this private land would be a private legal matter and there is no indication that any existing dropped kerbs would be closed as part of the works. Impacts on infrastructure in adjacent properties would also be a private matter. The main issues in this case are, therefore, whether the proposals are an appropriate use in this location, whether they would have a detrimental impact on the character and appearance of the area, or on the amenities of the occupiers of adjoining properties, whether adequate parking provision has been made, or if the proposals would have a harmful impact on highway or pedestrian safety, whether the proposals would make adequate drainage provision, be harmfully impacted by Flooding, or create additional risk elsewhere, or have a detrimental impact on biodiversity interests.

### ***Principle***

2. The application site is located within the Urban Area Boundary where the principle of development is acceptable, provided that the details accord with the relevant policies of the National Planning Policy Framework (NPPF) and the relevant policies of the Gosport Borough Local Plan, 2011-2029 (GBLP).

3. The application site was also included in the Regulation 18 Consultation Draft Local Plan (September 2021) ("Reg. 18 Draft Plan"), which is the first public iteration of the proposed replacement Local Plan, as a non-strategic housing site (Policy A2) "Land at Forton Road, Forton", with an expected provision of a minimum of 23 dwellings. The Reg. 18 Draft Plan was only an informal consultation and as such only limited weight can be placed on this emerging policy, but it indicates the desire for this site to be brought forward for housing development, given its location and size.

4. The Gosport Local Plan was adopted in October 2015 and as such this applies here. The GBC Authority Monitoring Report (AMR) (December 2023) sets out in Paragraph 5.30 that when

measured against the Local Housing Need according to the Standard Method (with a 5% buffer), the Council can only demonstrate a 1.9 year supply. Therefore, it is considered that significant weight should be placed on the contribution the proposal would make towards the local housing supply.

5. Whilst the proposals would result in the loss of an existing commercial facility, it has been vacant for some time, with the previous longstanding business having relocated elsewhere in Gosport. Given its position in very close proximity to dwellings and their gardens it is considered to be a non-conforming use and its redevelopment for residential purposes would not be inappropriate.

6. In this instance, notwithstanding the early stage of the emerging Local Plan, given the site is located within the Urban Area Boundary as defined in the current Local Plan, and is also previously developed land the proposed development is considered to be acceptable subject to compliance with other policy and the proposals would make a positive contribution to housing delivery within the Borough.

#### *Layout, Scale and Design*

7. The site is located to the rear of the properties in Brockhurst Road and comprises a vacant commercial site. Whilst the proposals would not front Brockhurst Road, the character of the area includes properties behind Brockhurst Road, including the building on the Royal Mail Delivery Office and other residential properties. It is, therefore, considered that some form of residential development on this site could be accommodated without detriment to the character of the area.

8. The layout as shown provides a good level of space for car parking, amenity space and other storage requirements. The siting of the building, also provides a reasonable level of separation to the boundaries, to provide a visual break in built form. The building would be 3 storeys high, but given its flat roof design, this means that its overall scale is not notably different to some of the ridge heights of the pitched roof properties adjacent, even with the slight increase in levels indicated. The building would also be lower than William Tite Court on the Brockhurst Road frontage. It is, therefore considered that the layout of the site and position of the building is acceptable, subject to other considerations, such as amenity and highways as considered below.

9. The proposed block has been designed in a modern style utilising flat roofs with overhangs and cladding. This approach reduces its overall scale, given the increased site level, and ensures it relates well in terms of its overall height. In this rear location and having regard to its context, is considered to be an acceptable solution. The building's proposed 'L' shape and use of other design features, such as projecting elements and position of cladding, help to break up the mass of the building and introduce some visual relief and articulation to the building. Overall the scale of the building, its appearance and siting are considered to be acceptable in this location. The proposals are, therefore, in accordance with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

#### *Residential Amenity*

10. The proposed building has been designed to provide reasonable separation to the side boundaries, where it would be located adjacent to the rear garden of number 20 Brockhurst Road to the west, as well as setting the third storey further from this side elevation at this point. Separation distances from the proposed building to the surrounding residential properties exceeds the guidance with the Design Supplementary Planning Document (SPD) and would ensure that the levels of light, outlook and privacy are acceptable. Whilst the level at which the building is sited would be increased, this would still ensure an appropriate relationship and the building's scale is not dissimilar to the two-storey houses adjacent, given the changes of levels in the surrounding land. A condition relating to details of all of the boundary treatments is proposed, so that any repairs, or replacements can be considered as part of the development, which will ensure an acceptable appearance and that an appropriate level of privacy is maintained to the neighbours of the site.

11. Whilst the proposals would result in vehicle movements and general comings and goings from occupiers of the proposed flats, this site has a lawful unrestricted commercial use. It is not considered that the activities associated with the proposed residential use would have an unacceptable and harmful impact on the occupiers of adjoining properties in this regard.

12. During construction there would inevitably be some impacts, however, a Construction Management Plan (CMP) would address some of these matters and the construction phase would only be for a limited time period. There is an existing lawful use of the premises and this could have some external lighting, including security lights as necessary. Whilst the proposals could introduce more lighting than at present it is not considered that this would be harmful to the amenities of any neighbouring occupiers, subject to appropriate controls. Details of the CMP and any external lighting proposals would be controlled by planning condition.

13. Given the separation distances noted above, there would be adequate light and outlook for the future residents of the proposed flats. The single block solution on the site, and position of windows also ensures that the privacy of the proposed residents is maintained. Those properties at ground floor, facing onto the shared amenity space would be provided with a secure environment, adjacent to their rear doors and this is considered to be acceptable, and details of the boundaries would be secured by condition.

14. The site is located adjacent to the Royal Mail Delivery Office and given the nature of the use and its operating hours there is potential for noise impacts on the future residents of any residential development. The application is accompanied by a Noise Assessment and this concludes that the majority of dwellings will be able to naturally ventilate their homes via open windows, and whilst those located to the front and side may be exposed to slightly higher levels for short periods of time, they will still be able to rely on open windows to strike a balance between noise, overheating & ventilation. However, it is recommended that all windows are fitted with acoustic trickle vents to ensure ventilation of the dwellings during periods when the windows are closed. The report has been assessed by the Council's Environmental Health Officers, who accept its findings. A condition requiring the mitigation measures, as set out within the report to be implemented would ensure that any potential sound impacts from the adjacent use, or highway are adequately dealt with.

15. Whilst concerns have been expressed regarding the location of the refuse store to neighbouring properties, which would house 50% of the bins for the development, this is shown to be an enclosed store, incorporating a roof. Having regard to its design and location towards the rear of the adjacent gardens, this should not cause unacceptable impacts on adjoining occupiers. A condition requiring the stores to be provided in accordance with the approved plans, is considered necessary.

16. The proposals can, therefore, be accommodated on the site in a manner that would not have a detrimental impact on the amenities of the occupiers of neighbouring properties and the future occupiers of the development, in accordance with Policies LP10 and LP46 of the GBLP and the Design SPD.

#### *Highways and parking*

17. The proposed access is onto a classified road and the existing lawful use generated a level of traffic generation itself. The Local Highway Authority (LHA) has assessed the number of trips of the lawful and proposed uses and concludes that there would be an overall reduction in the number of vehicle movements. It is acknowledged that the existing access is narrow and is accessing a busy main road into and out of Gosport. However, the existing access and driveway serving the site are established and have been used in connection with a long established business premises which included customer visits and lorry deliveries and collections. A road safety audit has also been submitted in support of the application, which concludes the access is safe, albeit some minor changes to highway furniture are required. These would need a S.278 Agreement with the Highway Authority, however, the access details would be secured by planning condition to ensure an appropriate access is provided, as per the submitted details. Overall the LHA has assessed the information submitted in respect of these proposals, and has concluded that the proposals are acceptable and would not result in unacceptable highway safety implications.

18. Within the site a pedestrian path is proposed adjacent to the accessway, separating users from vehicles, but further details of the surfacing, would be secured by condition. The swept path for the refuse vehicle indicates that the development can be served in an acceptable manner and further details of the road surfacing would be required to ensure it is an acceptable standard. The overall



parking layout and access arrangements are also considered to be acceptable, however, a condition is proposed to secure details of measures to prevent parking within the accessway and turning areas. The proposed quantum of development, access and layout are considered to be acceptable and in accordance with Policies LP22 and LP23 of the GBLP 2011-2029 in this respect.

19. The site has good access to the bus network and cycle routes, however, given the limited parking opportunities on the surrounding highway network it is important that compliant parking provision is made. In this instance the applicant has indicated that they are proposing unallocated car parking spaces for this development, with 40 spaces in total. The Parking Supplementary Planning Document (SPD) allows for unallocated parking and requires a development of 31 flats (26 x 1 bedroom and 5 x 2 bedroom) to provide a minimum of 33 spaces, so the proposals are compliant in terms of numbers. The proposals included some Electrical Vehicle (EV) charging points, on the proposed plans, a requirement within the Building Regulations and the spaces are an appropriate size. Overall the layout is in an acceptable arrangement, makes adequate parking provision and the proposals would comply with Policy LP23 of the GBLP 2011-2029 and the Parking SPD, in terms of on-site provision.

20. The proposed cycle storage areas are considered to be of sufficient size to accommodate the required capacity and are covered and secure. Some short stay storage facilities are proposed to the front of the building. The cycle storage would be secured by planning condition and as such the proposals would, therefore, comply with Policy LP23 of the GBLP and Parking SPD.

21. There would inevitably be some impacts on the highway during construction, and as noted above a condition requiring a Construction Management Plan (CMP) would help to manage some of these impacts and would be secured by planning condition.

#### *Affordable Housing and other contributions*

22. Policy LP24 of the Local Plan confirms that any development proposing 10 dwellings or more to make provision for 40% affordable accommodation on the site. The application has not proposed any affordable housing and hence all 31 units would be open market dwellings. The applicant has provided a Viability Appraisal (VA) which concluded that no on-site provision, or a contribution in lieu of on-site provision, would be viable. The VA has been reviewed by the Council's specialist consultant in order to determine whether the site can provide a viable policy compliant level of affordable housing, or a lower level whilst retaining financial viability. The report of the Council's specialist consultant concludes that the assumptions and costs set out in the VA are reasonable and as such it is considered that it is not reasonable to seek the provision of Affordable Housing or contributions in lieu of such provision, In conclusion, the application is in accordance with Local Plan Policy LP24 and is acceptable in this regard.

23. The Hampshire and Isle Of Wight Integrated Care Board has sought a contribution towards improvements in nearby doctors surgeries and has provided appropriate justification for this. However, given the VA has concluded that no affordable housing contribution is viable, given the need for such housing, and the specific policy requirements of that provision, it is not possible to secure this contribution towards health care improvements either.

#### *Refuse storage*

24. The proposed bin storage facilities are acceptable for a development of this size and are in convenient locations. Given there are two stores, the mix of bins within each would be a management issue dealt with outside of the planning process. As noted above, a condition requiring the refuse storage to be provided in accordance the submitted details would be proposed and the development would be in accordance with Policy LP10 of the GBLP and Design SPD, in this respect.

#### *Biodiversity*

25. The application is accompanied by an Ecological Assessment and given the nature and condition of the existing land the potential for any protected species to be using it is very limited. The Council's

Ecology advisors, have assessed the information and concur with the conclusions but recommend that enhancements are secured. This would be secured by planning condition.

26. 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 is proposed to be secured by legal agreement.

27. 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 and additional mitigation measures will be required to offset any increases in nitrogen discharges that would result from the proposals. Natural England advise that proposals for new residential development should achieve nitrogen neutrality to avoid harm to these sites and the calculation has been undertaken to confirm the level of mitigation required.

28. The applicant has indicated the use of a scheme of mitigation involving the removal of land within the fluvial catchment from agricultural use. That mitigation would result in a reduction in nutrient input greater than the increase that would result from the occupation of the proposed development. These measures would provide suitable mitigation, such that the development would not cause harm to European and internationally designated protected sites, and would be secured through a legal agreement. Additionally details of measures limiting water usage within the property to 110ltr per person per day would be secured by planning condition. Subject to the condition, and legal agreement the development would provide suitable mitigation, and would not cause harm to European and internationally designated protected sites. The proposal would, therefore accord with Policies LP39 and LP42 of the Gosport Borough Local Plan 2011-2029.

#### *Drainage and Flood Risk*

29. Given this is a brownfield site, with 100% hard surfaced coverage, the proposals would not result in any significant change in surface water issues. Southern Water has confirmed that they can facilitate a connection into the existing network for foul drainage. The Lead Local Flood Authority have provided comments on the application and has confirmed that the details are acceptable to deal with surface water drainage, so that it does not result in flood risk elsewhere. A condition would secure this drainage detail for the development.

30. The site is within Flood Zone 1 which is currently at a low risk from flooding, however, the site would be within Flood Zone 3 during the lifetime of the development and as such potential flooding issues have been considered. The site is to be allocated within the emerging Local Plan and the level of development proposed, could not reasonably be located elsewhere. In terms of potential flood risk, the Coastal Partners has assessed the proposals and have confirmed that the development can be safely accommodated on the site, given the change in levels. A condition requiring full details of the existing and proposed site levels and a flood evacuation plan are considered necessary. The proposals are, therefore, considered to be in accordance with Policies LP10 and LP45 of the Gosport Borough Local Plan 2011-2029.

#### *Contamination*

31. The proposed development could pose a contamination risk, however, the imposition of conditions would adequately deal with this and comply with Policy LP47 of the GBLP.

#### *Conclusion*

32. In conclusion it is considered that the proposals represent an appropriate level of development of the site, and an acceptable relationship to the neighbouring properties. The proposals demonstrate that adequate safe access to the development can be provided for this level of development, from Brockhurst Road and within the site. The proposals would provide adequate

mitigation for protected species, and other biodiversity interests, secured within a Legal Agreement. Adequate on-site drainage can be provided and the development would ensure that there would be no flood risk on the site, or elsewhere as a result of the development. The proposals are, therefore, in accordance with the existing Policies within the GBLP, and the aims and objectives of the NPPF, Design SPD and Parking SPD.

Equalities Impact Assessment: No Implications

**RECOMMENDATION: Grant Permission**

Subject to Section 106 agreement relating to

1. the securing of mitigation to ensure the development is nutrient neutral
2. the securing of mitigation for increased recreational disturbance associated with the development

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

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

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

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

01 Rev 01;  
S1;  
02 Rev 4;  
03 Rev 03;  
L1 Rev 01 (levels);  
L1 (Location plan);  
D1;  
NJC-001 REV D;  
Acoustic testing report (Airtight & Noisecheck limited 19 October 2023);  
Road Safety Audit Stage 1 (July 2024 HCC);  
Phase II Site Investigation Report (GWPR5708/CAR/July 2024 V.103);  
Preliminary Ecological Appraisal Survey Report (Daniel Ahern Ecology December 2023);  
Surface Water Management Strategy and Surface Water Management Strategy Addendum No. 1 (Fernbrook February and March 2024);  
Flood Risk Assessment (25.10.23)

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

3. a) No development shall commence on site, including demolition, until a Construction Environmental Management Plan (CEMP) to cover both demolition and construction phases of the development has been submitted to and approved, in writing, by the Local Planning Authority. The CEMP shall include, but not limited to:

- (i) A Phasing Programme for all demolition and construction work;
- (ii) A Method Statement for control of dust and emissions from construction and demolition;
- (iii) An assessment and method statement for the control of demolition and construction noise for the site, proposed target criteria, mitigation measures and monitoring protocols, timings of works and the timing of deliveries;
- (iv) The provision to be made on site for contractor's parking, construction compound, site office facilities, material and plant storage area, construction traffic access, the turning and loading/off-loading of delivery vehicles within the confines of the site, and wheel wash facilities;
- (v) Measures for the protection of pedestrian routes during demolition and construction; and

b) Demolition and construction work shall then proceed in accordance with the approved method statement Construction Environmental Management Plan

Reason - In the interests of the safety and convenience of users of the surrounding highway network and the amenity of nearby residents to comply with Policies LP23 and LP46 of the Gosport Borough Local Plan, 2011-2029.

4. a) Notwithstanding the submitted information, no development shall commence until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, parking areas and the proposed completed height of the development have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings.

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

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas and to accord with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

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

b) The development shall thereafter be implemented in accordance with the approved details.

Reason - To ensure that the external appearance of the development is satisfactory, and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

6. (a) Notwithstanding the submitted details, no construction above slab level shall commence until precise constructional drawings of key architectural features at a 1:10 scale (or such other appropriate scale as may be agreed) have been submitted to and approved, in writing, by the Local Planning Authority. This shall include, but not limited to:

- Brick detailing including bonding patterns and mortar type, colour and finish;
- Precise window fabrication including: frame dimensions, glazing bars, method of opening, colour treatment;
- Entrances: Door design, recesses, canopies and security measures;
- roof junction details
- parapet details
- cladding junctions

(b) The development shall thereafter be carried out in full accordance with the details approved pursuant to part (a) of this condition.

Reason: In the absence of such details and to secure a high quality finish in the interests of the visual amenity of the area and to comply with the aims and objectives of the NPPF and Policy LP10 of the Gosport Borough Local Plan 2011-2029.

7. a) Construction above slab level shall not commence until details of flood resilience measures within the construction of the building have been submitted to and approved, in writing, by the Local Planning Authority.

b) the approved flood resilience measures shall be completed in accordance with those approved details.

Reason - To ensure that the development is resilient to flooding and to comply with Policy LP45 of the Gosport Borough Local Plan 2011-2029.

8. No dwelling hereby permitted shall be occupied until a flood warning and evacuation plan (providing details of the procedures for flood warning and evacuation and specifying arrangements for making all future occupiers of the development aware of its contents in perpetuity) has been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure that the development does not give rise to an increased risk to life or property from flooding and to comply with Policy LP45 of the Gosport Borough Local Plan 2011-2029.

9. 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.

10. a) The development hereby permitted shall not be occupied until all of the noise mitigation measures set out in the approved Acoustic Testing Report (Airtight & Noisecheck Ltd Acoustic Testing 19.10.23) have been installed, unless otherwise agreed, in writing, by the Local Planning Authority.

b) The approved mitigation measures shall thereafter be retained.

Reason - To ensure that the development hereby permitted is not detrimental to the amenity of the occupiers of the flats and to comply with Policies LP10 and LP46 of the Gosport Borough Local Plan 2011-2029.

11. a) The development hereby permitted shall not be occupied until all boundary treatments (including any gate(s)), which shall include an assessment of repairs necessary to existing, or its replacement, have been provided in accordance with details that shall have been submitted to and approved, in writing, by the Local Planning Authority.

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

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

12. 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; and a planting plan and 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.

13. The development hereby permitted shall not be occupied or brought into use until all works to the footway crossing and existing highway, as shown on the approved plans and Road Safety Audit Stage 1 (HCC July 2024) has been completed and made available for use.

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

14. 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.

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

b) The approved cycle storage and parking facilities shall thereafter be retained and kept available for this purpose.

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

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

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

Reason - To 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.

17. 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.

18. a) The development hereby permitted shall not be occupied or brought into use until the agreed scheme of contamination mitigation measures, as set out in the approved report GWPR/5708/CAR/July 2024 have been fully implemented.

b) Remediation measures shall be validated by an independent competent person to be agreed, in writing, by the Local Planning Authority. The validation is required to confirm that the remedial measures have been implemented in accordance with the agreed remedial strategy and 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 approved remediation strategy.

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

19. a) The development hereby permitted shall not be brought into use until the facilities shown on the approved plan 02 REV 4 for the parking, turning, loading and unloading of vehicles have been provided.

b) The approved parking, turning, loading and unloading facilities shall thereafter be retained and kept available for use at all times.

Reason - In the interests of highway safety and to ensure adequate car parking, turning, loading and unloading facilities are provided and retained, and to comply with LP23 of the Gosport Borough Local Plan 2011-2029 and the Parking Supplementary Planning Document 2014.

20. a) The development hereby permitted shall not be occupied until the internal road/circulation area, has been constructed to an adoptable standard, in accordance with a detailed scheme that shall be submitted to and agreed, in writing, by the Local Planning Authority.

b) The road/circulation area shall thereafter be retained in that condition.

Reason - In the interests of highway safety and to ensure appropriate access is provided to larger vehicles (including refuse vehicles) and to comply with Policies LP10 and LP22 of the Gosport Borough Local Plan 2011-2029.

21. The development hereby permitted shall not be occupied until measures to prevent the parking of vehicles within the accessways and turning areas has been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of highway safety and in order to protect the amenities of the area, and to comply with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029.

22. 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) With the exception of that approved under part (a) of this condition, no flood or other external lighting shall be installed without the prior consent of the Local Planning Authority.

c) The approved 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 in the interests of safety and security, and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

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

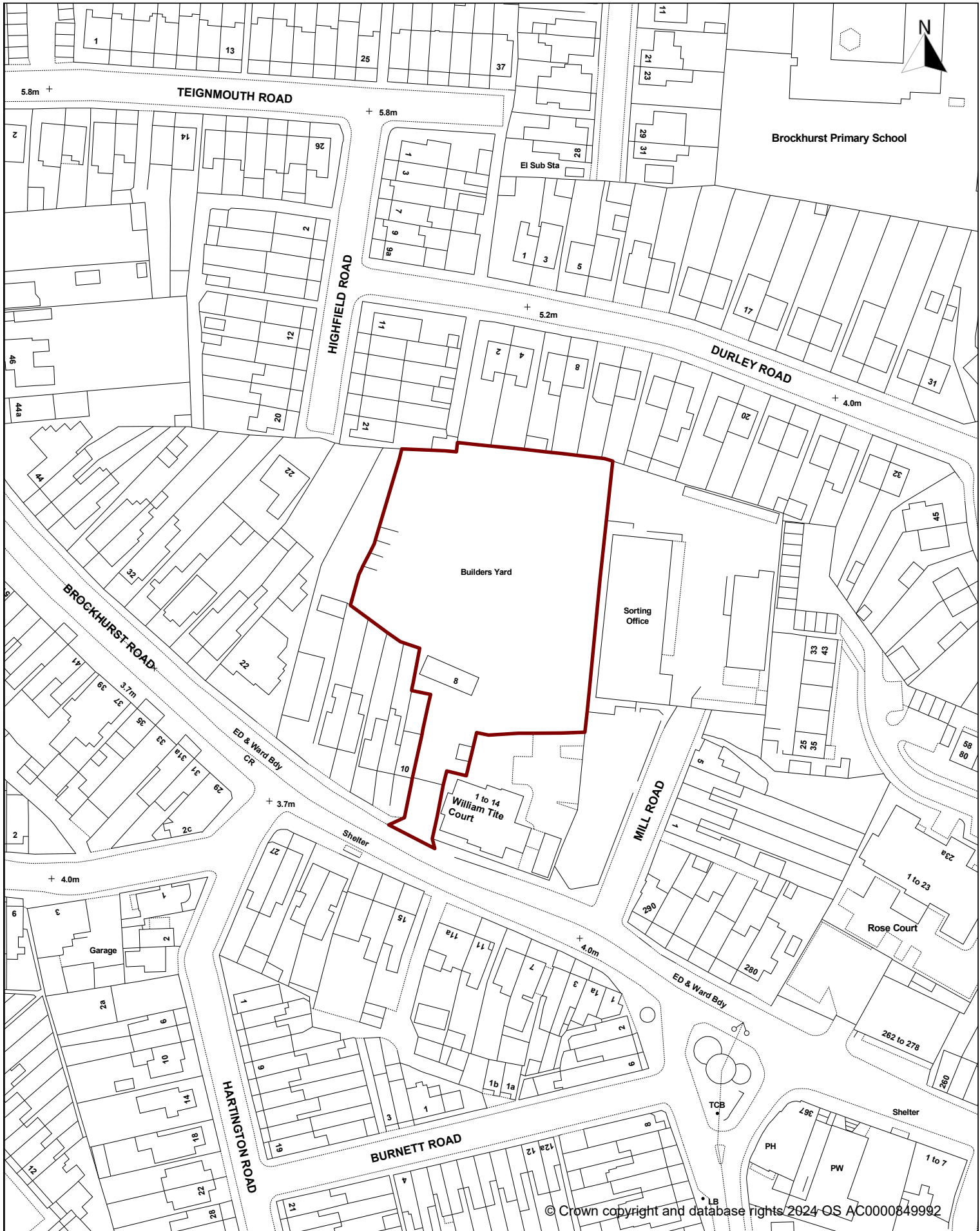
b) Development shall thereafter proceed in accordance with the approved remediation strategy.

c) The development shall not be occupied or brought into use until details verifying that any remediation scheme required and approved under the provisions of part a) of this condition has been implemented has been submitted to and agreed, in writing, by the Local Planning Authority.

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.

24. All residential car parking spaces shown on the approved plans shall be made available for any resident of the development and those persons visiting residents of the development and shall remain unallocated to any specific resident or residence for the lifetime of the development.

Reason - In the interests of making adequate parking provision, highway safety and residential amenity and to comply with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029.

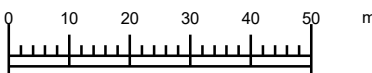


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DATE : 09/10/2024

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**ITEM NUMBER: 02.**  
**APPLICATION NUMBER: 24/00041/FULL**  
**APPLICANT: Mr Ron Squibb**  
**DATE REGISTERED: 12.04.2024**

**CASE OFFICER:**  
**Gary Christie**

**CONSTRUCTION OF DETACHED DWELLINGHOUSE (CLASS C3) AND ASSOCIATED WORKS WITHIN LAND TO SIDE AND REAR OF NO.18 RYDAL ROAD (Amended Details received 18.07.2024)**

**18 Rydal Road Gosport Hampshire PO12 4ES**

***The Site and the proposal***

1. This application relates to a triangular plot of land located to the northern side of Rydal Road between its junctions with Sedgely Road and Palmyra Road. The site currently contains a semi-detached dwelling with an enclosed garden to the rear and an area of more open garden land to its western side which has not been used for some time. This additional garden area appears to have comprised a mix of dense brambles and scrub but has recently been cleared. An area of hardstanding used for parking is situated towards the front of the plot accessed via a dropped kerb from Rydal Road. A large sycamore tree is located to the north-west corner of the site.

2. A public footpath runs along the western side of the site marked by low railings towards the Rydal Road frontage and with more standard timber fence panels along the remaining length of the boundary. The footpath connects Rydal Road to Exmouth Road and appears to be well used by children traveling to and from Elson Junior School located further to the north. While providing an important link, as a result of its narrow width and the height of boundary treatments, this route did feel rather hostile at the time of the site visit, and there was evidence of fly-tipping.

3. The surrounding area is predominantly residential in character with a mix of two-storey dwellings. To the east, the existing dwelling at the application site adjoins No.16 which has a similar layout albeit without the open space to its side. To the north, the site abuts four dwellings that front Exmouth Road (Nos. 20-26) and which benefit of enclosed rear gardens. To the west, there is a terrace of dwellings which benefit from rear accesses onto the public footpath. Nos. 20 & 22 have tapered rear gardens where the footpath cuts across them.

4. Rydal Road is not a classified road but is a busy vehicular route with traffic moving in an east/west direction. Parking is largely on-street and restricted to the northern side of the road due to the width of the carriageway and the number of dropped kerbs to its southern side. There is a slight bend in the road just to the west of the application site, and a barrier is installed close to the site entrance to protect pedestrians using the footpath.

5. Planning permission is sought for the construction of a single-storey dwelling (Class C3), with additional living accommodation within its roof space, sited within the open garden land to the west of the existing dwelling. The proposed dwelling would be sited towards the eastern side of the plot set back approximately 18m from the road frontage with an area of hardstanding for parking and turning to its western side abutting the footpath. The proposed dwelling would have an approximate L-shaped footprint with the main part of the building topped with a dual-pitched roof including barn hips. The roof would measure between 2.6 and 3.4m at the eaves and 5.8m at the ridge. Two pitched roof dormers would be situated to the front roof slope to serve a bedroom and a staircase. A shallow pitched roof element would project from the front elevation. The building would be finished in brick with a tiled roof.

6. No.18 Rydal would retain a shorter rear garden/yard and parking would be provided for four vehicles with space to turn and approach the highway in a forward gear. Internally, the proposed dwelling would provide an open plan kitchen, living & dining room, a w/c and a bedroom at ground floor level with a bedroom and bathroom at roof level.

7. Following concerns raised by the Local Planning Authority, amended drawings have been submitted reducing the scale of the dwelling, limiting north facing windows, providing additional

parking and turning space and making changes to the western boundary with the footpath. A second period of public consultation took place ending on 29 August 2024.

### **Relevant Planning History**

08/00013/FULL - Erection of one dwellinghouse and detached garage - Refused 15.02.2008. The reasons for refusal were as follows:

1. The area is predominately characterised by terrace properties fronting onto the road which creates a strong rhythm in the street scene. Due to the awkward shape of the plot the dwelling is set back 14 metres from the road. As there is a public footpath running alongside the site the displacement of the house from the street frontage will be particularly apparent from public views. The proposal will therefore look out of character with the area and appear incongruous in the street scene contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
2. The layout does not provide on-site parking for the existing dwelling which has the potential to block the turning area so that cars will reverse out onto the highway to the detriment and safety of other users of the highway contrary to Policy R/T11 of Gosport Borough Local Plan Review.
3. The proposed development does not make adequate provision for outdoor playing space contrary to Policy R/OS8 of the Gosport Borough Local Plan Review.

A subsequent appeal was dismissed on 12 January 2009 ref. APP/J1725/A/08/2081806

While agreeing with the Council in respect of design and impact on the streetscene, the Inspector was satisfied that an amended site layout plan adequately overcame concerns in respect of parking identified in the second reason for refusal and a planning obligation addressed the third reason for refusal.

### **Relevant Policies**

Gosport Borough Local Plan 2011 – 2029:

- LP1 Sustainable Development
- LP3 Spatial Strategy
- LP10 Design
- LP23 Layout of Sites and Parking
- LP24 Housing
- LP38 Energy Resources
- LP39 Water Resources
- LP40 Waste and Material Resources
- LP42 International and Nationally Important Habitats
- LP44 Protecting Species and Other Features of Nature Conservation Importance
- LP46 Pollution Control

Supplementary Planning Documents:

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

Gosport Borough Council Parking: Supplementary Planning Document: February 2014

National Planning Policy Framework (NPPF), September 2023

### **Consultations**

HCC Ecology

No objection.

The site has been cleared leading to the loss of habitat with potential for reptiles and nesting birds. To compensate for loss of the habitats, recommend that the installation of a

	single integrated bat roosting feature such as a bat brick or bat tube, a single integrated bird feature such as a swift brick, 2no. native trees and a native, species-rich hedgerow of at least 20m long, to be secured via a planning condition.
Local Highway Authority	No objection.
HCC Planning	No comments received.
Streetscene Parks & Horticulture	No objection. Having visited the site I would agree with Tree Survey Report that there are no trees on site or on immediately neighbouring land which would be considered as suitable candidates for protection by TPO.
Streetscene Waste & Cleansing	No objection: Bin requirements would be 2 x 240l wheeled GBC bins per property.
Building Control	No objection.
Hampshire Fire And Rescue Service	No objection subject to compliance with Building Regulations.
Natural England	No objection subject to provision of appropriate mitigation.

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

7 letters of objection received (to original plans).

Issues raised:-

- Lack of parking will exacerbate existing parking issues;
- Highway safety concerns if overflow parking parks on Rydal Road;
- Access to the site;
- Overlooking into gardens and properties;
- Loss of privacy;
- Obstruction of views of surrounding properties;
- Overshadowing and loss of light;
- Impact on quality of life;
- Negative impacts on the community;
- Impact on the appearance of the area;
- Disruption during the construction process including congestion on Rydal Road and the adjoining footpath used by school children;
- Loss of land for wildlife including badgers, foxes and birds and removal of trees at the site;
- The proposal is no different to that refused in 2007.

4 letters of objection received to amended plans.

Issues raised:-

- Lack of parking will exacerbate existing parking issues;
- Highway safety concerns if overflow parking parks on Rydal Road;
- Access to the site;
- Disruption during the construction process including congestion on Rydal Road and the adjoining footpath used by school children;
- Adequacy of the sewerage network;

- Retained outdoor space for No.18;
- Uncertainty over the retention of the tree that provides privacy;
- Access and boundary treatments;
- Need to have first floor windows frosted and non-opening;
- The parking area is not appropriate and will result in pollution adjacent to neighbouring gardens.

### ***Principal Issues***

1. The main issues for consideration in this application are: whether the proposed development is acceptable in principle, whether the proposed site layout and built form is acceptable in design terms, whether the proposals would have any detrimental impact on the amenities of neighbouring or future occupants, whether the level of parking is acceptable and whether there would be harm to any protected species or habitats. Potential impacts on sewerage would be dealt with under the Building Regulations and a connection licence would be required from Southern Water. Loss of a view and impact on property value are not material planning considerations.

### ***Principle and design***

2. The application site is located within the Urban Area Boundary as defined in the adopted Gosport Borough Local Plan 2011-2029 (GBLP) where the principle of residential development is acceptable, subject to compliance with all other planning policies and guidance. The use of the site to provide a further dwelling would represent an efficient use of the land in line with the requirements of the GBLP and the National Planning Policy Framework (NPPF), and would make a modest contribution towards the Council's identified housing need. The proposal is therefore, considered to be acceptable in principle.

### ***Design and Layout***

3. In considering the proposed design, regard is made to the previously refused scheme at the site (08/00013/FULL) and the subsequent appeal that was dismissed on design grounds. The previous scheme proposed a three-bedroom dwelling across a larger footprint and appeared bulkier due to its taller eaves and ridge. As a result, the building was comparable in scale to No.18 but was set back further from the Rydal Road frontage. The Inspector took the view that: "the house would be clearly visible from the footpath that runs alongside the garden of No.18, as well as in the view facing towards it from Rydal Road. It would be a detached two-storey building positioned close to No.18 with an L-shaped footprint to reflect the constraints of the plot. With its siting and massing, I consider that the house would appear as an obtrusive feature and be perceived as squeezed in. As a result I assess that it would be an incongruous element in the townscape". No concerns were raised in respect on impact on the wider streetscene.

4. The dwelling proposed by this application is still detached, and is set back from the street frontage which is not typical for the area. However, it has been reduced in scale to appear more subservient to the existing dwellings that would flank it, and would have the form of a bungalow which is not entirely out of character given the presence of a bungalow directly opposite (No.7 Rydal Road). Furthermore, the dwelling has been designed to address the relationship with the footpath actively seeking to introduce natural surveillance from ground floor windows and the parking area with the use of a lower fence and hedging. This is considered a positive intervention that could help the footpath feel less enclosed and unsafe.

5. With the use of facing brickwork to help reduce visual prominence, it is considered that the revised design and layout is more appropriate in terms of overall bulk, visual appearance, and relationship with the existing dwellings and the adjoining footpath. On the basis the proposal would also make a small contribution to the Council's identified housing need, it is considered that the proposal is acceptable in design terms complying with the requirements of Policies LP10 and LP24 of the GBLP and overcoming the previous reason for refusal.

### *Amenity*

6. Internally the proposed dwelling would provide an acceptable standard of living accommodation for future occupiers meeting the requirements of the Nationally Described Space Standards (c.102sq.m.) and with each room benefitting from good degree of natural light and outlook. At a length of approximately 9m, the rear garden would fall marginally short of the suggested length set out within the Design SPD (10.5m). However, with a width of approximately 8m, it is considered that the total garden area, in square metre terms, would be comparable to other properties in the area.

7. In terms of impacts on neighbouring occupiers, there would be a separation distance of approximately 22m between the rear wall and the rear of Nos.20-26 Exmouth Road to the north. This would even exceed the recommended separation distance in the Design SPD for two-storey houses. With the inclusion of planning conditions requiring any windows at roof level on the north facing elevation to be obscure glazed and non-opening, it is not considered that the proposal would result in any significant adverse impacts on the amenity of occupiers to the north in terms of loss of light, outlook, increased sense of enclosure, overbearing impact or loss of privacy.

8. In respect of properties to the west, the proposed dwelling would be sited slightly to the north preventing any significant overshadowing concerns, and there would be no west facing windows at roof level. A small south facing dormer window serving a bedroom at roof level would offer oblique views towards the rear of No.20 Rydal Road. However, having regard to the use of the room, limited scale and oblique angle, it is not considered that the level of harm that would occur could sustain a reason for refusal on overlooking or privacy grounds. To the east, the greatest impact of the proposal would be on No.18, the applicant's own dwelling. While this relationship is not considered to be ideal, the impact has been reduced from that previously proposed by application 08/00013/FULL where the impact on No.18 did not form a reason for refusal. With that in mind, it is considered that the relationships with Nos.16 & 18 and the remaining garden area for No.18 would be acceptable.

9. It is accepted that there would be a degree of noise and disturbance during construction works. However, on the basis the proposal is small in scale, impacts would be temporary and the site is already protected on its western side by boundary treatments, it is not considered that a Construction Environment Management Plan is necessary and legislation beyond the planning system would be available to limit disruption to local residents and the surrounding highway network.

10. Overall, it is considered that the proposal would be in accordance with the aims and objectives of Policies LP10, LP24 and LP46 of the GBLP and Design SPD. Given the closer relationships, garden area slightly below the recommended size standard and matters addressed below in respect of highways and biodiversity, it is considered necessary and reasonable to remove permitted development rights to the new dwelling.

### *Highways and Parking*

11. In considering the parking layout, regard is again made to the previously refused scheme at the site (08/00013/FULL) and the subsequent appeal which considered this matter. As part of the appeal process, a revised parking layout (Drawing 1291 01F) was presented to the Inspectorate for consideration which was very similar to that now proposed. At the time, the Local Planning Authority (LPA) accepted that the amended layout demonstrated adequate space for parking and turning so that cars would not have to reverse out onto the highway. The LPA did however raise some concerns in respect of amenity.

12. While satisfied that parking and manoeuvring concerns were overcome, the Inspector did agree that the revised layout did raise some issues with consequent relationships between vehicles and accommodation within the existing and proposed dwellings, and the effect this would have on future living conditions. However, the Inspector opined: "In my view there would be some adverse impact from vehicular activity in terms of noise and disturbance, and this is a shortcoming with the revision. However, such proximity to driveways is not untypical of the area. In my opinion the effect would not amount to a breach of policy by way of a significant loss of amenity and would not on its own warrant refusal".

13. On the basis the proposed site layout is very similar to that previously found to be acceptable and would provide four off-road parking spaces with sufficient manoeuvring room to turn and approach Rydal Road in a forward gear, it is considered that the proposal is acceptable in highways and parking terms. It is noted that the existing off-road parking spaces serving No.18 do not have sufficient space to turn and allow vehicles to approach the highway in a forward gear. Therefore, while the proposal would result in a slight increase in the number of vehicles coming and going from the site, these trips can all be carried out in a forward gear, potentially reducing risk and conflicts with pedestrians.

14. There are currently no parking restrictions on the northern side of Rydal Road at its junction with the footpath. As such, it is not considered that the proposal would increase the likelihood of parked vehicles restricting visibility for pedestrians. Overall, the proposed development would provide an acceptable level of car parking provision with adequate space for vehicles to manoeuvre complying with Policy LP23 of the GBLP and the Parking SPD.

15. Bicycle storage is indicated within the rear garden of the proposed dwelling in the form of a garden shed. This is considered to be appropriate and further details can be secured through planning condition. Refuse storage would also be within the rear gardens and presented to the Rydal Road frontage for collection. This arrangement is considered to be acceptable and would not result in significant disruption on collection days given the modest increase in bins.

### *Ecology*

16. The proposal will introduce an additional dwelling which is likely to result in increased recreational activity on the coast and a consequential impact on the protected species for which the Solent SPAs are designated. To address this impact, a contribution towards appropriate mitigation, in accordance with the Gosport Bird Disturbance Mitigation Protocol, has been made.

17. Natural England has previously raised concerns that new dwellings are causing increased levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at European and internationally designated habitat sites and additional mitigation measures will be required to offset any increases in nitrogen discharges that would result from the proposals. Natural England 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.

18. In this instance, the proposed mitigation approach is one of land use offsetting, whereby the increase in nutrients created by the proposed dwelling at the site is offset by a corresponding reduction in nutrients elsewhere within the sub-catchment. In this instance the applicant will make a financial contribution to a mitigation provider, to offset the amount of nitrogen produced by the development (0.79kg TN/yr). It is a requirement that the mitigation at the site is legally secured for the lifetime of the development. A planning condition requiring the installation and retention of water efficiency measures within the new dwelling is also proposed. Subject to the mitigation being secured, it is considered that the development would not cause harm to European and internationally designated protected sites complying with Policies LP42 and LP44 of the GBLP.

19. Mitigation in respect of recreational disturbance and nutrient neutrality has been set out within the Council's HRA Appropriate Assessment which has been considered by Natural England. No objection has been raised subject to the provision of this mitigation.

20. Reference has been made within representations to wildlife at the site including badgers which are a protected species. No obvious evidence of badger activity was noted at the time of the site visit and no specific concerns have been raised by the Council's Ecologist. The applicant would still have a legal obligation to appropriately address this matter should badgers be found at the site prior to development works commencing. The Council's Ecologist has suggested a planning condition requiring the installation of bio-diversity enhancements at the site which would ensure a net increase in bio-diversity value is provided in line with Policy LP41 of the GBLP. The development would not be liable for the general Biodiversity Net Gain condition on the basis the development would be a self-build and custom build development.

21. A large sycamore to the north-east corner of the site would be retained and can be accommodated into the proposed parking area. While details of tree protection measures have been set out within the Tree Survey Report, no details of surface treatments around the tree have been provided to demonstrate that the hardstanding can be installed without affecting tree routes. However, on the basis there would be a technical solution, a condition requiring the submission and approval of details is proposed.

Equalities Impact Assessment: No Implications

**RECOMMENDATION: Grant Permission subject to first securing mitigation in respect of increased nutrients within the Solent water environment in line with the LPA's Appropriate Assessment**

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

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

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

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

Site Location Plan;

03031 Rev-F (Proposed Floor/Roof Plans & Sections);

03032 Rev-F (Proposed Elevations);

03035 Rev-D (Proposed Site Plan);

03036 Rev-A (Indicative Landscaping Plan);

03037 Rev-A (Western Boundary Details);

Tree Survey Report (ref.ARBS\_1008\_300 - April 2024).

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

3. a) No development shall commence until the tree protection measures set out within the approved Tree Survey Report (Produced by Arb-Solute Tree Management, ref.ARBS\_1008\_300 dated April 2024) have been put in place.

b) The tree protection measures detailed within part a) of this condition shall be retained in place until the development is 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.

4. a) No construction works related to the new dwelling hereby permitted shall take place above foundation level until a detailed schedule of materials and finishes, including samples where requested, of all external surfaces of the dwelling has been submitted to and approved, in writing, by the Local Planning Authority.

b) The development shall thereafter be implemented in full accordance with details approved pursuant to part a) of this condition

Reason - To ensure that the external appearance of the development is satisfactory to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

5. a) No construction works related to the new dwelling hereby permitted shall take place above foundation level until a detailed schedule of materials, finishes and methods of construction, including samples where requested, of all external hard surfaces has been submitted to and approved, in writing, by the Local Planning Authority.

b) The development shall thereafter be implemented in full accordance with details approved pursuant to part a) of this condition.

Reason - To ensure an appropriate external appearance, and to protect the long term health and stability of the large sycamore tree located to the north-west corner of the site to comply with Policies LP10 and LP41 of the Gosport Borough Local Plan 2011-2029.

6. a) No construction works related to the new dwelling hereby permitted shall take place above foundation level until a scheme of ecological enhancement has been submitted to and approved, in writing, by the Local Planning Authority. The ecological enhancement measures shall include, but not limited to, integrated bat roosting features for bats, integrated bird features such as swift bricks, native tree planting and species-rich hedgerow as recommended by the Council's ecologist.

b) The development shall thereafter be implemented in full accordance with details approved pursuant to part a) of this condition and thereafter permanently retained.

Reason: To mitigate the loss of habitat at the site and to ensure a net gain of on-site biodiversity to comply with Policies LP41 and LP44 of the Gosport Borough Local Plan 2011-2029.

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

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

Reason - In order to protect the amenities of the area and ensure no net loss of biodiversity value, and to comply with Policies LP10 and LP44 of the Gosport Borough Local Plan 2011-2029.

8. a) The new dwelling hereby permitted shall not 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.

9. a) The new dwelling hereby permitted shall not be occupied/brought into use until all associated off-road parking facilities (for both the new and existing dwelling) have been provided and made available for the parking and manoeuvring of vehicles in full accordance with the approved drawings and details; and

b) The approved parking and manoeuvring facilities detailed by part a) of this condition shall thereafter be permanently retained as shown on the approved drawings for the parking of vehicles associated with the development hereby permitted at all times (2 spaces per dwelling).

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.

10. a) The new dwelling hereby permitted shall not be occupied/brought into use until the western boundary treatments adjoining the public footpath have been provided in accordance with the details shown on approved drawing 03037 Rev-A and the associated landscaping and bio-diversity conditions; and

b) The western boundary treatments shall thereafter be permanently retained in accordance with the approved details unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - To provide an appropriate relationship between the new dwelling and the public footpath and to provide a degree of natural surveillance in the interests of public safety and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.



11. a) The new dwelling hereby permitted shall not be occupied/brought into use until secure and weatherproof bicycle storage facilities have been provided in full accordance with a scheme that has first been submitted to and approved, in writing, with the Local Planning Authority; and  
b) The approved bicycle storage facilities shall thereafter be permanently retained for the storage of bicycles at all times.

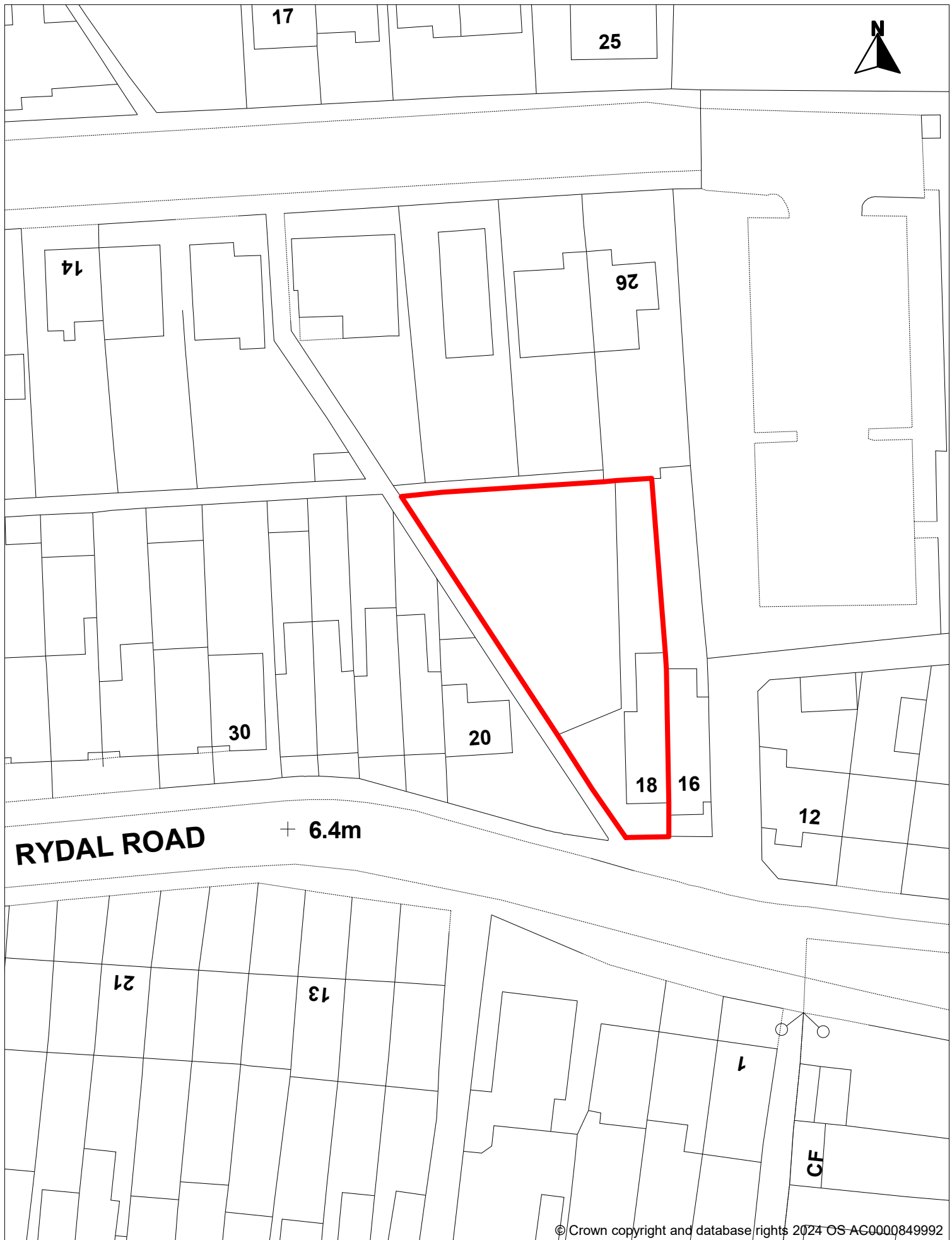
Reason - In order to ensure that adequate cycle storage is provided to promote and encourage cycling as an alternative to use of the private motor car in compliance with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

12. All windows located within the north facing roof slope of the new dwelling hereby permitted 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 height of 1.7 metres above the finished floor level of the room in which it is installed, and shall thereafter be permanently retained in that condition.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other enactment modifying or revoking that Order with or without modification, no erection, construction, enlargement, improvement, extension, addition, alteration or outbuilding permitted by Classes A, AA, B, C, D, or E of Part 1 of Schedule 2, or Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the Local Planning Authority, obtained through the submission of a formal planning application.

Reason: In the interests of design and the amenities of future and neighbouring occupiers having regard to specific design of the dwelling, the constrained nature of the site and relationship with the adjoining footpath in accordance with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029.

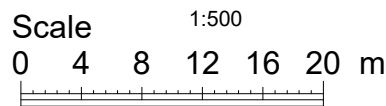


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**GOSPORT**  
BOROUGH COUNCIL

DATE : 09/10/2024



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18 Rydal Road

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