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28 May 2013

S U M M O N S

MEETING: Regulatory Board
DATE: 5 June 2013
TIME: 6.00 pm
PLACE: Council Chamber, Town Hall, Gosport
Democratic Services contact: Vicki Stone

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

The Mayor (Councillor Beavis (ex-officio)
Chairman of the Policy and Organisation Board (Councillor Hook) (ex-officio)

Councillor Ronayne(Chairman)
Councillor Mrs Hook (Vice Chairman)

| | |
|-----------------------|--------------------|
| Councillor Ms Ballard | Councillor Gill |
| Councillor Carter CR | Councillor Hazel |
| Councillor Ms Diffey | Councillor Jessop |
| Councillor Farr | Councillor Langdon |
| Councillor Geddes | Councillor Wright |

FIRE PRECAUTIONS

(To be read from the Chair 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 for the duration of the meeting.

AGENDA

PART A ITEMS

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

All Members present are reminded to declare, at this point in the meeting or as soon as possible thereafter, any disclosable personal interest in any item(s) being considered at this meeting

3. MINUTES OF THE MEETINGS OF THE BOARD HELD ON 9 APRIL, 7 MAY AND 16 MAY 2013

4. DEPUTATIONS – STANDING ORDER 3.5

(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Monday, 3 June 2013. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

(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 Monday, 3 June 2013).

6. REPORTS OF THE BOROUGH SOLICITOR

*Schedule of planning applications with recommendations.
(grey sheets – pages 3-26)*

7. ANY OTHER ITEMS

PART II
Contact Officer:
Debbie Gore
Ext: 5455

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

5th June 2013

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.

| <u>Item</u> | <u>Page No</u> | <u>Appl. No.</u> | <u>INDEX Address</u> | <u>Recommendation</u> |
|-------------|----------------|------------------|--|-----------------------|
| 01. | 03-10 | 13/00115/FULL | 178 Portsmouth Road & 3 - 5 Elmore Road Lee-On-The-Solent Hampshire | Refuse |
| 02. | 11-21 | 13/00067/FULL | Land To Rear Of 206-216 Brockhurst Road Gosport Hampshire | Grant Permission |
| 03. | 22-26 | 13/00009/FULL | 51 Western Way Gosport Hampshire PO12 2NF | Grant Permission |

ITEM NUMBER: 01.
APPLICATION NUMBER: 13/00115/FULL
APPLICANT: Mr C H Duke
DATE REGISTERED: 25.03.2013

DEMOLITION OF 2 NO. DWELLINGS (3 AND 5 ELMORE ROAD) AND ERECTION OF EXTENSION TO PROVIDE NEW WORKSHOP FACILITY AND INSTALLATION OF CLADDING

178 Portsmouth Road & 3 - 5 Elmore Road Lee-On-The-Solent Hampshire

The Site and the proposal

The site is located on the corner of Portsmouth Road and Elmore Road and close to the junction with Cambridge Road. The existing car sales building incorporates a showroom, offices, workshop area and outside vehicle storage and display areas and internal storage within the roof accessed via a ramp. The existing display areas, adjacent to Elmore Road, were originally identified for customer/staff parking, but have historically been incorporated into the sales areas. The existing building has a white rendered finish, with a pitched roof running north south with gables at either end. The southern end includes an arched window at first floor level with the showroom below. The building has an overall height of 8.2m and it is set back approximately 7m from Portsmouth Road and 4-5m from Elmore Road, due to the angle of the frontage. There is an existing vehicle access from Portsmouth Road which provides access to the external storage and display areas and the ramp that leads to the enclosed first floor storage area. Access to the existing workshop is located towards the northern end of the Elmore Road frontage. The main car display areas are adjacent to the southern and western elevations. The application site includes the existing bungalows, numbers 3 and 5 Elmore Road, to the north of the main building. These properties are a pair of semi-detached dwellings with projecting single storey front elements, set back from Elmore Road by approximately 4.5m. The roofs of the single storey projections are lower, being approximately 4.2m high, than the main part of the houses, which are approximately 5.6m high. The eaves are 2.4m high. The rear gardens extend some 19 metres to the rear with a service road beyond. Both properties have vehicular accesses to the side leading to the rear, with number 5 having a detached garage within the rear garden.

To the north of the site is number 7 Elmore Road, a bungalow with a twin pitched gable roof. It has an attached garage to its southern boundary and is separated from the application site by a 1.8m high timber panel fence. It has a conservatory on its south elevation and a number of south facing windows serving habitable rooms. Beyond this to the north, east and south are two-storey houses and bungalows. There is also a detached outbuilding opposite and to the rear of 87 Seymour Road, formerly within its curtilage, which is used by the applicant as an additional facility for vehicle valeting and car storage. To the west of the site is 182 Portsmouth Road, a detached two-storey house with a large detached garage to the rear. The service road is to its west elevation and runs along the rear of 3 and 5 Elmore Road. To the west of the service road are the rear gardens of the properties within Cambridge Road. Further to the southeast along Portsmouth Road are a public house and a parade of shops.

The applicant has been seeking to relocate to an alternative site, however, as this has not been achieved, to date, it is proposed to make alterations and expand the existing site in order to comply with the requirements of the franchisor, Kia Motors Ltd. The proposal is for the demolition of 3 and 5 Elmore Road and the erection of a single storey extension to the north side of the existing Fine Cars building. The proposal also includes the cladding of the proposed extension and existing building in insulated micro-rib cladding, which would be grey in colour. The extension would have a pitched roof with a gable end and would have an overall height of 5.7m. It would be 13.7m wide, which is the same as the existing building, and would be approximately 15m in length along the Elmore Road frontage. No windows are proposed, but the building would have four roller shutter doors in its west elevation serving the workshops. The proposed extension would be set off of the boundary with 7 Elmore Road by 6 metres, with an intervening proposed 5m wide vehicular access and a 1m footpath. To the rear of the extension is a turning/parking area with 10 spaces. The

extension would include four ramps/lifts, including a class 4 MOT bay and a flat working area totalling 207sq.m of new workspace. The area between the proposed extension and Elmore Road would be used for the parking of service vehicles, with 6 spaces indicated on the plans. As part of the alterations, some internal changes would occur, which do not require planning permission, but generally relate to an increase in the showroom area and other facilities and as a result the reduction of the existing workshop and MOT area from approximately 175 sq.m to 105 sq.m. The applicant has indicated that this proposal would secure the existing 25 full time jobs and create 3 additional full time posts, including an apprentice technician.

Relevant Planning History

K3133 - pair semi-detached bungalows and garages - permitted 02.06.59
K5057/4 - change use of forecourt from petrol filling station to car sales - permitted 11.05.83
K5057/5 - erection of new roof to provide first floor car storage accommodation and a two storey extension to provide a car lift - refused 16.01.87
K5057/6 - erection of new 1st floor for car storage and 2 storey extension to provide car lift - refused 10.04.87
K13088 - change of use from residential to car parking to be used in conjunction with adjoining garage - refused 26.08.88
K13771 - use of land for storage of motor vehicles - refused 31.05.91 appeal dismissed
K13088/1 - use of land for storage of motor vehicles - permitted 02.03.93
K13088/2 - use of vehicle storage area for display and sale of cars - permitted 17.01.01
K13088/3 - erection of roof extension and external access ramp to first floor level - refused 11.06.01
K13088/4 - erection of roof extension and external access ramp to first floor level - refused 18.10.01
KL45 - S.192 Application for a Certificate of Lawfulness - use of existing flat roof for car storage - permitted 06.11.01
K13088/5 - erection of external access ramp to existing flat roof car storage area - permitted 11.07.02
K13088/6 - erection of pitched roof - refused 06.11.02 appeal allowed

Relevant Policies

Gosport Borough Local Plan Review, 2006:

- R/ENV10
Noise Pollution
- R/DP1
General Standards of Development within the Urban Area
- R/T11
Access and Parking
- R/EMP5
Extension of Existing Employment Uses and Redevelopment of Redundant Employment Sites
- R/EMP6
Development for Employment Uses within Urban Areas

Consultations

Local Highway Authority

No objection. Visibility for vehicles entering and exiting the site is adequate and the need for reversing onto the highway from the proposed service spaces is acceptable. The 10 proposed spaces are acceptable to serve the additional requirements of the proposed extension. There are currently no customer spaces on site and this proposal could improve the existing situation. The loss of two on-street spaces in front of the bungalows to be demolished is acceptable. The spaces and aisles should be of an

appropriate size. No transport contribution should be sought.

Environmental Health

NOISE

An Environmental Noise Assessment has been submitted. The applicant has provided predicted noise levels with no proof of how they were predicted. Further details are required on;

- The predicted noise levels to 7 Elmore Road showing noise levels at façade and the external amenity space.
- The predicted noise levels to 182 Portsmouth Road showing noise levels at the façade (ground floor and first) and the external amenity space.

The workings and details are required for;

- How the existing fencing next to 182 Portsmouth Road provides 5db of attenuation.
- How the proposed 2m acoustic barrier along the northern boundary will provide 8db of attenuation.
- How the cumulative effect was calculated.

The breakout noise is of concern unless conditions could be set to ensure that the operation of the garage will be managed to minimise this i.e. keeping the doors closed and mechanical ventilation.

The properties within Cambridge Road directly to the west of the proposed doors have not been included. The change of access to the garage from the east to west would mean they would experience noise they have not previously been exposed to and this needs to be addressed.

The demolition/construction work should be undertaken in accordance with the BRE Pollution Control Guide - Controlling particles, vapours and noise pollution from construction sites 2003.

All work operations, that result in noise being audible at the site boundary, shall only be undertaken between the hours of 08.00 - 18.00 hrs Mondays to Fridays and 09.00 - 13.00 hrs on Saturdays with no noisy operations being undertaken on Saturday afternoons, Sundays or Bank Holidays.

AIR QUALITY

Smoke and dust on site should be controlled

so as not to cause a nuisance to neighbouring premises or Local Air Quality. The contractor should consult the Health & Safety Executive when removing asbestos materials.

LIGHT POLLUTION

Any additional lighting to the car park area or extension building should not cause glare or spillage which may cause nuisance to neighbouring premises.

CONTAMINATED LAND

No reason to believe that the site is contaminated.

Response to Public Advertisement

33 letters of objection

Issues raised:-

- residential nature being eroded
- existing garage located in wrong place (residential area)
- use should be on industrial estate
- the Enterprise Centre on Daedalus would be a more appropriate location for the use
- the current building is the right size for the area and should not be expanded
- currently a lack of housing so the demolition of the 2 bungalows makes no sense
- extension to the building will double the amount of throughput and associated problems
- applicant suggests there will be no increase in activity, but there will be 4 additional MOT bays
- proposed extension out of character and would dominate outlook from some houses
- height of building is excessive and over the height of the bungalows
- loss of light to adjacent properties and solar panels
- existing rear door to previous extension causes excessive noise when windy and 3 new doors close to neighbouring property would be worse
- increased noise and pollution
- already noise from air outlet chimney which would be worse if moved closer to neighbouring property
- noise from mobile tyre changing vehicle would be worse if relocated to the rear of the site
- vehicles passing close to boundary fence of adjoining neighbour
- concern over impact on elderly residents
- access to garages should be from Elmore Road side
- highway safety
- increased activity would result in more congestion in Elmore Road and surrounding areas where a high percentage of spaces are taken by Fine Cars
- would increase the number of vehicles at the site
- parking situation has got worse since last extension not better as it was suggested would be the case
- concern over adjacent alley being used for access- close to school route and route to beach used by children
- Cross Street used primarily for Fine Cars service vehicles
- access driveway for entrance and exit would mean it cannot be used safely by public
- no neighbour consultation appears to have been undertaken by Fine Cars
- loss of trees and bushes will impact on wildlife and natural drainage
- devaluation of property and desirability
- many of those in support of the application do not live anywhere near this location and must be customers

155 letters of support

Issues raised:-

- the residential area has been built up around the garage which was built in the 1930s
- fully support local enterprise
- the only garage in the area needs to be supported
- would secure local jobs
- the company is important to many people in Lee-on-the-Solent
- would ease parking in congested area
- many cars in area are privately owned Kia cars and not associated with the use of the garage
- the issue of the tyre unit would be addressed as it would be brought into the workshop
- about time but Fine Cars should be on Daedalus
- the pros far outweigh the cons

2 letters of observation

Issues raised:-

- as the bungalows are being demolished, are the tenants of the bungalows happy about the situation, or are they just being thrown out so the garage can expand?
- no concerns with the plans, can only be a good thing in this climate that some companies are expanding and creating more local jobs for local people
- we should support local business and employment especially in long established operations
- will tidy up the area
- business helps contribute to local economy with users combining other trips with local businesses
- garage been on site for over 70 years
- only MOT station in area
- will ensure that the franchise remains and those employed will be retained, which is more important than the loss of the 2 houses

Principal Issues

1. Issues of property values and the saleability of homes cannot be considered as part of the determination of a planning application. Whilst the applicant may not have undertaken detailed public consultation prior to submission, this application has been publicly advertised and has generated a number of letters of representation which will be taken into consideration. It is the planning issues raised within the letters of representation that are taken into account and not their geographical source. Interference with right to light would be a private legal matter between the interested parties. Whilst there are no specific policies requiring the retention of the houses, their demolition would require prior-approval if not part of a planning application for redevelopment, but this could only control the method of demolition and site restoration. The decision to allow the current tenants to remain in the bungalows is a matter between the owner and those tenants and cannot be considered as part of the determination of the application. The main issues for consideration are, therefore, whether the extension of the commercial use into the residential area is appropriate in this location, whether the proposals would have a detrimental impact on the character and appearance of the area and whether they would harm the amenities of the occupiers of neighbouring properties or highway and pedestrian safety.

2. The site has operated as a petrol station, for car sales and for vehicle repairs over many years and its current Sui Generis use as a car showroom with workshop is lawful. Whilst acknowledging this and the proximity of the nearby shops and public house, it is and remains a non-conforming use located predominantly within a residential area. It is clear from the history of the site that the operation has continued to grow over time and there have been numerous applications which have sought to expand the operations on the site, including increased sales areas and the creation of a storage area at first floor level, with the most recent applications granting permission for a pitched roof to the building. The current proposal is seeking to extend the current use further into the residential area with the demolition of the 2 bungalows and the erection of the extension and provision of parking along the east and west elevations.

3. Policy R/EMP5 is relevant to the expansion of existing businesses. The Policy states that the extension of existing businesses will be permitted provided that they meet a number of criteria;

there being no detrimental impact on amenities of any adjoining residential areas, the appearance or environment of the site or surrounding area and that they would have appropriate parking and would not generate unacceptable levels of traffic. The supporting text for this policy goes on to confirm that "there may be instances where further expansion for an employment use is not possible due to the physical characteristics of the site, or because it is poorly located in terms of its impact on the surrounding area". This commercial use is sited poorly, being very close to the surrounding housing and its extension further into this otherwise residential area is not considered to be an appropriate form of development, in principle, and will have a detrimental impact on the residential character of the area and on the occupiers of the neighbouring properties.

4. The proposed cladding of the existing building is considered to be an appropriate material for this type of business, however, the introduction of this industrial style cladding to an extension projecting further into the residential area would further erode its residential character and appearance. Although the overall height is not significantly different, the proposed extension would result in a building with an eaves height of 4m, and would have a gabled rather than hipped roof, when compared with the bungalows' eaves height of 2.4m. The building would also have a consistent height and continue the line of the existing east elevation of the building, rather than having the variation in the form of the existing bungalows design and footprint. The resultant building would therefore result in a significant increase in mass and footprint over and above the existing bungalows. With the exception of the existing commercial operation, Elmore Road is characterised by residential properties with front garden areas of similar sizes. The proposals would result in the loss of the existing enclosed, landscaped gardens and the introduction of a hardsurfaced parking area for service vehicles and the scheme would also result in the hard surfacing of the existing rear gardens to provide for additional parking. The proposed extension, additional parking areas and associated activity would, therefore, have a detrimental impact on the character and appearance of this site and the wider area, extending a building of industrial appearance, with its associated hard surfacing and parking, further into this residential area, which would further erode its residential character, contrary to Policies R/DP1 and R/EMP5 of the Gosport Borough Local Plan Review.

5. The planning history includes a number of refusals which, in some cases, have subsequent appeal decisions. The Inspector, in dismissing the appeal relating to the roof extension in 1987, reference K5057/6, made a number of points in respect of the site. He confirmed that whilst the growth of the business was welcomed, it is necessary to reconcile that growth with the capacity of the site to accommodate it in a way that does not detract from the visual amenities and character of the local environment. He acknowledged that the growth of the business was inevitable and confirmed that it was his view that any such intensification could only be achieved at the expense of the character and appearance of the surrounding residential area, which he considered would be an unacceptable outcome, and is apparent from the current proposals, as outlined above. In considering the environmental impact of the proposals he also acknowledged that the site was a non-conforming use and raised issues of the need to contain the site both in physical and operational terms. As part of the appeal which allowed the more recent roof extension, a similar proposal to that dismissed in the previous appeal, the Inspector concluded that as a Certificate of Lawfulness had been granted for the use of the first floor area for the storage of cars, an intensification of the use as outlined in the previous appeal in 1987 was no longer relevant, as any such intensification had already taken place. In this case, however, the proposals would result in an expansion of the site into the wider residential area and the Inspector's comments from the 1987 appeal expressing concerns about this issue are considered to remain relevant to this proposal.

6. An Environmental Noise Assessment has been submitted as requested by the Head of Environmental Health. The report acknowledges that the activities associated with the proposed extension could give rise to complaints and suggests mitigation measures. As noted above, the Head of Environmental Health has indicated that additional information is required to be satisfied that the predicted impacts from the activities are acceptable. The applicant has therefore failed to demonstrate that the proposed extension, which includes four roller shutter doors, additional ramps and an increase in floor space and associated activities, would not generate unacceptable levels of additional noise and disturbance within this otherwise residential area, notably close to the rear gardens of 7 Elmore Road and the properties within Cambridge Road. The report indicates a number of possible mitigation measures, which include acoustic barriers to the northern boundary,

and in order to reduce breakout from the workshop, it is suggested that the roller shutter doors are kept shut. It is also acknowledged that for this to be successful the doors would need to be quiet operating as they will be in regular use and that mechanical ventilation may also be required, however, further details of these proposals have not been provided at this stage. The report clearly indicates that there could be noise and disturbance from within the workshops, notwithstanding other activities, in close proximity to the adjacent properties and that this noise needs to be mitigated. This further supports the concerns regarding the extension of the commercial use in this residential location. The imposition of a condition requiring the doors to be kept closed when not in use is unlikely to be practical or enforceable and as such the proposals are likely to have a detrimental impact on the amenities of the adjacent properties. In the absence of an appropriate noise assessment, the applicant has failed to demonstrate that the proposed use of the extension would not have a detrimental impact on the amenities of the occupiers of neighbouring properties and the wider area, contrary to Policy R/ENV10 of the Gosport Borough Local Plan Review. Whilst the existing site does generate a level of noise in its day to day operation, it is an existing lawful use, where there are no planning controls in place for these activities and this in itself does not justify any additional harm that would be caused by this current proposal.

7. The activities on the existing site are concentrated along the Portsmouth Road and Elmore Road frontages and adjacent to 182 Portsmouth Road. The current proposals would result in a new access from Elmore Road, adjacent to the northern boundary, which would serve the 10 new parking spaces, the proposed extension and the workshop areas, but would also provide unrestricted access to the existing storage/display areas adjacent to no.182. The occupiers of 7 Elmore Road currently have a 1.8 metre fence and driveway leading to the residential garage at number 5, along their southern boundary, however, due to its width it would not be usable by most modern cars and the properties use would not generate any noise or disturbance over and above that which you would expect at a residential property. Although the properties in Cambridge Road are separated by the existing service road and boundary treatment, the parking area is still in close proximity to their rear gardens, being approximately 3m away. It is anticipated that the proposed access would generate a large number of vehicle movements throughout the day, over and above that generated at a residential property, accessing the parking and workshop facilities. These movements and associated general activity in such close proximity to the adjacent houses and gardens and in particular the southern elevation of 7 Elmore Road would give rise to an unacceptable increase in noise and disturbance to the detriment of the amenities of the occupiers of the adjacent residential properties and contrary to Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

8. Although the overall built mass on the site would increase, the gap between the proposed extension and 7 Elmore Road would be greater than that to the existing bungalows. The proposed extension would be of single storey height and although 7 Elmore Road is located to the north, the resulting separation distance is considered to be acceptable in maintaining outlook from the property and would not result in harmful overshadowing of the house or solar panels. As the proposed extension would not include any windows on any elevations and is of single storey design it would not result in any detrimental impact on the adjoining occupiers in terms of loss of privacy and complies with Policy R/DP1 of the Gosport Borough Local Plan Review in this respect.

9. It is clear that there are local concerns regarding the existing parking situation and the proposals would result in the displacement of some of the servicing elements from the existing site into the new extension along with the extension of the showroom and new service bays. Whilst the comments of the Local Highway Authority are noted the adopted Hampshire Parking Strategy and Standards indicates that there is a maximum requirement for 3 customer spaces per service bay and 1 staff space per 45 sq.m of floor space. This proposal would have 4 new ramps and a further area that could accommodate a maximum of 3 flat working area bays. This would generate a requirement of 21 customer and 5 staff spaces. The proposed level of parking therefore indicates a shortfall of up to 10 spaces. The adopted document indicates that these levels of parking are maximums, however, the applicant has failed to demonstrate why a reduced level of parking would be appropriate for this site. In the absence of justification for the proposed level of parking, the applicant has failed to demonstrate that the level of parking proposed is adequate to meet the parking demands of the development and would not result in significant overspill parking and

increased competition for on street parking spaces, to the detriment of highway safety and the amenities of the occupiers of nearby residents, contrary to Policy R/T11 of the Gosport Borough Local Plan Review.

10. There would be sufficient space for vehicles to pass along the service road to the north of the extension and a separate footpath is indicated for pedestrians and, therefore, no direct conflict should occur between pedestrians and vehicles entering and leaving the site. Visibility for entering and exiting the site is acceptable and vehicles could do so in a forward gear. The servicing spaces would require the need to reverse onto the highway, however, in this location on an unclassified road, this, in its own right, does not give rise to highway safety concerns. There could be conflict between these 6 proposed spaces and the existing, unrestricted spaces in front of the bungalows, however, this could be dealt with by a TRO, if the proposal were to be considered acceptable in other respects. Similarly, conditions could also be used to control both the provision and retention of parking provision and access. Although many of the objectors have highlighted the existing parking issues in the area, it is acknowledged that it is not possible to require additional parking provision to overcome problems associated with an existing lawful use. It is noted that within the planning history that some of the areas previously approved as being set aside for customer and employee parking have historically become incorporated into the general operation of the site and currently include vehicles being displayed for sale, resulting in the expansion of the sales areas to the detriment of the on-site parking provision resulting in overspill to the surrounding roads. Some Kia vehicles within the locality may be owned by locals, however, it is not possible to control the legal parking of vehicles on the highway through any planning permission and, as such, if planning permission were to be granted for any extension it could not be guaranteed that the parking situation would be improved, particularly noting the concerns raised in paragraph 9 above.

11. Whilst consideration of the need to secure existing, and create new jobs is important, this should not be to the detriment of the character and appearance of the area, or the adjoining occupiers and in view of the impacts acknowledged above, this issue is not considered to outweigh the concerns regarding the proposal.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposals would result in the inappropriate extension of a non-conforming commercial use into the adjacent residential area and would, by reason of the proposed extension's size, location, excessive mass and industrial appearance and the activity generated by its use, harm the residential character and appearance of the area, contrary to Policies R/DP1, R/EMP5 and R/ENV10 of the Gosport Borough Local Plan Review.

2. The proposed development, by reason of the close proximity of the new access, parking area and associated activity to the adjacent houses and gardens, notably 7 Elmore Road to the north, would result in vehicle movements and activities over and above those normally found in a residential area, which would have a detrimental impact on the amenities of the occupiers of those residential properties in terms of noise and disturbance. The proposal is, therefore, contrary to Policies R/DP1, R/EMP5 and R/ENV10 of the Gosport Borough Local Plan Review.

3. The applicant has failed to demonstrate that the proposed use of the extension would not have a detrimental impact on the amenities of the occupiers of neighbouring properties and the wider area. As such, the proposal is contrary to Policies R/DP1, R/EMP5 and R/ENV10 of the Gosport Borough Local Plan Review.

4. The applicant has failed to demonstrate that the level of parking proposed is adequate to meet the parking demands of the development and would not have a detrimental impact on highway safety and the amenities of the occupiers of nearby residents, contrary to Policy R/T11 of the Gosport Borough Local Plan Review.

ITEM NUMBER: 02.
APPLICATION NUMBER: 13/00067/FULL
APPLICANT: Burton Property Ventures Ltd
DATE REGISTERED: 13.03.2013

ERECTION OF 4 NO. DETACHED BUNGALOWS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING (as amended by plans received 21.03.13, 26.03.13 and 17.05.13)

Land To Rear Of 206-216 Brockhurst Road Gosport Hampshire

The Site and the proposal

The application site, which is located in the Urban Area, comprises nos. 210 and 212 Brockhurst Road, part of the private rear gardens of nos. 214 and 216 together with land to the rear of nos. 206 and 208 Brockhurst Road. The gardens, together with the land to the rear of nos. 206 and 208, consist of areas of hard and soft landscaping together with outbuildings. There are a mix of boundary treatments including brick walls, timber fences and hedges ranging between 1m and 2m high. The site is fairly level, but is elevated approximately 0.5m above the service road to the east and nos. 206 and 208 Brockhurst Road. No. 212 Brockhurst Road, Warwick House, is included on the Gosport List of Buildings of Local Interest and is an imposing two storey building finished in cream render.

The surrounding area is characterised by predominantly residential development of varying ages, styles, designs and sizes. To the east of the application site is a service road, beyond which are the two storey properties fronting Hastings Avenue. To the north are the residential properties within Jason Way with the closest of those being nos. 4 - 7 which, are one bedroom flats arranged within a building that appears as a semi-detached dwelling. No. 3 Jason Way, is a detached two storey property, set off the northern boundary of the application site, separated by the access to nos. 4 - 7 Jason Way. Beyond these properties to the north are three storey dwellings located in Eastbrook Close. To the west of the application site lies residential development fronting Brockhurst Road, comprising a mix of detached, semi-detached and terrace properties of varying styles. To the immediate south of the application site is the private garden serving no. 206 Brockhurst Road. A pedestrian access to the garden of no. 206 runs along the part of the southern boundary of the application site before it opens up into a small garden area containing a timber pitched roof outbuilding. The garden to no. 208 Brockhurst Road, which lies to the west of the application site, bounds part of the western boundary of the application site.

The existing outbuildings, other than the garage to the rear of no. 210, would be removed to facilitate the development, as would the majority of existing trees and vegetation within the application site area. In addition, the existing conservatory to the rear of no. 210 Brockhurst Road would be demolished, in order to increase the retained garden area to this unit.

Access is proposed from the north west corner of the site along the existing highway in Jason Way. At present, the highway terminates at its junction with the northern elevation of the site to the west side of nos. 4 - 7. Jason Way. From here it extends to the north where it meets Eastbrook Close which then leads west into Brockhurst Road (A32).

The application proposes the construction of 4 no. detached single storey bungalows comprising 2 no. three bedroomed units and 2 no. two bedroomed units. Plots 1 and 3 would be the two bedroomed units with Plots 2 and 4 being three bedroomed. The dwellings are proposed to be brick under a plain concrete tile roof with upvc windows and doors. The dwellings would range between 5m and 5.3m high, 7m and 8m wide and be approximately 12.5m long. All four dwellings would have hipped, pitched roofs. The existing garage to the rear of no. 210 Brockhurst Road, located in the south east corner of the application site, is to be utilised as bin and cycle storage for Plot 4. Plots 1, 2 and 3 are each proposed to have separate timber bin and cycle storage structures within their rear gardens. The rear gardens serving the proposed properties range between 7m and 9m in depth.

The proposed dwellings are proposed to be located to the east side of the site, with each unit to be allocated two parking spaces. Parking for each of the dwellings is proposed to the front elevation of each respective dwelling. A central refuse collection point is proposed to the north side of the site directly opposite the proposed access from Jason Way. Vehicle manoeuvring spaces are shown on the plans adjacent to the northern boundary of the site, adjacent to the front of Plot 1 and to the rear of no. 212 Brockhurst Road.

A Transport Statement, Ground Investigation Report, Arboricultural Implications Assessment and an Ecological Appraisal Report have been submitted in support of the application. A Statement of Community Involvement has been provided with the submission and a Construction and Environmental Management Policy Statement.

Amended plans have been received to ensure the site boundaries correspond between the site location plan, block plan and site layout plan. Amended plans have also been submitted to amend the layout to re-position the dwellings within plots 3 and 4 approximately 2.5m further to the east, replace the dwelling originally proposed for plot 4 with the same dwelling shown for plot 2, revise the parking arrangements for plot 4 to relocate the spaces directly west of the dwelling, introduce a 1m deep landscape buffer within the site beyond the rear, east boundary of the garden serving nos. 206 and 208 Brockhurst Road, reposition the parking space serving no. 210 to the east of this landscape buffer and provide an additional visitor parking space adjacent to this. In addition the proposed southern boundary treatment is now shown as a new 2m fence along with the western boundary where it runs to the end of the garden of no. 208 Brockhurst Road. A new 1.8m fence would then be provided for the remainder of the western boundary.

Relevant Planning History

Nil

Relevant Policies

Gosport Borough Local Plan Review, 2006:

- R/DP1
General Standards of Development within the Urban Area
- R/DP3
Provision of Infrastructure, Services and Facilities
- R/BH5
The Local List
- R/BH8
Archaeology and Ancient Monuments
- R/H4
Housing Densities
- R/T4
Off-site Transport Infrastructure
- R/T11
Access and Parking
- R/ENV5
Contaminated Land
- R/ENV14
Energy Conservation
- R/ENV15
Renewable Energy
- R/OS8
Recreational Space for New Residential Developments
- R/OS13
Protection of Habitats Supporting Protected Species

Consultations

| | |
|----------------------------------|---|
| Environmental Health | No objection. The development is acceptable subject to conditions requiring the submission and implementation of a remediation strategy in relation to contaminated land. |
| Local Highway Authority | <p>No objection. The use of a 0.6m high boundary treatment along the northern side of the site is considered acceptable in respect of highway safety. Planting adjacent to this boundary should be carefully considered to ensure it does not exceed 0.6m in height.</p> <p>The existing rumble strip on Jason Way will need to be reinstated following the creation of the proposed access to the application site.</p> <p>The level of car parking proposed is considered acceptable taking into account the car ownership levels in this ward. Cycle parking provision is also considered to be acceptable. Although swept path analysis has been undertaken and demonstrated as being satisfactory for a family estate car, it has not been demonstrated that a goods vehicle could access and turn within the site. A Transport Infrastructure, Services and Facilities contribution is required to mitigate the impact of the development on the wider highway network.</p> |
| Streetscene Waste & Cleansing | No objection. A collection point is required for wheeled bins. The Refuse Vehicle Turn plan does not appear to include the proposed development. |
| Streetscene Parks & Horticulture | No objection. There are no existing trees situated on this site worthy of retention or Tree Preservation Order status. The site mainly consists of ornamental trees of little or no value aesthetically. |
| Building Control | An application for Building Regulations is required. Access for the fire brigade could be an issue; if the access road is not to be made up to highway standards then the maximum distance from the existing highway must not exceed 45m. There may be a need for a bin store if the road is not made up to adoptable standards. |
| Crime Prevention & Design | No objection. Recommendations to reduce the opportunities for crime include re-positioning the front door to the west elevations, not recessing the front doors any more than 600mm, re-configuring the |

southernmost dwelling so that the room with the longer bay (bedroom 2 is the southernmost room), ensuring boundary treatments to the rear are of robust construction, fitting any gates to the rear with a key operated lock and providing appropriate levels of lighting within the access road and parking areas.

HCC Ecology

No objection. Conditions required to secure the outlined mitigation and enhancement measures detailed within section 5.6 of the Ecological Appraisal Report (Hampshire Ecological Services Limited, dated Feb 2012) and the following elements which are highlighted within John Poland's (Hampshire Ecological Services Limited) email of 14th March 2013.

- A pre-demolition bat emergence check (between April and September). In the event bats are discovered prior to demolition work, a full mitigation strategy (dependent on the species/ numbers found) will be submitted to the LPA and Natural England before any work proceeds.

- Removal of bat interest features under ecological supervision. If bats are found during the demolition work, all work will be suspending and the supervising ecologist will inform Natural England. If a bat is injured, it will also be taken to a local veterinary surgeon/ bat hospital.

The Gosport Society

No objection.

HCC Landscape, Planning & Heritage

No objection. There is a surviving air raid shelter on the site, albeit altered. While this would not present an overriding concern as a historic feature it is of some interest. The nature of the structure does not necessarily warrant a condition but would ask that the Applicant send some photographs of the inside, outside and setting of the shelter and a map/plan clearly indicating the location of the structure for inclusion on the Historic Environment Record.

Response to Public Advertisement

7 letters of objection (to original plans)

Issues raised:-

- reduction of security and privacy along the boundary fence with 206 and 208 Brockhurst Road.
- proximity of the building to the boundary line of 206 Brockhurst Road
- developers appear to have shown consideration for occupiers of Jason Way, whilst ignoring those within Brockhurst Road, particularly as Brockhurst Road properties are the most affected
- loss of privacy

- loss of quiet enjoyment of rear garden from traffic noise, including from parking area
- garden grabbing and does not enhance the neighbourhood, environment, or quality of life of people living in the area.
- another green area to be given over to the development of new housing, when there are alternative options for the build of housing on brown field sites or sites such as the Wheatsheaf public house.
- back garden building being actively discouraged
- highway safety issues
- access road currently serves 7 properties in Jason Way and rear access to a further six in Brockhurst Road and is of limited width. Delivery and refuse vehicles already have difficulty accessing parts of Jason Way. The existing volume of traffic will increase substantially if the application is approved
- poor visibility at site entrance and for existing residents leaving their properties
- narrow site entrance creating a pinch point with no line of sight to a pedestrian walk way which connects into Brockhurst Road
- existing limited parking in local area will be placed under greater pressure from visitors and deliveries and existing residents to Brockhurst Road
- the open parking spaces to the end of the proposed development raises the question of whether further development would result in the future
- alternative access via Warwick House (owned by Developer) would alleviate concerns of residents and resolve traffic issues in Jason Way- already experienced problems with the new build of the Wheatsheaf Mews where large vehicles have parked down Eastbrook Close and Jason Way causing obstruction to property access points
- site visit should be considered by Planning Committee as the plans do not show how small the access for the new development is and how close it is located to all the properties concerned
- 2001 census data for car ownership is out of date
- wildlife use the gardens within the area
- noise will be an issue due to working night shifts

4 letters of objection (to amended plans)

Issues raised:-

- thought has now been given to more secure perimeter fence between the gardens of nos. 206 and 208 Brockhurst Road and application site
- garden at no. 208 Brockhurst Road is higher than the garden of no. 210 Brockhurst Road so retainment will be required to stop garden of no. 208 slipping beneath any fence erected
- cars parked at the bottom of no. 208 Brockhurst Road garden. Plot 4 could be moved back to allow cars to park outside that property as per the other plots including Plot 3. Space allocated for no. 210 Brockhurst Road could then be positioned to the end of no. 210 rather than no. 208 Brockhurst Road meaning cars would not so close to no. 208 Brockhurst Road, would reduce overlooking and a landscape strip to the back of garden to provide better amenity, screening and security and ensure wildlife retained
- bin store adjacent to garden unacceptable
- lack of car parking for existing properties in Brockhurst Road which is unacceptable and will mean any future parking provision will reduce existing amenity space
- entrance to site too small

Principal Issues

1. The application site is located within the Urban Area Boundary and consequently the principle of residential development is acceptable provided that the details accord with the criteria outlined in Policy R/DP1 of the Gosport Borough Local Plan Review. The main considerations are, therefore, the impact upon the character of the surrounding area and setting of the Locally Listed Building, the impact upon the amenities of the surrounding occupiers, the amenities of future occupiers, highway and pedestrian safety, the effects on land contamination, biodiversity and trees, the archaeological interests of the site, Transport Infrastructure, Services and Facilities and the requirement for Open Space. Any future development proposals regarding adjoining land would be the subject of a separate planning application which would be considered on its own merits and in accordance with relevant Development Plan.

2. The NPPF sets out that housing applications should be considered in the context of a presumption in favour of sustainable development, but also requires that consideration should be given to the impact of the development upon, amongst other issues, the character of the area, with one of the core principles within the NPPF requiring that developments secure a high quality design and a good standard of amenity for all existing and future occupants of buildings and land. This is reflected in Policy R/DP1 of the Gosport Borough Local Plan Review. The proposed development would create additional built form to the rear of the existing properties within Brockhurst Road. The principle of this approach has previously been established by the construction of properties within Eastbrook Close and Jason Way. The proposed dwellings would continue the existing line of dwellings, albeit in a slightly forward position. The surrounding locality is primarily residential in character with a mix of designs, styles, ages and forms. The height, scale and form of the proposed dwellings would sit comfortably within the established pattern and appearance of existing development. The proposed layout, design, and detailing of the individual dwellings, including the materials and roof designs mean the dwellings would be screened from the surrounding public domain and would not have a harmful visual impact on the character of the surrounding area. The setting of Warwick House (no. 212) would be preserved by the separation distances of the proposed development to this property. It is most publically visible from Brockhurst Road and, as the proposed development is to be single storey, the public setting of this property will not be harmed. To preserve the character of the surrounding area and setting of Warwick House, conditions relating to materials and boundary treatments are recommended. The proposal, therefore, complies with Policies R/DP1 and R/BH5 of the Gosport Borough Local Plan Review and the NPPF.

3. Nos. 206, 208, 210, 212 and 214 would retain garden depths in excess of 10m which is characteristic of existing residential properties in the surrounding area. All of these gardens would retain direct sunlight during the early part of the day, the height of the proposed development means there would be no additional overlooking towards these neighbouring properties and they would retain their outlook towards the east. The removal of the existing conservatory to the rear elevation no. 210 Brockhurst Road will also ensure the garden of this property is of a suitable size. A condition is recommended to ensure these works are undertaken prior to the commencement of development. It is acknowledged that the proposal would result in an increased level of activity beyond the eastern boundary of these properties. However, a separation distance of over 7m would be retained between the eastern boundary of the properties fronting Brockhurst Road and the western edge of the car parking spaces serving the proposed properties. This means the concentration of activity associated with the new properties would be located over 16m away from the rear elevations of the properties fronting Brockhurst Road. In addition a new 1.8m - 2m high close boarded timber fence is proposed to be erected, as part of the development, along the boundary between the properties fronting Brockhurst Road and the application site. Taking all of these factors into account it is not considered that the increased level of activity resulting from the proposed dwellings would have a harmful impact on the amenities of these neighbouring properties. The proposal, therefore, complies with Policy R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

4. The application proposes the introduction of new parking spaces directly beyond the eastern boundary of nos. 206 and 208 Brockhurst Road. However, a new 2m high close boarded fence would be erected along the eastern boundary of these neighbours, beyond which a landscaped buffer of 1m is proposed. Nos. 206 and 208 would retain gardens of approximately 20m. In combination, these factors mean that this relationship is considered to be acceptable, the security of the rear parts of these properties will be preserved and the amenities of the occupiers of these properties would not be harmfully impacted. In respect of no. 210, a formalised car parking space to serve this property would be located within the application site to provide off street car parking for this property. The proximity of this space to no. 210 means it would be easily accessible to the occupiers and whilst it is acknowledged that the parking associated with this property is additional to the four properties proposed, it is not considered that this is a harmful increase beyond activity generated by those four properties. The refuse collection area to the rear of no. 214 would only be used as a short term area to store bins on collection day and it is not considered that this arrangement would result in a harmful impact on the amenities of the occupiers of this property. No.

216 would have a garden ranging between 3.5m and 12m in depth taking account of the staggered rear elevation of this property. Whilst there will be parts of this garden that are limited in terms of useable amenity value, overall, the space retained for this property is considered to be acceptable taking into account the east facing aspect, boundary treatment with the application site and level of activity proposed. The proposal, therefore, complies with Policy R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

5. As the proposed dwellings are only single storey in height and the properties are to be located beyond the existing service road from which no new access is proposed, the development will not have a harmful impact on the properties to the east in Hastings Avenue in terms of outlook, overlooking or the associated level of activity. The amenities of the properties to the north of the application site in Jason Way will be affected to some degree by the presence of additional built form and activity associated with this proposal. Plot 1 is positioned 3.6m south of the side elevation of nos. 5 and 7 Jason Way. The southern elevation of the building accommodating these properties has two windows at the ground floor and two at the first floor, serving bathrooms and kitchens, however, the height of the proposed dwellings and lack of window openings means there will be no harmful overbearing impact or overlooking of these properties. The position of amenity space serving the occupiers of nos. 4 - 7 corresponding with the amenity space serving plot 1 within the proposed development means that the level of activity associated with the proposed development will not impact harmfully on the amenities of these neighbours. The occupiers of no. 3 Jason Way are likely to experience an increase in the level of activity, however, as there is an established vehicular route along the west and south sides of this property it is not considered to be harmful or unreasonable taking into account the existing residential character of the area. Ordinarily under permitted development certain works could be undertaken to a residential property without the need for planning permission however, to ensure that the amenities of the current and future occupiers of the surrounding and proposed properties are preserved a condition removing some of these allowances is recommended. A certain amount of noise and disturbance during the construction period would be inevitable. The submitted Construction Management Plan sets out details of how the construction phase would be managed to limit the impact upon the amenities of the surrounding occupiers including hours of operation on site. A condition to secure these measures is recommended. The proposal, therefore, complies with Policy R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

6. Each of the proposed properties would be provided with two car parking spaces, bin and cycle storage and enclosed, private amenity space. This space would back on to an existing service road. The site is located in an existing residential area where general levels of noise and activity are low. The properties would be separated by 1.5m, however, only kitchen and bathroom windows would be affected by this arrangement and future occupiers would be aware of the arrangement at the time of purchasing the properties. The dwelling to be located within Plot 4 will be located no further than 45m from the entrance to the site meaning the proposal is acceptable in respect of fire regulations. The amenity of the future occupants is considered to be appropriate in this location. Notwithstanding the provision of on-site private amenity space for each of the dwellings, there is requirement for the applicant to contribute to Open Space within the Borough. The applicant has confirmed a willingness to enter into a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space. Without this, the development would be unacceptable. The proposal, therefore, complies with Policies R/DP1, R/DP3 and R/OS8 of the Gosport Borough Local Plan Review and the NPPF.

7. The proposed northern boundary treatment of only 0.6m high means that intervisibility of vehicles and pedestrians, in and out of the site, will be acceptable. A condition restricting the height of the boundary treatment, to 0.6m, in this location is recommended. The existing highway layout which turns east at its existing junction with the north side of the application site means vehicles will be moving at a low speed. Although it has not been demonstrated that service vehicles can access and turn within the site, there is space on the adjoining highway in Jason Way and Eastbrook Close from which to service the application site, including by refuse collection vehicles. The level of servicing for four properties would be comparatively low in the context of the number of residential properties in the surrounding area and it is not considered that this additional servicing from the existing highway would harmfully interrupt existing highway movements to the detriment of highway

and pedestrian safety or residential amenity. The proposal is, therefore, acceptable in respect of highway safety. The level of car and cycle parking proposed to serve the development is considered acceptable in this location and the provision of a visitor car parking space together with manoeuvring space within the site means that there will be no harmful overspill of vehicle activity onto the surrounding highway. No short stay cycle parking is shown on the plans, however, there is space available to accommodate this requirement within the individual plots and a condition is recommended to control its implementation. The existing rumble strip on the highway in Jason Way is not proposed for removal. Nevertheless, in the event that it is removed or damaged, the Local Highway Authority has legislative powers to require the developer to reinstate it. A bin collection point is located close to the entrance of the site and is within the 30m permitted carry distance for the collection of rubbish. The applicant has confirmed a willingness to enter into a planning obligation under Section 106 relating to the payment of a sum towards the provision of Transport Infrastructure, Services and Facilities. Without this the development would be unacceptable. The proposal, therefore, complies with Policies R/DP3, R/T4 and R/T11 of the Gosport Borough Local Plan Review and the NPPF.

8. The submitted Ground Investigation Report identifies that the site could potentially be contaminated. The Head of Environmental Health has reviewed the submitted Ground Investigation Report and advises that the areas of contamination will need to be remediated. A condition is, therefore, recommended to require this remediation to be completed and the proposal, therefore, complies with Policy R/ENV5 of the Gosport Borough Local Plan Review and the NPPF

9. There are a range of domestic outbuildings within the application site, with all but one proposed to be removed to facilitate the development. The submitted Ecological Appraisal surveyed and assessed the potential for the site to support protected species. HCC Ecology raises no objection to the proposal subject to the outline mitigation measures set out within the report being undertaken, a pre-demolition bat emergence survey check of the outbuildings prior to demolition and the subsequent submission of a mitigation strategy, if bats are found within the pre-demolition emergence survey together with the removal of bat interest features under ecological supervision. An informative reminding the applicant that bats are a protected species is also proposed. The site contains ornamental planting, including some small trees. An Arboricultural Implications Assessment has been submitted in support of the application, which sets out that the existing trees on site are small in size and generally of poor quality and makes very little contribution to local amenity. The Council's Tree and Landscape Officer agrees with this conclusion and confirms that the existing trees within the site are not worthy of retention or protection via a Tree Preservation Order. Subject to a condition to secure the ecological measures the proposal would not adversely impact upon protected species or trees and, therefore, complies with Policies R/OS13 and R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

10. There are no known archaeological sites within the application site or immediate vicinity and HCC Archaeology raises no objection to the proposal. There is, however, a surviving air raid shelter on site, albeit altered. Whilst HCC Archaeology acknowledge that it is not an overriding concern as a historic feature, it is however of some interest and recommend its recording for the Historic Environment Record. A condition is, therefore, proposed to secure this recording and the applicant has confirmed they are content with this approach. The proposal, therefore, complies with Policy R/BH8 of the Gosport Borough Local Plan Review.

RECOMMENDATION: subject to the expiry of the application publicity on 14 June 2013
Grant Permission

Subject to Section 106 agreement relating to

1. The payment of a commuted sum towards the provision and/or improvement of outdoor playing space.
2. The payment of a commuted sum towards transport infrastructure, services and facilities.

Reason(s) for granting permission:

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposal is acceptable in this location. The development would not be adverse to the character of the area, the setting of the Locally Listed Building, the neighboring properties, the amenities of future occupiers and highway and pedestrian safety. The proposal is acceptable in respect of land contamination, biodiversity, trees, the archaeological interests of the site, Transport Infrastructure, Services and Facilities and the requirement for Open Space. The proposal, therefore, complies with the NPPF and Policies R/DP1, R/DP3, R/BH5, R/BH8, R/H4, R/T4, R/T11, R/ENV5, R/ENV14, R/ENV15, R/OS8 and R/OS13 of the Gosport Borough Local Plan Review.

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 approved shall be carried out in accordance with the following approved plans:

10-1729-105 Rev P2,
10-1729-104 Rev P4,
10-1729-100 Rev P9,
10-1729-102 Rev P3
10-1729-101 Rev P2,
10-1729-107 Rev P4.

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

3. No works to construct the development shall be commenced until the existing conservatory to the rear of no. 210 Brockhurst Road has been demolished, all associated demolition waste has been removed from the site and the land has been reinstated as garden land, in accordance with the details shown on drawing number 10-1729-100 Rev P9 received 17.05.13.

Reason - To ensure that adequate private garden area is retained to serve the occupiers of no. 210 Brockhurst Road in accordance with Policy R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

4. Before development is commenced, details of the proposed finished floor levels of the dwellings and proposed site levels shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To protect the character of the locality in accordance with Policy R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

5. No development shall begin until a strategy of remediation measures and detailed method statement to address the identified risks from ground contamination, has been submitted to and approved, in writing, by the Local Planning Authority (LPA). This shall include the nomination of a competent person to oversee the implementation of the measures. The development shall be carried out in accordance with the approved strategy and method statement.

Reason - In the interests of the safety and amenity of future users of the site and to comply with the NPPF and Policies R/DP1 and R/ENV5 of the Gosport Borough Local Plan Review.

6. The development shall not be occupied until the remediation works approved under condition 5 above have been carried out and a full validation report, undertaken by an independent competent person, has been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the safety and amenity of future users of the site and to comply with the NPPF and Policies R/DP1 and R/ENV5 of the Gosport Borough Local Plan Review.

7. Before works above slab level are commenced, details, including samples, of all external facing and roofing materials shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the development is satisfactory, the setting of the Locally Listed Building is preserved, and to comply with Policies R/DP1 and R/BH5 of the Gosport Borough Local Plan Review and the NPPF.

8. Before works above slab level are commenced, full details of a soft landscaping scheme including the size, densities of tree and shrub planting, the phasing and timing of planting and provision for its maintenance during the first five years from the date of planting, shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interest of amenity and the appearance of the locality, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

9. The landscaping scheme approved in accordance with Condition 8 above shall be completed within six months from the first occupation of the first dwelling, and any trees or plants which die are removed or become seriously damaged or diseased during the first five years, shall be replaced with others of identical species (or as may otherwise be agreed, in writing, by the Local Planning Authority) during the next planting season.

Reason - In the interest of amenity and the appearance of the locality and to comply with and Policy R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

10. Before demolition of the air raid shelter on site a record and photographic log of the building shall be undertaken and submitted to and approved, in writing, by the Local Planning Authority. The record and photographic log shall include internal and external views and its setting and the building accurately located on a scaled plan.

Reason - To secure the recording of a feature of historic interest in accordance with the NPPF and Policy R/BH8 of the Gosport Borough Local Plan Review.

11. No development shall commence until full details of the hard landscaping works, including proposals for lighting on the site, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the dwellings and thereafter retained unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - In the interests of amenity and the appearance of the locality, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

12. The development hereby permitted, including any works of demolition, shall be carried out in accordance with the Construction and Environmental Management Policy (Revision 1) and associated plans dated 19.11.12.

Reason - To protect the amenities of the surrounding residents throughout the construction phase of the development in accordance with Policy R/DP1 of the Gosport Borough Local Plan Review and the NPPF.

13. The development hereby permitted shall be carried out in accordance with the outline mitigation and enhancement measures set out within Section 5.6 of the Hampshire Ecological Services Ltd 'Ecological Appraisal Report' received 13.02.13 unless otherwise agreed, in writing, with the Local Planning Authority. The approved enhancement measures shall be retained at all times thereafter.

Reason - To ensure protected species are appropriately protected and to comply with the NPPF and Policy R/OS13 of the Gosport Borough Local Plan Review.

14. No demolition of any structures on site that offer potential to support bats shall be undertaken until a pre demolition bat emergence survey and destructive search of all structures has been undertaken. The survey shall be undertaken between the months of April and September. In the event that bats are discovered all works on site, including demolition, shall stop and a full mitigation strategy shall be submitted to and approved, in writing, by the Local Planning Authority. Works shall continue in accordance with approved mitigation strategy.

Reason - To ensure protected species are appropriately protected and to comply with the NPPF and Policy R/OS13 of the Gosport Borough Local Plan Review.

15. The development hereby permitted shall not be brought into use until the areas shown on the approved plan for the parking and turning of vehicles shall have been made available, surfaced, and marked out, and these areas shall be retained for those purposes at all times.

Reason - In the interests of highway safety and to ensure adequate parking is provided and retained, and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.

16. Before the development is first brought into use the approved long stay cycle parking and refuse storage, including the bin collection point, shall be provided. The approved long stay cycle parking and refuse storage shall be retained at all times unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - In order to ensure that adequate long stay cycle parking and refuse storage is provided in compliance with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

17. Before development above slab level is commenced details of short stay cycle parking shall be submitted to and approved, in writing, by the Local Planning Authority. The short stay cycle parking shall be provided in accordance with the approved details prior to the first occupation of the first dwelling and retained at all times unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure adequate short stay cycle parking is provided and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.

18. The development shall not be occupied until the boundary treatments shown on approved drawing reference no. 10-1729-100 Rev P9 (received 17.05.13) have been erected in accordance with that plan. The approved boundary treatments shall be retained at all times thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - In the interests of the amenities of the neighbouring properties, to preserve the setting the Locally Listed Building and to comply with Policies R/DP1 and R/BH5 of the Gosport Borough Local Plan Review.

19. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out, until a strategy detailing how this unsuspected contamination is to be dealt with has been submitted to and approved, in writing, by the Local Planning Authority. Works shall thereafter continue in accordance with the approved strategy.

Reason - In the interests of the safety and amenity of future users of the site and to comply with the NPPF and Policies R/DP1 and R/EVN5 of the Gosport Borough Local Plan Review.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no development permitted by Schedule 2, Part 1, Classes A, B, C and E shall be constructed with the prior written approval of the Local Planning Authority.

Reason - In the interests of the amenities of the occupiers of the proposed and neighbouring properties and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), nothing over 0.6 metres in height above the level of the carriageway shall be erected between the points marked A - A on plan no. 10-1729-100 Rev P9 received 17.05.13.

Reason - In the interests of highway safety and to comply with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

ITEM NUMBER: 03.
APPLICATION NUMBER: 13/00009/FULL
APPLICANT: Mr & Mrs May
DATE REGISTERED: 02.01.2013

ERECTION OF TWO STOREY SIDE/REAR EXTENSION AND FRONT PORCH (as amended by plans received 02.04.13)
51 Western Way Gosport Hampshire PO12 2NF

The Site and the proposal

Sited on the north side of Western Way, the application property is a detached two storey dwelling of brick construction with a tiled roof. The first floor of this property is finished with a white render. The rear, north elevation of the property is staggered. The east boundary of the site is formed of fencing approximately 1.8m high which extends from the rear, north boundary to approximately level with the front south, elevation of the property. The west boundary of the site is also approximately 1.8m high and is formed of a mixture of fencing and vegetation. On the east elevation of the dwelling is a garage 3m wide, 7.1m long, 2.3m high to the eaves and 4.5m to the ridge of the hipped roof. This garage is set off the east boundary of the site by approximately 1m. The internal dimensions of the garage are 2.7m wide and 5.5m long. At the front of the property is an area of hardstanding which is accessed from Western Way via an existing dropped kerb. In the east elevation of the property are three windows at ground floor level (two serving the garage and one serving the kitchen) and two windows at first floor level (one serving the landing and one serving a toilet). The rear, north elevation of the property incorporates three windows at ground floor level (one serving the dining room, one serving a pantry and one serving the kitchen) and two windows at first floor level (one serving a bathroom and one serving a bedroom).

The dwelling to the east, no. 53, is of similar size and appearance to no. 51. This property is set off the west boundary of the site by approximately 1.2m and there is a separation distance of 2.2m between nos. 53 and 51. On the rear, north elevation of no. 53 is a two storey extension. This extension is approximately 5m deep and extends the width of the rear of the property. This extension extends beyond the rear elevation of no. 51 by approximately 1m. In the north elevation of this extension are three windows at first floor level and three at ground floor level.

The dwelling to the west, number 49, is a detached chalet bungalow. This dwelling is set off the east boundary of the site by 1.6m and there is a separation distance of approximately 2.6m between numbers 51 and 49. The roof ridge of this property runs east west and is gabled at each end. This property has dormer windows in both the north and south roof slopes. In the east gable end, facing the application property, is one window serving a bedroom which is also served by the dormer window in the front, south elevation. In the east elevation at ground floor level is one window serving an integral garage.

This application proposes the erection of a two storey side/rear extension and a front porch. The proposal would wrap around the north east corner of the main dwelling. The two storey side element will replace the existing garage on the east elevation and would be 13.3m long, 3m wide, 5.3m high to the eaves and 8.1m to the ridge. The ridge of this roof would be set down from that of the main dwelling by 1m. In the east elevation would be two windows at ground floor level and one obscure glazed window at first floor level which would serve a bathroom. The rear two storey extension would be a total of 10m wide and 5.3m high to the eaves and would incorporate two sets of folding doors at ground level and two first floor windows. The extension would project 3m beyond the furthest part of the rear, north elevation of the dwelling, 6.2m beyond the north elevation of the existing garage and 4.1m beyond the west flank wall of the dwelling. The roof of the rear element of the proposal would be formed of two separate hipped roofs, both with a ridge height of 7.5m. The front porch would be 3.1m wide, 1.3m deep, 2.3m high to the eaves and 3.4m to the top of the hipped roof. The porch would be set in 4m from the east boundary and 5m from the west boundary. The proposal would be constructed of materials similar to the existing dwelling using matching brick, grey roof tiles and a white render finish at first floor level.

Amended plans were received on 02.04.13 which clarified the location of the east boundary of the site following concerns it was incorrectly shown on the original plans. These plans also show the parking area at the front of the property following works carried out in order to increase the area that can accommodate the parking of vehicles.

Relevant Planning History

Nil

Relevant Policies

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/T11

Access and Parking

Consultations

Local Highway Authority

No objection subject to the provision of adequate car parking at the front of the property to mitigate the removal of the garage.

Response to Public Advertisement

13 letters of support

Issues raised:-

- the property was previously in a poor state of repair, the applicants have significantly improved this property and the proposal would further improve the looks of the property and the surrounding area
- the scale of the proposal reflects the size of the property
- the proposal would not create a terracing effect
- the proposal would add value to neighbouring properties
- the loss of light to the neighbouring properties would be marginal
- the removal of trees and hedges in the rear garden of no. 51 has already improved the light to the neighbouring properties
- the vehicles associated with the occupation of the occupiers should not have any weight in the determination of this application
- when vehicles are parked on the road other vehicles reduce their speed accordingly
- the existing garage is too small to store a modern car
- the applicants have improved the parking arrangements at the property and now provide ample parking space
- other properties in the area have large extensions
- the impacts of the proposal will be similar to the impacts created by the rear extension at no. 53
- the number of windows in no. 53 will let adequate light into the property
- the first floor side window at no. 49 currently causes loss of privacy to no. 51 and should be obscure glazed.

12 letters of objection (to original plans)

Issues raised:-

- the proposal will adversely affect the general character and appearance of the well established area
- the proposal will alter the skyline on the north side of western way
- the proposal will be out of character with other properties in the area
- the property will create a terracing effect by removing the openness between the houses leading to cramped development within the otherwise spacious location
- road safety issues by removing parking/garage and cars parking on the road

- the removal of the garage will make the property the only one property within the immediate location not to have a garage/covered parking
- significant loss of light to neighbouring properties
- the proposal would be unduly overbearing
- the application states that neighbours have been shown the plans. This is not true
- number 44 Western Way did not receive written communication of the proposal and there does not appear to be any advertisement of the proposal on an adjacent lamp post
- the proposal reduces the area available for parking
- the elevations do not show the proposed development in context with adjacent properties and no dimensions appear to have been given
- the architects drawings showing the east boundary of the site are incorrect

7 letters of observation (to original plans)

Issues raised:-

- the proposal will improve the look of the area
- the proposal will add value to the neighbours property
- the proposal will enhance the property
- there is already a large extension at the rear of no. 53 which is sited only 1m away from the boundary
- the work vehicles parked on the street are essential to the completion of the works
- there would be no impact on light or sunlight to no. 53 due to the path of the sun
- the side windows of no. 53 are small and cannot offer any significant amount of light inlet
- no impact to the patio area of no. 49
- the first floor window at no. 49 should be obscure glazed as it looks directly into the rear garden of no. 51 and the room to which it serves is also served by an addition larger window
- the applicants have removed a number of trees and bushes from the rear garden. These trees and bushes must have created a loss of light to the neighbours garden
- there have been improvements to the front of the property to accommodate more vehicles
- the nearby roads have no yellow lines, parking restrictions or otherwise
- there is no right to view
- the proposal would not create a terracing effect

1 letter of objection (to amended plans)

Issues raised:-

- some of the letters regarding this application are from people who do not live near the property and are friends of the applicants
- increase in vehicles associated with the building of the proposal
- road safety issues of vehicles associated with the property parking on the public highway
- applicants should have bought a larger property in keeping with their requirements in regards to the storage of vehicles

Principal Issues

1. The main issues in this case are the acceptability of the design of the proposal, the impact on the visual amenity of the locality and the amenities of the occupiers of the surrounding dwellings in terms of loss of light, outlook and privacy and the impact on pedestrian and highway safety.

2. The proposed extension has been designed with materials sympathetic to both the existing dwelling and neighbouring properties. Western Way is generally formed of detached dwellings which are large in scale. The scale, height and massing of this proposal is in keeping with both the application property and the residential character of the area. The roof forms of the proposal are compatible with both the application dwelling and the dwellings in the immediate area. Given the lower ridge height of the proposed extension and that the south elevation of the extension is set in 1.2m from the front, south elevation of the dwelling, the extension has a subservient appearance. The flank walls of the side and rear elements would be set in from the east and west boundaries of the site by approximately 1m which is a similar arrangement to the surrounding properties. In view of this and given the roof style of the proposal in relation to that at no. 53 and the smaller size of the dwelling to the west, no. 49, a terracing effect would not be created. The windows within the

extensions are of an appropriate form and size for the scale of the development. The porch fits comfortably with the appearance of the dwelling and would not form an incongruent feature in the streetscene. The proposal is, therefore, acceptable in design terms and will not have a detrimental impact on the appearance of the dwelling or the character and visual amenity of the area and complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

3. In view of the fact there are already first floor windows in the application property facing the rear gardens of the surrounding properties, there is already some element of overlooking and no significant increase in mutual overlooking or loss of privacy would occur as a result of the proposal. Taking into account the current separation distances between the application property and the neighbouring properties, the distance the extension would be set in from the east and west boundaries, the fact it would be sited on the north elevation of the dwelling and given the scale of the extension, it would not have an overbearing impact on the neighbouring properties. The rear element of the proposal would only project approximately 1.5m beyond the rear elevation of no. 53. In view of this and as the extension would be sited on the north side and taking into account the roof of the proposal would slope away from the dwelling, there would be no harmful loss of light to, or outlook from, no. 53. With regard to the dwelling to the west, no. 49, the rear element of the proposal would not project beyond the rear, north elevation of this property. This, together with the use of hipped roofs, would ensure there is no harmful loss of light to the rear garden of this dwelling. There may be some limited loss of light to, and outlook from, the east elevation of this property but this is not considered harmful given the window at ground floor level serves a garage, the window at first floor level is a secondary window to a bedroom which has a larger main window incorporated into the dormer window sited in the south roof slope and taking into account the separation distance of approximately 2.6m between no. 49 and the rear element of the proposal. In addition, concerns have been raised regarding the first floor window in the east elevation of no. 49 and its requirement to be obscure glazed but this window did not require planning permission at the time of its installation and was not required to be fitted with obscure glazing. Given the scale and siting of the proposed porch there would be no harmful impacts on the surrounding properties in terms of loss of light, outlook or privacy. The development is, therefore, acceptable and complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. This property originally had a single garage with an area of hardstanding in front which could comfortably accommodate the parking of one vehicle. It was noted during the Officer's site visit that the garage is not currently used for the storage of a vehicle. The internal dimensions of the garage are below those recommended by the Local Highway Authority and, therefore, the conversion of this garage to living accommodation does not constitute a loss of a parking space. It is noted that there are no parking restrictions in the immediate area. Notwithstanding this, works that have been carried out subsequent to the original plans, which are shown on the amended plans, have increased the area of hardstanding at the front of the dwelling and this can now accommodate parking for at least two cars. A planning condition is proposed to ensure this area is retained for the parking of vehicles. The proposal would increase the amount of parking at the application site by at least one space and, therefore, the development will not have an additional or harmful impact on parking or traffic conditions in the locality or highway safety and complies with Policy R/T11 of the Gosport Borough Local Plan Review.

5. The value of a property and the needs of the individual occupiers of a dwelling in respect of this particular planning application are not material planning considerations. Similarly, the historic state of repair of the property and its gardens and the occupation of the applicant and possible use of the application site for business purposes are not material to the consideration of this application. Although the planning system encourages dialogue between neighbouring properties, there is no legislative requirement for an applicant to do so. The original application and amended plans were advertised in accordance with the Council's publicity procedure by way of neighbour consultation letters. There is no requirement for the applicant to indicate other properties on a plan as part of the application and the purpose of the case officer's site visit is to assess the relationships between surrounding properties. The submitted plans are not required to label any dimensions as the plans are drawn to a metric scale from which the dimensions of any element of the proposal can be measured. It is the planning issues raised within the letters of representations that are taken into account and not the geographical source or relationship to the applicant. Some disturbance to traffic

and parking arrangements during the construction process is possible, but any obstruction of the public highway is a matter that would be dealt with by the Police.

RECOMMENDATION: Grant Permission

Reason(s) for granting permission:

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location. It is acceptable in design terms and will not have a harmful impact on the neighbouring properties, would not be detrimental to highway or pedestrian safety and, as such, complies with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

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 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:

Plan 1, Plan 2, Plan 3.

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

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

Reason - To ensure satisfactory visual relationship of the new development to the existing, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. The area hatched in red on the approved Plan 1 for the parking of vehicles shall be retained for that purpose at all times unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - In the interests of highway and pedestrian safety, to ensure adequate parking is provided and retained and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.