

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

31st August 2022

ITEMS WITH RECOMMENDATIONS

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

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02.	15-20/1	20/00274/LBA	Granary And Bakery Weevil Lane Gosport Hampshire PO12 1FX	Refuse
03.	21-25/1	21/00634/FULL	93 Clayhall Road Gosport Hampshire PO12 2AH	Grant Permission subject to Conditions

ITEM NUMBER: 01.
APPLICATION NUMBER: 20/00273/FULL
APPLICANT: Berkeley Homes Berkeley Homes
DATE REGISTERED: 23.07.2020

CASE OFFICER:
Mark Bridge

CONVERSION OF FIRST FLOOR TO 6NO. TWO BEDROOM FLATS AND ALTERATIONS TO EXISTING ENTRANCE (LISTED BUILDING IN CONSERVATION AREA) (as amended by plans received 28.10.20 and 08.02.21 and supporting information received 24.09.20 and 08.02.21)

Granary And Bakery Weevil Lane Gosport Hampshire PO12 1FX

The Site and the proposal

1. The site is located on the eastern side of the Royal Clarence Yard development and comprises the Granary which is part of the Granary and Bakery building. The Granary and Bakery is a Grade II* Listed Building situated adjacent to the waterfront and within the Royal Clarence Yard Conservation Area. It was constructed between 1827-1832 and is the only surviving Naval bakery in the country. Royal Clarence Yard was established in 1831 as a victualing yard supplying the Royal Navy with fresh water, salt meat, biscuits and rum. The Granary and Bakery are significant survivors of the expansion of the Royal Clarence Yard victualing yard and the industrialisation of the food production developed as a response to the difficulties in feeding the Navy encountered during the Napoleonic wars.

2. The Granary and Bakery is a four storey building with additional accommodation within a Mansard roof. The roof is constructed with slate tiles, with dormer projections in the front, side and rear roof slopes. The building is constructed from red, stock bricks and there are balcony projections on its harbour (east) facing elevation on all floors. It is an 'L' Shape building that projects up to the harbour. This projection has pillars supporting it at ground floor level that provide public access underneath, as part of the promenade. The building was restored, repaired and converted under reference K16713/1 granted on appeal in 2006. Listed Building application K16416/1 gave consent from the internal and external changes required to facilitate the redevelopment. This application relates primarily to the part of the building that projects up to the harbour edge. The upper floors of this part of the building are primarily residential, with the exception of the first floor, to which this application relates, which is a vacant open plan area with permission for use as an office space, although it has not been fitted out. This space has a number of rows of columns equally spaced throughout and has not been occupied since the original permission.

3. The proposals are for the conversion of the existing open plan first floor space, approved for offices, into 6 two bedroom flats. There would be a large circulation space within the centre of the building with the flats located around the perimeter on the north, south and east elevations. Each flat would have its own door access from the circulation space. Access to the first floor would continue from the stairwell towards the northwest corner of the circulation space, which provides secure access from the promenade below. Internal changes would include the introduction of partition walls to create the circulation space and individual rooms within the flats. The other residential floors remain unaffected. Car parking would be provided within the existing zoned car parks having regard to the latest approved Car Parking Management Plan. Additional information has been provided to confirm that this would be within Zone 5 (Cooperage). The applicant indicates that the 7 cycle spaces will be provided at ground floor level, adjacent to the proposed access, with the remainder accommodated within the developments large central cycle store, and by utilising existing on site short term cycle parking on the site.

4. Amended plans have been received which alter the internal layout, due to an existing vertical service run being omitted, further information regarding the cycle storage, noted above, and marketing has also been provided. The addition of a new bin store below the building and close to the entrance, within the promenade area, has been removed from the proposals, with the refuse storage to be contained in the existing stores. Additional and amended information has also been provided to confirm the entrance location to the building, why other points of access have been discounted, and to propose the replacement of the existing window and door arrangement with a set of double doors at ground floor level. Other additional information has also been provided including

the applicant's consideration of the historic impacts of the proposals and to address some errors within the noise assessment.

Relevant Planning History

20/00274/LBA - Listed Building Application - internal alterations to facilitate the conversion of the first floor to 6no. two bedroom flats - pending consideration

17/00290/FULL - car parking strategy (amendment to car parking strategies approved 29.02.08 and 16.10.15) - approved 17.01.20

K16416/36 - Listed Building application - erection of ground floor glazed lobby including lift and stairs and subdivision of first floor to provide 4no. office spaces - consent 11.03.11

K16713/1 - mixed use development comprising 394 residential units, 516 square metres of offices / workshops (Class B1), 931 square metres of retail and restaurants / public houses / cafes (Classes A1, A2, A3, A4 and A5), 682 square metres of cinema (Class D2), millennium promenade and related infrastructure (including access, car parking, landscaping, open space and flood defences) - appeal allowed 02.02.06

K16416/6 - Listed Building application - conversion of former stores of mill and granary to office accommodation - 25.11.05

K16416/1 - Listed Building application - conversion and alteration of existing Granary/Bakery building to 44 flats, retail, office and restaurant use and repairs and alterations to hydraulic engine house For A1/A2/A3/B1 Use - consent 06.11.03

K16416 - Details Pursuant To K.15500 - conversion and alteration of existing Granary/Bakery building to 44 flats, retail office and restaurant use and repairs and alterations to hydraulic engine house For A1/A2/A3/B1 Use - 06.11.03

K15500 - Outline: mixed use devt. of residential, offices/workshops (B1), retail (A1,A2), public houses/cafes/restaurants (A3), cinema, hotel, leisure/community uses, marina, open space & related infrastructure - permitted 30.11.01

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

- LP1 Sustainable Development
- LP2 Infrastructure
- LP3 Spatial Strategy
- LP9D Allocations outside the Regeneration Areas: Residential Sites
- LP10 Design
- LP11 Designated Heritage Assets including Listed Buildings, Scheduled Ancient Monuments and Registered Historic Parks & Gardens
- LP12 Designated Heritage Assets: Conservation Areas
- LP23 Layout of Sites and Parking
- LP24 Housing
- LP39 Water 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

Supplementary Planning Documents:

Gosport Borough Council Waterfront and Town Centre: Supplementary Planning Document: March 2018

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

Gosport Borough Council Parking: Supplementary Planning Document: February 2014

Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol April 2018

National Planning Policy Framework (NPPF), July 2021

Particular obligations fall upon the Local Planning Authority in determining any application which might affect a listed building or its setting or a Conservation Area. Section 66 of The Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the authority to have "special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses". Section 72 of the same act requires that the authority pay: "special attention to the desirability of preserving or enhancing the character or appearance of a conservation area".

Consultations

Natural England	No objection, subject to securing appropriate mitigation. Recommend conditions relating to noise levels and Construction Environment Management Plan (CEMP).
Streetscene Waste & Cleansing	No objection. There are adequate arrangements for bin storage and collection within existing arrangements for the site.
Building Control	A Building Regulation application is required. Consideration of the stair should only serve this floor, windows may need to be Means of Escape windows travel distances from flat entrance doors to stair may be exceeded. The retained 'Chute' may have impact of fire rating provisions and swing of doors needs to comply with Approved Document K. Access to refuse store may be exceeded.
Hampshire Fire And Rescue Service	No objection. Access and facilities for Fire Service appliances and firefighters should be in accordance with Approved Document B5 of the current Building Regulations and in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage).
Local Highway Authority	No objection. No changes are proposed to the vehicular access and parking is a matter for GBC.
Economic Development And Regeneration	Object. These proposals involve a change of use from commercial to residential in an area that is seen as requiring to maintain mixed use development. Given this sizeable, and quality of the commercial office space, and unparalleled waterfront access/views and with adjacent leisure facilities, if marketed effectively it

would provide an exceptional opportunity adding to the mix of uses.

The additional residential units runs against the original ethos of the overall RCYM development and is likely to have other negative impacts, such as parking and a loss of amenity value, potentially restricting the public use of the quality environs nearby for events and impacting future efforts to encourage visitor footfall to the development..

Granting permission is likely to negatively impact the ability to effectively market the large number of ground floor commercial units at the Yard/Marina. Having read and taken into account the contents of the marketing report, whilst the office market in Gosport is limited and locally focussed, it is our belief that insufficient marketing activity has taken place over the last few years to attract interest in either the Granary or the ground floor units. The Report recognises that whilst these units remain 'core & shell' in nature, it is unlikely that they will attract any meaningful interest and the developer has never shown willing to make similar investment in either the office (Granary) or retail unit spaces, bringing them up to a specification likely to attract meaningful interest, as they have in providing residential accommodation.

Environmental Health

No objection. Sound insulation within the building to meet the current Building Regulation standards.

Historic England

No comments. You should seek the views of your specialist conservation adviser.

Environment Agency (Hants & IOW)

No objection, subject to condition relating to flood mitigation in accordance with the submitted Flood Risk Assessment.

The Gosport Society

Object for the following reasons:

- The loss of commercial space will be to the detriment of the overall Royal Clarence Yard development and the Conservation Area in general.
- The commercial use was presumably negotiated with the Council as part of the legal agreement, given site constrains, including the parking strategy on the site.
- It is clear from the photos submitted with this application, that very little investment has been made on the first floor and designated entrance to make the commercial use in any way attractive to potential commercial users and it is normal practice in

- commercial developments for landlords to offer a fully finished scheme for let.
- This commercial floorspace once lost, would never be reinstated, so should be retained as a component in the emerging plans for the regeneration of the wider Gosport Peninsula.
- Fails to meet Gosport Borough Council Parking Standard, national access standards and may not meet public safety fire regulations standards.
- Noise impacts and ventilation issues.

Response to Public Advertisement

5 letters of objection (to original plans)

Issues raised:

- experience noise from other flats due to inadequate sound insulation and new flats below could exacerbate this issue
- the windows should remain as existing (and as elsewhere in the Granary & Bakery), not be changed to UPVC as suggested in the noise assessment
- failure to properly assess the potential noise impacts for the proposed new apartments
- no information has been provided in relation to the proposed site works, materials storage, parking for contractors, hours of operation and measures to be taken to avoid unnecessary noise and disturbance to residents.
- Night workers will be affected living directly above the area where proposals are to take place.
- major works like this should have been completed when all others were built not come along in the future and disrupt everyone whilst this takes place
- insufficient and inadequate car & cycle parking arrangements (failure to meet LP23 and the 2014 Parking SPD; the proposal relies on unapproved amendments to the approved 17/00290/FULL CPMP for Royal Clarence Yard); and the Planning, Design & Access Statement and the Transport Statement contain contradictory statements about parking permits and parking zones associated with this application.
- this proposal fails to account properly for the impact of the proposed new residential parking requirements and also relies on unapproved changes to the recently approved 17/00290/FULL CPMP for Royal Clarence Yard.
- the cycle store indicated to be used is currently well used and full of cycles. The applicant should be required to provide evidence that there is in fact room for the additional 18 cycle spaces required under local policies.
- there is virtually no designated Visitor cycle parking at RCY and visitor cycle parking for the first floor Granary at the very least should be provided, and ideally to address this lack across the site.
- loss of commercial space at RCY and lack of marketing undertaken. No meaningful nor proactive marketing has been given to any of the vacant RCY commercial properties since the production of the commercial leaflet in November 2017. Merely listing a property as "available" on property websites as reacting to enquiries does not meet any modern definition of "marketing".
- in the closer future, we also worry about the likely negative impact on the local restaurants if the commercial space is converted to residential. When the commercial offices in the Mill were occupied, that brought up to 100 jobs to RCY - and useful customers for the restaurants. The Granary offices could have provided a similar level of employment. There is no way that 6 residential apartments can ever hope to fill that sort of demand.
- if the LPA is minded to approve this application, it seems highly likely that an application to change the commercial offices in the former Mill (also part of the Phase E Granary & Bakery building) to residential may follow.
- the proposed doorway in question is not of a conventional width - indeed is rather narrow! - thus will not provide adequate wheelchair/disabled access, should that be required at any time.
- this restricted access could also indicate that there may prove to be an issue with escaping, in case of fire.
- no lift to the first floor which limits the occupation by those with a disability

1 letter of observation

Issues raised:

- pleased that making use of the 1st floor space in our historic building is going to be achieved.
- inaccuracies in the Noise Impact Assessment are that Arty's Restaurant and Bakers Bar & Kitchen are now fully open and function with exterior seating and this is a listed Grade II* listed building and we have wooden windows, no double glazing and not sash windows.
- with regard to the Planning Design & Access Statement the proposed entrance to the first floor is not the existing main entrance to The Granary which has existed for 16 years or so, which is the other side of the archway and serves all residential properties on 2nd, 3rd & 4th floors with a lift.
- why is Berkeley Homes not creating access to the first floor from the existing main entrance which would provide disabled access and a lift. Appreciate work would need to be done to gain access to the lift on the first floor.
- retaining the Grain slide so that can be appreciated in the communal area by residents of the Granary - only the 6 proposed flats will see this as not accessible from the main communal areas to the building for all existing residents.

11 letters of objection (to initial amended plans)

Issues raised:

- previous objections to Berkeley Homes proposed change of use from commercial to residential still apply.
- no new information has been provided in relation to the proposed site works, materials storage, parking for contractors, hours of operation.
- measures to be taken to avoid unnecessary noise and disturbance to residents so our previous objection on this point remain.
- errors and assumptions in the Noise Impact Statement have not been corrected in the latest revision.
- lack of parking for existing home owners and any additional flats will further burden this.
- car parking arrangements for the new apartment result in residents having to park a considerable distance from their homes, with a round trip of approx 1 mile (if dropping off close to their front door and driving back along Weevil Lane to park in Cooperage Green) followed by a walk back through the site.
- no provision for parking for disabled residents close to their home.
- no new provision for cycle parking for the proposed new apartments, with that proposed demonstrably already inadequate. The current main cycle store (space for 95 cycles) used by Granary residents also serves the whole of Granary & Bakery, Galleon Place, Ledwell Court (154 apartments) plus staff cycle parking for the Waterfront commercial units.
- loss of designated commercial space which could have brought much needed jobs to the area remain as objection to original plans.
- purchasing the flat was on the basis that this was a project of both a residential and commercial enterprise, however, Berkeley Homes has reneged on this; and has done little or nothing to market the commercial space.
- the plans to have an entrance with such a little space before the staircase and a really not wide enough staircase are not appropriate.
- this plan demeans the amenities and character of the flats to be built and by extension the existing other flats.
- it's a unique space and deserves to be displayed to the public as such.
- the proposal to use the late/modern lobby/temporary stairwell as permanent access to the 1st floor ignores the fact that this structure is not part of the original building, unsightly and is showing structural defects.
- remain concerned about the lack of level access: lack of suitability for disabled residents and visitors - and adaptability for future needs.
- object to the construction of a bin store adjacent to the current entrance for residents of the Granary and within the undercroft of the Grade 2 listed Granary which is unique.
- the bin store will also be located within 10 meters of the outside sitting area of Arty's restaurant, which is a very popular venue.
- the existing bin store it has plenty of room for at least two more bins, they are looking to build an additional six flats on the first floor and they are smaller than those above so there would not be a vast amount of additional bin bags.

3 letters of objection (to further amended plans)

Issues raised:

- previous comments still stand.
- the September 2020 Noise report is still written during government lockdown and does not reflect reality of when both Artys' and Bakers Bar are open. No mention is made of the rear entrance of the Mill Offices being just opposite the proposed new entrance to 1st Floor of the Granary and there was excessive noise from occupants of the Mill Offices taking smoking breaks in that area as under cover, with reference to single sliding sash windows which is inaccurate.
- increasing numbers of people are cycling, partially due to the Covid pandemic and environmental issues so ample storage facilities are required with 7 spaces falling short of the 12 required.
- visitor cycle spaces are inadequate, those outside of the gym are already well used and until any conversion has actually taken place, there are unlikely to be any visitors, so statement that these spaces are 'underused' would seem unfounded and unduly naïve.
- the proposed residential entrance is highly visible and on the RCY Waterfront and there is a significant lack of detail on the latest submitted plans which are rough-and ready, impressionistic plans without dimensions nor any details of proposed materials.
- the applicant appears to have just noticed that the structure of the existing lobby area is in a state of poor repair (which we highlighted in our previous objection) but we note that they have not submitted any plans for how they propose to address the problem. This area is very exposed to weather and the structure needs to be really sound. This element should not be conditioned.
- the existing window by the entrance is not shown on the latest elevation plan. Is it to be removed/replaced by the proposed wider doorway?
- there are no specific details or measurements of what they intend to do and the existing ground floor internal area shows a lot of work that would need to be done, such as build a proper staircase, cover over exposed pipework etc. but again there are no details.
- it appears that notice of our comments about very limited door entry being of insufficient size to allow for furniture has been noted and they have amended the plans to put in double doors, with the apparent loss of a window, but doesn't appear to heighten the door frame.
- interior store by the stairs is not appropriate is less than and presents a potential Health & Safety hazard with gas meter adjacent.
- there is still no disabled access to the first floor or access via a lift.

Principal Issues

1. The main issues for consideration are, whether the loss of the permitted office space would have a detrimental impact on the mixed use development of Royal Clarence Yard, whether the proposals would preserve the special architectural and historic interest of the Listed Building, would preserve or enhance the character and appearance of the Conservation Area, would impact on the amenities of the neighbouring occupiers and provide adequate living arrangements, would be at risk from flooding, or would create additional flood risk elsewhere, whether there would be any harmful impact on biodiversity interests, and whether the proposals would make adequate provision of car parking, cycle and refuse storage.

Principle

2. Royal Clarence Yard (RCY) was approved as a mixed use development and it is, therefore, important that the site maintains a variety of uses which can include residential. Given this, the applicant has provided further details of the marketing undertaken of the building over a number of years. This indicates that the demand for office space in Gosport is low and other equivalent spaces in the Borough that are already fitted out also remain vacant. The comments from the Economic Development and Regeneration Team are noted and understandable, however, the Policy position is also of importance.

3. It is acknowledged that the commercial frontage will provide a key role in supporting the mixed use of the RCY Development. It is also the case that the loss of these key commercial frontages should be resisted and this is supported by Policy LP31 of the Local Plan, which sets out a number of considerations and marketing expectations. Whilst the site is within the RCY Waterfront area it does not form part of the defined 'commercial frontage' covered by the policy (LP31), and is also located at first floor level. The Policy is not of relevance to these proposals and there is no defined

expectation for marketing. The site is within Character Area 3 (Royal Clarence Yard and Retained Area), as defined in the Gosport Waterfront and Town Centre Supplementary Planning Document (GWTC SPD). Within this character area, the relevant objectives laid down within the GWTC SPD are:

- The completion of the remaining residential permissions at RCY;
- Support the development of the commercial frontage at RCY through a partnership approach.

4. The proposals do not form part of the existing residential permissions, however, the second objective is of relevance to parts of RCY, with the GWTC SPD clarifying that the commercial frontage at RCY has a large number of vacant units and there is significant opportunity to increase footfall to the site. However, again in this instance being at first floor level the proposals do not form part of this identified key commercial frontage covered by the GWTC SPD. Additionally should planning permission be granted for these proposals a mix of uses would be retained across the wider site.

5. Whilst there could be some additional commercial demand as the former retained area is developed for commercial uses, there are no detailed timescales for this and no certainty that demand for office space will increase. There is also potential for the retained area to bring forward competing uses with those on the wider RCY site. It is also possible that the office market in Gosport will be further constrained by the recent downtrend, due to the Covid-19 pandemic, and there may be more limited opportunities for this to become an office in the future, noting that the site has been vacant for a substantial period of time and some marketing has been undertaken. There may be a greater demand for the unit if it were fitted out, the marketing report provided offers some assessment of this and comparable offices where there has been no firm interest. It is considered that the on balance, given the reasons set out above, the conversion of the previously approved vacant office space to additional residential accommodation would not harmfully affect the important ground floor waterfront commercial frontages, or overall mixed use of the site is acceptable in principle, subject to compliance with other National and Local Plan Policy.

Heritage

6. The use of the wider Granary/Bakery building for residential purposes is established, with the other floors already converted and substantial residential uses elsewhere within the wider RCY development. However, the planning statement that was submitted as part of the original outline application K.15500 indicates that since the submission of the original outline application, discussions between a number of parties, including the Borough Council and English Heritage led to a number of amendments. The amendments included a change of the proposals on the first floor of the Granary from residential to B1 office accommodation. The document goes on to confirm that the analysis of the impact of alternative uses on the buildings that are to be retained has led to a number of design-led decisions including "the preference for an office use on the first floor of the granary so as to retain more of the open floor plan". The applicant also acknowledges in their submission that the open plan form of the first floor level makes some contribution to the significance of the listed building.

7. These proposals would result in the loss of this historic open floor plan which is of fundamental importance to the significance and special interest of the building. It is the last of the large open plan interiors which are a key component of the former use and illustrative of the engineering feat that the building represents. As noted in the official list entry: 'this is...one of the first large industrial food processing plants in the country, and is indicative of the considerable scale of the navy's victualling operation'. Therefore, the loss of the open plan form represents harm to the significance and special interest of this Grade II* Listed Building. In terms of the NPPF the level of harm is considered to be 'less than substantial'.

8. The NPPF states in paragraph 199, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. It goes on to indicate that (para.200) any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development

within its setting), should require clear and convincing justification and that (para.202) where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9. The NPPF requires clear and convincing justification for the proposals to be shown, weighed against the public benefits of the proposal. The wider building is largely occupied by permanent uses and whilst there may be some long term benefit of it being used, it is not considered that its long term vacancy, already in excess of 20 years, poses a threat to the overall Grade II* Listed Building. Whilst the applicant has undertaken some marketing for offices, during this application's consideration the number of uses permitted within the same class as the approved offices (now Class E, incorporating the previous Class B1 Office use), has significantly increased, including retail, indoor sport/recreation, medical or health services, day nurseries or day centres among others. There may, therefore, be an alternative use of this space that can maintain its open appearance, acknowledged as part of its significance. Despite a request for evidence of marketing for these possible alternative uses the applicant has not provided any, although they are of the view that there would be no interest in these alternatives. Whilst the provision of residential accommodation would have some limited public benefit, given the harm identified above, through the proposed extensive subdivision of the last remaining open plan vestiges and resultant loss of significance and special interest of the building by the proposals, it is not considered that this would be an overriding public benefit that justifies support of the proposals.

10. Whilst it is accepted that some partitioning was consented with the granting of Listed Building works associated with the fit out under K16416/36, the Officer report acknowledged that "the use of glazed partitions will help to ensure that the open plan character of the Granary is preserved". This further highlights that the open character of this part of the building is considered a key feature that should be incorporated into any use of this part of the building to ensure its important character is retained.

11. The external changes are limited to the later ground floor addition and the amendment of the existing door and window arrangement on the north elevation of this part. Those external changes are considered in more detail under the associated Listed Building application but overall are considered to preserve the special character and historic appearance of the building and the character and appearance of the Conservation Area.

12. Overall the proposed use would result in the unacceptable loss of the historic open plan character which would cause less than substantial harm to the significance and special interest of this Grade II* Listed Building, contrary to the NPPF and Policies LP10 and LP11 of the Gosport Borough Local Plan 2011-2029

Amenity

13. With the exception of the ground floor entrance, the proposed conversion does not alter the external appearance, window positions, or relationships between properties and would not, therefore, have a detrimental impact on the amenities of future occupiers in terms of loss of light, or outlook. The area is of mixed use and it is inevitable that some noise and disturbance occurs later in the evening from these uses, particularly given the proximity of the promenade area below and this is to be expected. These relationships occur along the waterfront and in the floors above the application proposals. The difference between the windows referred to within the document are not material and the noise report prepared by the applicant has been assessed by the Head of Environmental Health, who is aware of the relationship between residential and commercial uses in this location, when operating outside of the restrictions of the Covid 19 Pandemic and has not raised objection.

14. The access lobby will provide an acceptable entrance to the property for this number of flats. Similarly whilst a lift would be preferable, given the limited number of units and the fact that they are only on the first floor, it is not a reasonable requirement that would warrant a reason for refusal. Furthermore the applicant has demonstrated that alternative access to the existing residential

circulation space and lifts would not be practical and this proposal involves more limited internal alterations to the fabric of this historic building.

15. The proposals are largely internal and it is not considered that these, or the delivery and storage of materials, would cause significant harm to residents, including night workers, subject to the imposition of a condition requiring a Construction Environment Management Plan (CEMP), if the proposals were acceptable in all other respects. In an area where a mix of uses are already accepted and anticipated, it is considered that the proposals are acceptable in this respect and would not cause significant harm to existing, or future occupiers, in accordance with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

Parking, Cycle and Refuse Storage

16. The applicant has indicated that the proposed parking arrangements would be in accordance with the Car Parking Management Plan (CPMP) approved under application 17/00290/FULL, however, the proposed location for the parking spaces would be within Zone 5, the Cooperage. Whilst it is accepted that the proposals would not provide a level of parking that would meet the standards set out in the Parking SPD, there is no opportunity to provide additional car parking for the development due to the constraints of the wider RCY site. The approved office use would also generate car parking requirements that significantly exceed those of the proposed residential use, although it is accepted the main demand for spaces would change in terms of the time of day. Having regard to the lesser demand for parking for these proposals, than the lawful office use, the existing level of parking available, the inability to increase the parking across the site and its relative accessibility to local services, the proposals would not result in an unacceptable level of harm level in terms of parking provision, or highway safety. Whilst the provision of the car parking in Zone 5 is not ideal, this is where the office parking provision is and where any additional capacity would be located. There is no alternative available and overall the provision of parking in this location, whilst less convenient, is still within a relatively close walking distance. Any future occupiers would be aware of the location of the parking and this may encourage a reduced car ownership of these properties, meeting sustainable objectives. The development is acceptable in this respect, subject to it being operated in accordance with the CPMP which could be secured by planning condition, if the proposals were acceptable in all other respects.

17. Long stay cycle parking would be within the existing store and in a separate area adjacent to the entrance lobby and this is considered to be an acceptable arrangement. The permitted use as offices results in a requirement for cycle storage which would be accommodated within the central communal store. The number of spaces proposed within the ground floor of the building would make up for the difference in demand between the permitted and proposed uses. It is not uncommon for cycle storage to be within the buildings themselves and it is not considered that the use of the main entrance for access to a seven cycle store, would result in unacceptable harm. As with the long-stay cycle storage there is an expected demand from the permitted office space, for short stay cycle storage. The applicant has indicated that this short stay demand would be met within the existing spaces on the site, which is considered acceptable. Any increased short stay spaces across the site would need to have regard to the setting of the Listed Buildings, and would need to form part of a more comprehensive strategy submitted by the land owner, or Management Company which goes beyond the scope of this application. The proposals are, therefore, in accordance with aims and objectives of Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029 and the Parking SPD.

18. The refuse store proposed at ground floor level has been removed from the application and will not, therefore, impact on the appearance of the building. There is capacity within the other stores, as acknowledged by residents and the Head of Streetscene and overall the refuse provision is acceptable and in accordance with Policy LP10 and the Design SPD.

Biodiversity

19. 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 and a contribution has been received. There is no evidence that the site supports notable or endangered species and none are a threat as a result of the development. Given the heritage status of the building and the limited opportunity for biodiversity enhancement, which is likely to require fixtures to the external faces of the building a condition is not considered appropriate in this instance.

20. Natural England have raised concerns that new dwellings are causing increased levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at European and internationally designated habitat sites and additional mitigation measures will be required to offset any increases in nitrogen discharges that would result from the proposals. Natural England advise that proposals for new residential development should achieve nitrogen neutrality to avoid harm to these sites and the calculation has been undertaken to confirm the level of mitigation required.

21. The applicant has provided details of a scheme of mitigation involving the removal of land within the fluvial catchment from agricultural use. The submitted details indicate that the mitigation would result in a reduction in nutrient input greater than the increase that would result from the occupation of the proposed development. The applicant has provided the allocations agreement securing these measures and as such the development would not cause harm to European and internationally designated protected sites. Details of the measures limiting water usage within the property to 110ltr per person per day could be secured by condition. As noted above, a CEMP could also be secured by condition and this, along with a noise condition, during construction, would control the potential impacts of the development on the adjacent harbour SPA, if the proposals were acceptable in all other respects. Subject to these conditions, and the provision of suitable mitigation, the proposals would not cause harm to European and internationally designated protected sites. The proposal would, therefore accord with Policy LP42 of the Gosport Borough Local Plan 2011-2029.

Flood risk

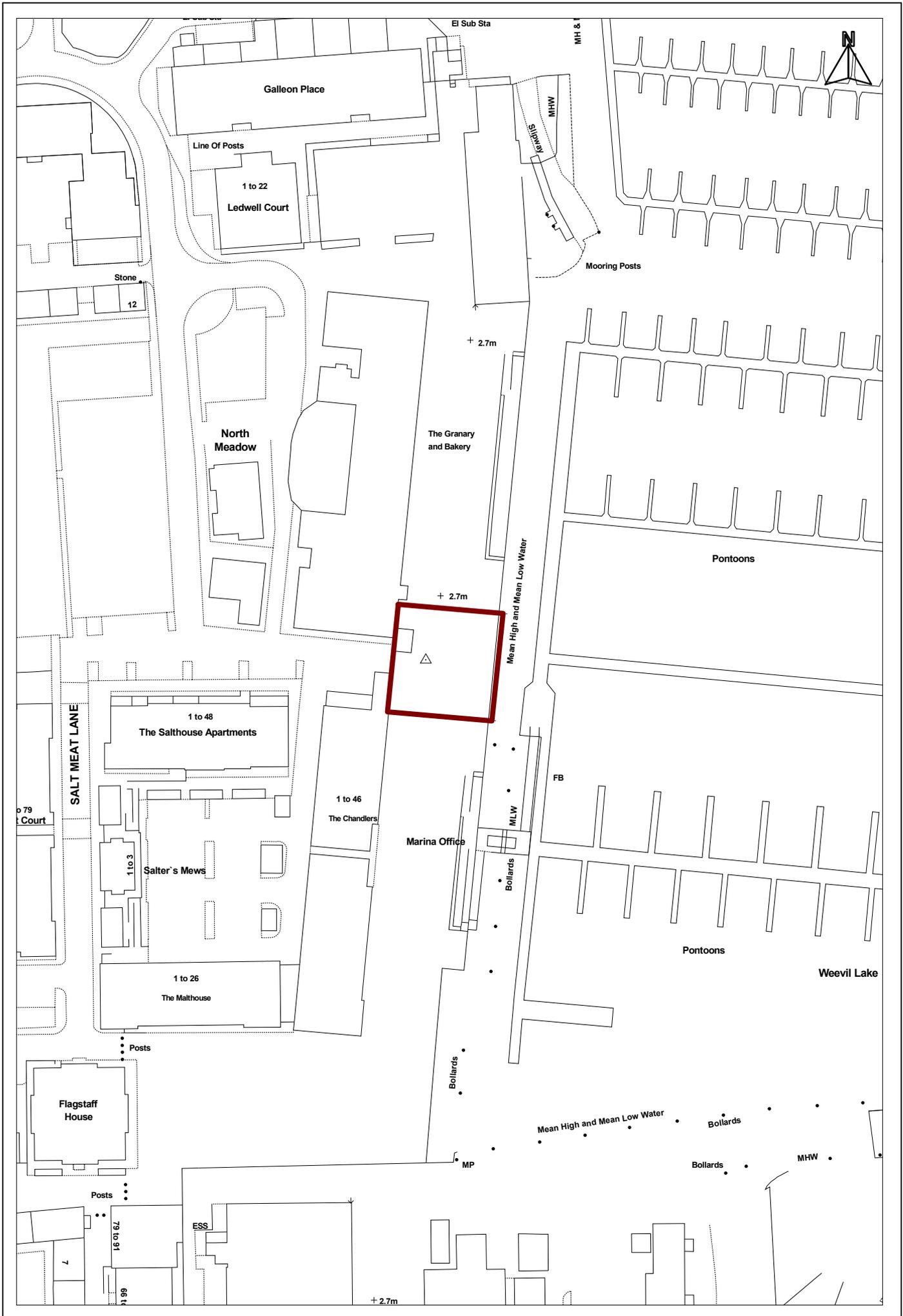
22. The proposed development is within Flood Zone 3, however, being at first floor level the accommodation and any future residents are not at direct risk of flooding within the properties. The Environment Agency has confirmed that they have no objections to the proposals, subject to a condition regarding floor levels, and in order to ensure that the occupiers have appropriate warnings in place and can be evacuated before a flood event as necessary, it would also be considered appropriate to impose a condition requiring the submission of a flood evacuation plan, if the proposals were acceptable in all other respects. The proposals do not increase surface water run-off or result in increased flooding elsewhere. Subject to appropriate conditions, the proposals are in accordance with Policy LP45 of the Gosport Borough Local Plan 2011-2029.

Equalities Impact Assessment: No Implications

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposed development would by reason of its design and layout, result in the unacceptable loss of the historic open plan character which would cause less than substantial harm to the significance and special interest of this Grade II* Listed Building and this harm is not outweighed by any public benefits, contrary to the NPPF and Policies LP10 and LP11 of the Gosport Borough Local Plan 2011-2029.



ITEM NUMBER: 02.
APPLICATION NUMBER: 20/00274/LBA
APPLICANT: Berkeley Homes Berkeley Homes
DATE REGISTERED: 23.07.2020

CASE OFFICER:
Mark Bridge

LISTED BUILDING APPLICATION - INTERNAL ALTERATIONS TO FACILITATE THE CONVERSION OF THE FIRST FLOOR TO 6NO. TWO BEDROOM FLATS AND EXTERNAL ALTERATIONS TO EXISTING ENTRANCE (CONSERVATION AREA) (as amended by plan received 08.02.21) (amended plans and description)
Granary And Bakery Weevil Lane Gosport Hampshire PO12 1FX

The Site and the proposal

1. The site is located on the east side of the Royal Clarence Yard development and comprises the Granary which is part of the Granary and Bakery building. The Granary and Bakery is a Grade II* Listed Building situated adjacent to the waterfront and within the Royal Clarence Yard Conservation Area. It was constructed between 1827-1832 and is the only surviving Naval bakery in the country. Royal Clarence Yard was established in 1831 as a victualing yard supplying the Royal Navy with fresh water, salt meat, biscuits and rum. The Granary and Bakery are significant survivors of the expansion of the Royal Clarence Yard victualing yard and the industrialisation of the food production developed as a response to the difficulties in feeding the Navy encountered during the Napoleonic wars.

2. The Granary and Bakery is a four storey building with additional accommodation within a Mansard roof. The roof is constructed with slate tiles, with dormer projections in the front, side and rear roofslopes. The building is constructed from red, stock bricks and there are balcony projections on its harbour (east) facing elevation on all floors. It is an 'L' Shape building that projects up to the harbour. This projection has pillars supporting it at ground floor level that provide public access underneath, as part of the promenade. The building was restored, repaired and converted under reference K16713/1 (05/00217/FULL), granted on appeal in 2006. Listed Building application K16416/1 gave consent from the internal and external changes required to facilitate the redevelopment. This application relates primarily to the part of the building that projects up to the harbour edge. The upper floors of this part of the building are primarily residential, with the exception of the first floor, to which this application relates, which is a vacant open plan area with permission for use as an office space, although it has not been fitted out. This space has a number of rows of columns equally spaced throughout and has not been occupied since the original permission.

3. The proposals are for the conversion of the existing open plan first floor space, approved for offices, into 6 two bedroom flats. There would be a large circulation space within the centre of the building with the flats located around the perimeter on the north, south and east elevations. Each flat would have its own door access from the circulation space. Access to the first floor would continue from the stairwell towards the northwest corner of the circulation space, which provides secure access from the promenade below. Internal changes would include the introduction of partition walls to create the circulation space and individual rooms within the flats. The other residential floors remain unaffected. The applicant indicates that the 7 cycle spaces will be provided at ground floor level, adjacent to the proposed access, with the remainder accommodated within the developments large central cycle store, and by utilising existing on site short term cycle parking on the site.

4. Amended plans have been received which alter the internal layout, due to an existing vertical service run being omitted, further information regarding the cycle storage, noted above, and marketing has also been provided. The addition of a new bin store below the building and close to the entrance, within the promenade area, has been removed from the proposals, with the refuse storage to be contained in the existing stores. Additional and amended information has also been provided to clarify the choice of entrance location to the building, and to propose the replacement of the existing window and door arrangement with a set of double doors at ground floor level. Other additional information has also been provided including the applicant's consideration of the historic impacts of the proposals and to address some errors within the noise assessment.

Relevant Planning History

20/00273/FULL - conversion of first floor to 6no. two bedroom flats (Listed Building in Conservation Area) - pending consideration

K16416/36 - Listed Building Application - erection of ground floor glazed lobby including lift and stairs and subdivision of first floor to provide 4no. office spaces - consent 11.03.11

K16713/1 - mixed use development comprising 394 residential units, 516 square metres of offices / workshops (Class B1), 931 square metres of retail and restaurants / public houses / cafes (Classes A1, A2, A3, A4 and A5), 682 square metres of cinema (Class D2), millennium promenade and related infrastructure (including access, car parking, landscaping, open space and flood defences) - appeal allowed 02.02.06

K16416/6 - Listed Building application - conversion of former stores of mill and granary to office accommodation - 25.11.05

K16416/1 - Listed Building application - conversion and alteration of existing Granary/Bakery building to 44 flats, retail, office and restaurant use and repairs and alterations to hydraulic engine house For A1/A2/A3/B1 Use - consent 06.11.03

K16416 - details pursuant to K.15500 - conversion and alteration of existing Granary/Bakery building to 44 flats, retail office and restaurant use and repairs and alterations to hydraulic engine house For A1/A2/A3/B1 Use - 06.11.03

K15500 - Outline: mixed use devt. of residential, offices/workshops (B1), retail (A1,A2), public houses/cafes/restaurants (A3), cinema, hotel, leisure/community uses, marina, open space & related infrastructure - permitted 30.11.01

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

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

National Planning Policy Framework (NPPF), July 2021

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

Consultations

Historic England

No comments. You should seek the views of your specialist conservation adviser.

The Gosport Society

Object for the following reasons:
- The loss of commercial space will be to the detriment of the overall Royal Clarence Yard development and the Conservation Area in general.
- The commercial use was presumably negotiated with the Council as part of the legal agreement, given site constraints, including the parking strategy on the site.
- It is clear from the photos submitted with this application, that very little investment

has been made on the first floor and designated entrance to make the commercial use in any way attractive to potential commercial users and it is normal practice in commercial developments for landlords to offer a fully finished scheme for let.

- This commercial floorspace once lost, would never be reinstated, so should be retained as a component in the emerging plans for the regeneration of the wider Gosport Peninsula.
- Fails to meet Gosport Borough Council Parking Standard, national access standards and may not meet public safety fire regulations standards.
- Noise impacts and ventilation issues.

Response to Public Advertisement

2 letters of objection (to original plans)

Issues raised:

- the Planning, Design & Access Statement refers to the design incorporating the "existing" windows, whereas the Noise Impact Statement is based on an assumption that double-glazed, heritage style UPVC sash windows apartments will be protected from external noise & nuisance through the provision of double-glazed PVC windows which are not permitted elsewhere in the building.
- the proposed main entrance to the 1st floor Granary is via a very narrow single doorway under the building (see photo). This entrance is max 80cm wide and seems too small to function properly as a main entrance to the apartment block. If the applicant is proposing to widen this doorway to provide better access to the building, we expect that the LPA will require further details, plans, materials and methodology to be submitted for approval and not leave this to be dealt with under a condition.
- the proposed conversion to residential loses almost all the "open" space, instead option for a large internal lobby area, which squeezes the internal dimensions of four of the proposed new apartments. The net effect is not going to give any real indication of the former use and the only people who would be able to access the space to "read" what is left would be just the six households and their visitors. If the LPA is minded to approve the change of use, we suggest that the available space should be used to provided more residential space rather than a "dead" lobby that very few people would ever see.
- if a full conversion to residential is approved, the original space should be recorded and a high quality visual display of the pre-conversion space, plus an informative narrative/historical interpretation of the building in a communal/public space would be of more value to residents and visitors alike.

3 letters of objection (to initial amended plans)

Issues raised:

- noise pollution that currently exists in and around the Granary is barely acceptable now.
- any conversion of the first floor must include adequate sound insulation.
- the proposed siting of the new bin store in the undercroft is not acceptable. It will not enhance the appearance of the waterfront or the air quality.
- we do not object to the planned conversion of the first floor to residential use, but this must not impact on the existing residents in the Granary.
- should the conversion to residential go ahead, the plans should include a complete redesign to the current and proposed new entrance to the building to better reflect the character of the building and its key significance to the waterfront scene
- closer examination of the fabric of the brick extension/lobby shows signs of structural defects. It would be preferable to demolish the existing structure (which is unsightly and not appropriate in this setting).

- if a new lobby/entrance for the 1st floor has to be constructed in its place, something more suitable for the character and setting of the Listed Building could be designed. (Possibly including additional bin and cycle storage if required)
- no explanation has been provided for the rationale for a separate entrance to the 1st floor Granary. If this is to be converted to residential apartments, it would seem logical to open up access to the first floor from the existing Granary stair and lift well.

3 letters of objection (to further amended plans)

Issues raised:

- previous comments remain
- visitor cycle spaces are inadequate and until any conversion has actually taken place, there are unlikely to be any visitors, so statement that these spaces are 'underused' would seem unfounded and unduly naïve.
- increasing numbers of people are cycling, partially due to the Covid pandemic and environmental issues so ample storage facilities are required with 7 spaces falling short of the 12 required
- interior store by the stairs is not appropriate is less than and presents a potential Health & Safety hazard
- the proposed residential entrance is highly visible and on the RCY Waterfront and there is a significant lack of detail on the latest submitted plans which are rough-and-ready, impressionistic plans without dimensions nor any details of proposed materials.
- the existing window by the entrance is not shown on the latest elevation plan. Is it to be removed/replaced by the proposed wider doorway?
- the applicant appears to have just noticed that the structure of the existing lobby area is in a state of poor repair (which we highlighted in our previous objection) but we note that they have not submitted any plans for how they propose to address the problem. This area is very exposed to weather and the structure needs to be really sound. This element should not be conditioned.

Principal Issues

1. The proposals do not include a change of the windows to UPVC and the issues relating to the noise impacts, and cycle storage are considered under the associated planning application (20/00273/FULL). The bin store previously indicated within the ground floor of the building has been removed. The main issues in this case are the acceptability of the internal and external alterations and the impact on the Listed Building having special regard to the desirability of preserving the building and any features of special architectural and historic interest which it possesses.

2. The use of the wider Granary/Bakery building for residential purposes is established, with the other floors already converted and substantial residential uses elsewhere within the wider RCY development. However, the planning statement that was submitted as part of the original outline application K.15500 indicates that following the submission of the original outline application, discussions between a number of parties, including the Borough Council and English Heritage led to a number of amendments. The amendments included a change of the proposals on the first floor of the Granary from residential to Class B1 office accommodation. The document goes on to confirm that the analysis of the impact of alternative uses on the buildings that are to be retained has led to a number of design-led decisions including "the preference for an office use on the first floor of the granary so as to retain more of the open floor plan". The applicant also acknowledges in their submission that the open plan form of the first floor level makes some contribution to the significance of the listed building.

3. These proposals would result in the loss of this historic open floor plan which is of fundamental importance to the significance and special interest of the building. It is the last of the large open plan interiors which are a key component of the former use and illustrative of the engineering feat that the building represents. As noted in the official list entry: 'this is...one of the first large industrial food processing plants in the country, and is indicative of the considerable scale of the navy's victualling operation'. Therefore, the loss of the open plan form represents harm to the significance and special interest of this Grade II* Listed Building. In terms of the NPPF the level of harm is considered to be 'less than substantial'.

4. The NPPF states in paragraph 199, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. It goes on to indicate that (para.200) any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification and that (para.202) where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5. The NPPF requires clear and convincing justification for the proposals to be shown, weighed against the public benefits of the proposal. The wider building is largely occupied by permanent uses and whilst there may be some long term benefit of it being used, it is not considered that its long term vacancy, already in excess of 20 years, poses a threat to the overall Grade II* Listed Building. Whilst the applicant has undertaken some marketing for offices, during this application's consideration the number of uses permitted within the same class as the approved offices (now Class E, incorporating the previous Class B1 Office use), has significantly increased, including retail, indoor sport/recreation, medical or health services, day nurseries or day centres among others. There may, therefore, be an alternative use of this space that can maintain its open appearance, acknowledged as part of its significance. Despite a request for evidence of marketing for these possible alternative uses the applicant has not provided any, although they are of the view that there would be no interest in these alternatives. Whilst the provision of residential accommodation would have some limited public benefit, given the harm identified above, through the proposed extensive subdivision of the last remaining open plan vestiges and resultant loss of significance and special interest of the building by the proposals, it is not considered that this would be an overriding public benefit that justifies support of the proposals.

6. Whilst it is accepted that some partitioning was consented with the granting of Listed Building works associated with the fit out under K16416/36, the Officer report acknowledged that "the use of glazed partitions will help to ensure that the open plan character of the Granary is preserved". This further highlights that the open character of this part of the building is considered a key feature that should be incorporated into any use of this part of the building to ensure its important character is retained.

7. In terms of impacts on the historic fabric of the building itself, the proposed partitions would be fixed to the existing suspended ceiling and new floor with no cutting into the existing brickwork, meaning that they would be capable of being removed at a future date without damage to the existing structure, albeit this would be unlikely, once residential occupation took place. The floor would be preserved under a floating covering that could be removed at a later date. The applicant has demonstrated that there is no reasonable alternative to provide access to the upper floor and the staircase will utilise the existing opening in the floor, requiring less intrusion than the previous approvals. Details of the floor and the treatment of the opening to the stairs and the stairs themselves could be secured by condition if the proposals were acceptable in all other respects. Service runs would run horizontally within the new suspended ceiling above the proposed units, linked to the previously introduced vertical distribution shaft which serves the floors above.

8. The proposed external alterations to provide the entrance are within the existing ground floor projection. It has been demonstrated that no alternative access can be provided without significant alteration to the historic fabric and this ground floor brick structure, whilst not of significant value, does form part of the existing building and its retention is welcomed. The provision of the cycle storage would require internal partitions and details of their fixing, along with the residential partitions at first floor level, which could be secured by condition. The proposed changes utilise the existing window and door opening, thereby reducing their impact on the appearance of the building and its fabric. The double door arrangement is considered acceptable and further details of the doors could be secured by planning condition, along with the renovations required in this area where the permanent stairs are to be located, which should be largely limited to repair. Given the limited extent of the alterations on the historic fabric of the building, it is considered that conditions would be an appropriate way of securing this detail.

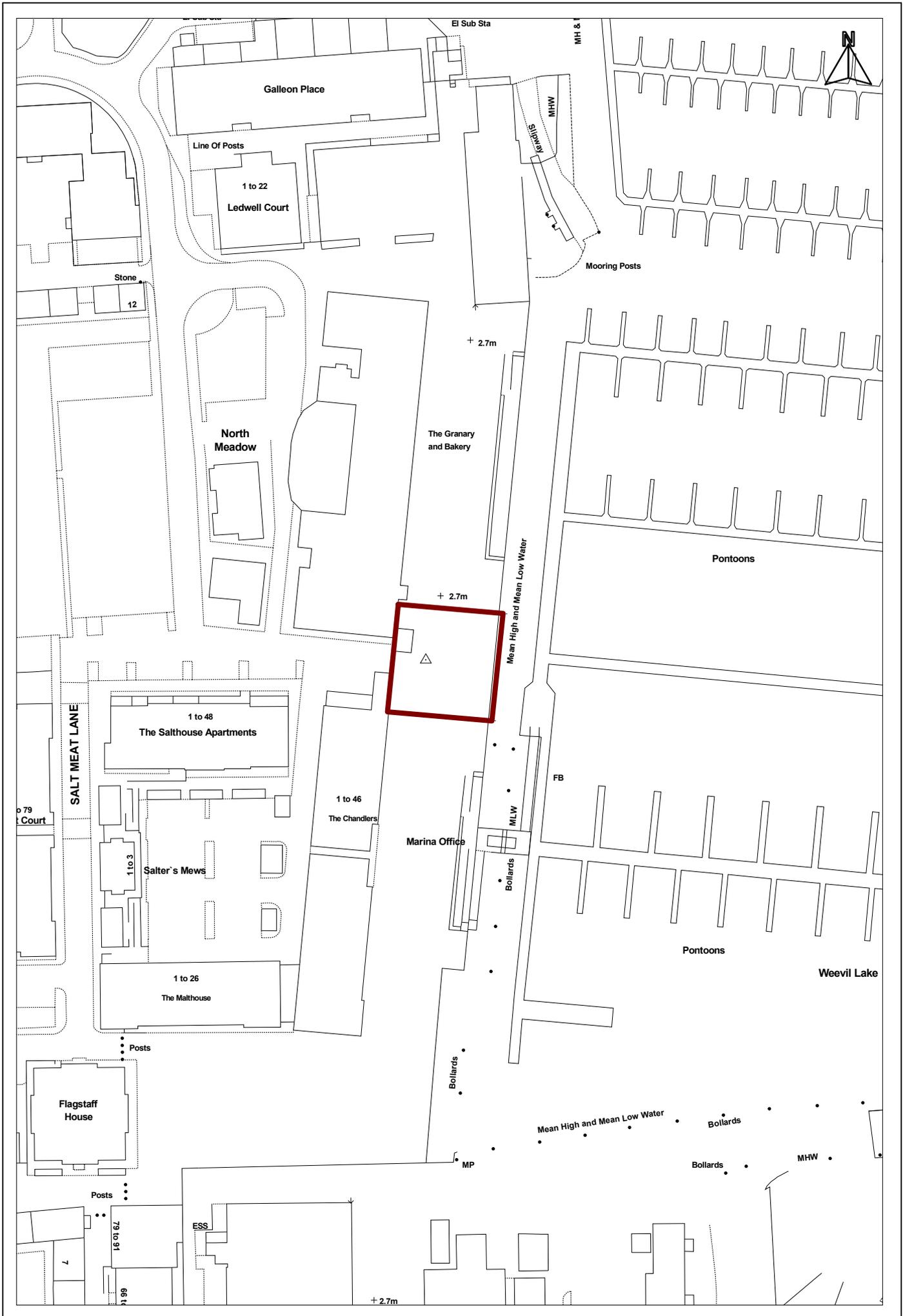
9. Overall the proposed development would result in the unacceptable loss of the historic open plan character which would cause less than substantial harm to the significance and special interest of this Grade II* Listed Building, contrary to the NPPF and Policies LP10 and LP11 of the Gosport Borough Local Plan 2011-2029

Equalities Impact Assessment: No Implications

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposed development would by reason of its design and layout, result in the unacceptable loss of the historic open plan character which would cause less than substantial harm to the significance and special interest of this Grade II* Listed Building and this harm is not outweighed by any public benefits, contrary to the NPPF and Policies LP10 and LP11 of the Gosport Borough Local Plan 2011-2029.



ITEM NUMBER: 03.
APPLICATION NUMBER: 21/00634/FULL
APPLICANT: Mr and Mrs Ross
DATE REGISTERED: 24.12.2021

CASE OFFICER:
Mark Bridge

ALTERATIONS AND EXTENSIONS TO FORM ADDITIONAL STOREY AND ERECTION OF TWO-STOREY SIDE/FRONT EXTENSION (as amended by plans received 19.07.22 and amplified by plan received 27.07.22)

93 Clayhall Road Gosport Hampshire PO12 2AH

The Site and the proposal

1. Sited on the north side of Clayhall Road, the application property is a bungalow with a tiled roof within a large 'L' shaped plot. The property was previously extended on the rear, with high level windows and rooflights evident. The building is a continuous elevation on the east side, approximately 0.7m from the boundary, whilst on the west side the elevation has three steps, being 4.9, 3.3 and 2.2m from the boundary, traveling towards the rear. The property is brick with a tiled roof and there are a variety of roof hips and gables. The boundaries comprise a mix of fencing styles approximately 1.8m high and there is some planting along the boundaries. The ground level drops towards the north of the site, within the garden.

2. To the east is a two-storey, detached dwelling (no. 95 Clayhall Road). This property has a single storey side extension on the west elevation and an extension on the rear elevation, with further extensions along eastern boundary of this garden. The rear elevation of the application property is set approximately 4.5m further north than number 95. There is one window at first floor level, towards the front, in the side elevation of this property which faces the application site. The dwelling to the west (no. 91 Clayhall Road) is also a two-storey, detached dwelling with a conservatory approximately 4m long on the rear. There are no windows in the east, side elevation of this property which faces the application site. The east flank wall of this property is set off the boundary by approximately 2m. The northern part of the rear garden of this property has been subdivided and a bungalow has been constructed more recently. The bungalow (no. 37 Mabey Close) has two windows on the south elevation, serving a kitchen and lounge/dining area. No habitable room windows are located on the boundary with the application site. To the north of the rear garden boundary is Mabey Close, beyond which are single storey dwellings, which have their front elevations orientated to the south east.

3. The proposals are for alterations and extensions to the existing property, to create a two-storey house. With the exception of squaring off the southwest corner of the building to remove the steps in this elevation, the footprint will be largely maintained. The proposed extensions would result in a building with an eaves height of 5m, and an overall height of 8.7m for 11.6m of its length. Beyond this the building would have two different heights. On the west side the existing single storey extension would be retained. This has an eaves height of 2.3m and a ridge of 4.5. On the east side of this the proposed building would extend the roof to an overall height of 7.3m and an eaves height of 5.3m to the eastern boundary. Various windows and rooflights are proposed within the property. Materials are indicated as a mix of brickwork, to match existing, vertical cladding and white render. Amended plans have been provided which introduce first floor bay windows, increased the overhang on the roof and added vertical louvres on the front elevation. On the rear, the roof overhang has been increased, louvers added to the east elevation, adjacent to the balcony and obscure glazed windows are shown to the lower part of the rear facing bedroom window. The vehicular entrance to the drive is now proposed to be widened from 4m to 5.5m, limited by the existing telecoms box. These revised plans were re-consulted on, with the response noted below. Since the re-consultation, a further amendment has been received which has altered the previously proposed balcony area on the rear, to a Juliet balcony, set back by 2.3m from the rear elevation, with an inaccessible area of flat roof beyond. The number of high level rooflights proposed has also been reduced.

Relevant Planning History

14/00124/FULL - retention and further works for the erection of single storey rear extension - permitted 14.05.2014

Relevant Policies

Gosport Borough Local Plan 2011 – 2029:

- LP1 Sustainable Development
- LP10 Design
- LP23 Layout of Sites and Parking

Supplementary Planning Documents:

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

Gosport Borough Council Parking: Supplementary Planning Document: February 2014

National Planning Policy Framework (NPPF), July 2021

Consultations

Nil.

Response to Public Advertisement

4 letters of objection (to original plans)

Issues raised:

- loss of privacy
- impact on human rights
- loss of light and overshadowing
- the original bungalow which took on the name of Little Orchard was consistent and in keeping with its surrounds
- will dominate the skyline and its scale and appearance is not in keeping with this part of Clayhall Road and will have an adverse visual impact on the locality
- the materials are out of keeping and there are only a few properties in the Clayhall community which have any cladding and none of these has vertical boarding
- lack of parking
- the Environment Agency 'Flood map for planning' shows the proximity of zone 2 and zone 3 to the grounds of 93 Clayhall Road - does the proposal to possibly extend the number of underground storm water harvesting tanks impact on drainage and the stability of the land both in and around the property?
- if approved conditions limiting construction work and controlling deliveries should be imposed
- previous building development has blocked the road and led to traffic hold ups as building materials have been unloaded or delivered. This busy road, which is also a bus route, is now without the concrete bollards, which once stopped traffic mounting the pavement, as they were knocked down by lorries and have not been replaced
- on the previous application, the applicant indicated that there was no intention to have accommodation in the roof
- charges on the Land Registry have rights reserved to protect vendors in the event of adjoining land being developed

1 letter of objection (to amended plans)

Issues raised:

- lack of parking for proposed bedroom dwelling as owners regularly park on road to allow guests on driveway
- impact of contractors parking and deliveries during build

Principal Issues

1. Notwithstanding any comments made on previous applications by the applicant, it is necessary to consider the application proposals on their merits. Charges on the Land Registry, or Title Deeds are a private legal matter. The re-provision of highway bollards would be a matter for Hampshire County Council as the Local Highway Authority. Whilst part of the rear garden is within the flood zone, this is some distance from the main dwelling and unaffected by the proposals. Matters relating to drainage would be dealt with under the Building Regulations in this instance. The main issues in this case are, therefore, whether the proposals would be appropriate additions to the property, would have a detrimental impact on the appearance of the street, or character of the area, would harm the amenities of the occupiers of adjacent properties, and whether adequate parking is provided.

2. Clayhall Road comprises a wide variety of properties, both in size and design. Whilst the property is currently a bungalow, it is located within a row of two-storey houses and the principle of extending it upwards is acceptable. The existing property has its gable fronting Clayhall Road and this is replicated on the proposals. The amended front elevation includes a mix of materials and the bay windows will add visual interest. The height would relate appropriately to the adjacent two-storey properties. Whilst the depth and massing are fairly substantial, given the footprint of the existing house, this will not be readily visible within the streetscene and on balance is acceptable in this regard. The rear elevation will be largely obscured from public vantage points, with some views from Mabey Close. The design of the rear elevation results in a subservient appearance to the main part of the house and the changes in scale, roof lines, the first floor recess and material treatments will add visual interest and reduce its perceived massing on the rear. Overall the design and appearance of the proposals would not cause harm to the existing building, or streetscene, in compliance with Policy LP10 of the Gosport Borough local Plan 2011-2029.

3. Given the proposals would result in a two-storey dwelling, where a bungalow currently exists, it is inevitable that there would be a change in relationships. However, this in itself does not automatically mean that harm to the amenities of occupiers of neighbouring properties would occur. The main part of the building would project 3.4m beyond the rear elevation of number 91 and given the orientation and separation between the buildings, it is not considered that this would result in harmful loss of light, or overshadowing. Similarly whilst the proposals would extend approximately 4m beyond the rear of the side extension at number 95, this would be the lower part of the two-storey proposal and given the orientation, separation between buildings and window positions, it is not considered that the proposals would be harmful in terms of loss of light, or outlook. Given the separation distances between the rear of the proposals and number 37 Mabey Drive, it is not considered that any impacts, in terms of loss of light or outlook would be harmful to the amenities of the occupiers.

4. The side elevations only include one bathroom window, a high level window and rooflights on the west elevation. It is considered that the bathroom could be secured, by planning condition, as obscure glazed and fixed shut to a height of 1.7m above finished floor level, to ensure that there would be no loss of privacy from these. There is potential for overlooking of the gardens of numbers 91 and 95 Clayhall and 37 Mabey Close, and parts of the houses of the latter two, from the rear facing windows and Juliet balcony. However, the plans show the lower parts of the rear facing bedroom windows to be obscure glazed, and these could be secured as such, along with fixing shut some parts, to prevent loss of privacy. The proposed Juliet balcony, as amended, is set back from the rear elevation and the oblique angles and relationship would prevent any harmful overlooking of the adjacent properties. A condition requiring the installation and retention of the balustrade is considered appropriate. Views across the public highway to the properties on the opposite side of Clayhall Road would not be harmful to the amenities and are the same as those from the neighbouring two-storey properties. Whilst it is inevitable there would be disturbance during the construction phase, this would only be temporary and not so significant as to warrant refusal of planning permission. Unneighbourly activities and hours of work would be controlled through other legislation, if particular harm resulted at unsociable hours for instance. The proposals would not have a detrimental impact on the amenities of the occupiers of the neighbouring properties, in accordance with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

5. There is currently provision for two vehicles parked in a tandem arrangement on site which reverse into, or out of the property. The proposals would increase the number of bedrooms from four to six, so no additional parking is required to accord with the adopted Parking Supplementary Planning Document. The applicant has, however, indicated that the existing boundary wall would be altered to increase the width of opening for vehicles, add an additional space, to allow 3 vehicles to park, and re-organise the spaces to allow for more convenient use. As the proposals would not require additional parking provision and, as indicated would make possible improvements to the current provision and arrangements, this is considered acceptable. Matters relating to parking and deliveries during construction would be a matter for the applicant to manage and would not warrant refusal of the application. Any obstruction of the highway would be a matter for the Police. The proposals are, therefore, in accordance with policy LP23 of the Gosport Borough Local Plan 2011-2029.

6. It is considered that the proposed works to which this planning application relates would not result in a breach of the rights of any particular individual that otherwise would be protected pursuant to the Human Rights Act 1998, which are the rights set out in the Articles of the European Convention on Human Rights (ECHR). The protection of the ECHR is afforded only where interference is quite severe, incapable of control by adequate conditions and real, and not merely concerned with risk of future interference. In addition, the Council is given responsibility for determining applications and giving balance to competing interests in accordance with the statutory provisions relevant to that development management function.

Equalities Impact Assessment: No Implications

RECOMMENDATION: Grant Permission

Subject to the following condition(s):-

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1129-100 REV D; 1129-1201 REV I; 1129-201 REV M; 1129-301 REV M; 1129-40 REV C.

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

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

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

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

4. The windows on the north elevation, as shown to be 'obscure glazed' on approved plan 1129-301 M, and the first floor bathroom window on the east elevation, shall be glazed with obscured glass to a minimum of Level 4 of the Pilkington scale (or any other equivalent as may be agreed in writing with the Local Planning Authority) and shall be non-openable below a distance of 1.7 metres above the finished floor level of the room in which it is installed.

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

5. a) The balcony/roof terrace hereby permitted shall not be brought into use until the balustrade shown on the approved drawings, has been installed.

b) The approved balustrade shall thereafter be retained and kept available for this purpose.

Reason - To protect the amenities of the occupiers of the neighbouring property(ies) and to comply with Policy LP10 of the Gosport Borough Local Plan, 2011 - 2029.

