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24 November 2014

S U M M O N S

MEETING: Regulatory Board
DATE: 2 December 2014
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 Gill) (ex-officio)
Chairman of the Policy and Organisation Board (Councillor Hook) (ex-officio)

Councillor Mrs Hook (Chairman)
Councillor Jessop (Vice Chairman)

Councillor Allen	Councillor Farr
Councillor Bateman	Councillor Hicks
Councillor Carter CR	Councillor Hazel
Councillor Dickson	Councillor Langdon
Councillor Ms Diffey	Councillor Wright

INFORMATION FOR MEMBERS OF THE PUBLIC

(To be read by the Chairman if members of the public are present)

In the event of the fire alarm sounding, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

Please note that mobile phones should be switched off or on silent for the duration of the meeting.

This meeting may be filmed or otherwise recorded. By attending this meeting, you are consenting to any broadcast of your image and being recorded.

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).

AGENDA

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 MEETING OF THE REGULATORY BOARD HELD ON 21 OCTOBER 2014
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 Friday, 28 November 2014. 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 on Friday, 28 November 2014).

6. VARIATION OF SECTION 106 AGREEMENT RELATING TO LAND AT MUMBY ROAD GOSPORT (PLANNING APPLICATION14/00076/OUT)

PART II
Contact Officer:
Linda Edwards
Ext: 5401

To consider a request to vary planning obligations.

7. 14/00320/FULL - CHANGE OF USE OF FORMER CORDITE MAGAZINE TO 1 NO. THREE BEDROOM DWELLING TOGETHER WITH PART DEMOLITION OF EXISTING BUILDING, ALTERATION TO EXISTING AND INSERTION OF NEW WINDOWS WITH ASSOCIATED HARD LANDSCAPING, ACCESS, CAR AND CYCLE PARKING (as amplified by information received 12.08.14, 27.08.14, 28.08.14 and 03.09.14)

PART II
Contact Officer:
Debbie Gore
Ext: 5455

An appeal has been made against the non determination of application reference 14/00320/FULL. This report considers the planning issues in respect of the application so that the Planning Inspectorate can be advised what the Council's decision would have been in this case.

Regulatory Board
2 December 2014

8. *REPORTS OF THE BOROUGH SOLICITOR AND DEPUTY CHIEF EXECUTIVE*
Schedule of planning applications with recommendations.
(grey sheets – pages 1-18)

9. ANY OTHER ITEMS
Which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.

PART II
Contact Officer:
Debbie Gore
Ext: 5455

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 21 October 2014 AT 6PM**

Chairman of the P & O Board (Councillor Hook), Councillors Allen (P), Bateman (P) , Carter (P), Dickson (P), Ms Diffey (P), Farr (P), Hicks, Hazel (P), Mrs Hook (P), Jessop (P), Langdon (P), and Wright (P).

It was reported that in accordance with Standing Order 2.3.6, Councillor Hylands had been nominated to replace Councillor Hicks for this meeting.

46. APOLOGIES

Apologies for inability to attend the meeting were submitted on behalf of the Mayor, Councillors Hook, and Hicks.

47. DECLARATIONS OF INTEREST

- Councillor Dickson advised that in respect of item 2 of the report of the Borough Solicitor and Deputy Chief Executive he had given an interview to The News with his views on the development so whilst he would remain in the room he would not take part in the debate or vote of the application.

48. MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 9 September 2014, be approved and signed by the Chairman as a true and correct record.

49. DEPUTATIONS

No deputations had been received.

50. PUBLIC QUESTIONS

No public questions had been received.

PART II

51. TREE PRESERVATION ORDER G.131 – EVERGREEN OAK TREE AT SINGLETON, FORT ROAD, GOSPORT

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting the Board to consider whether to confirm, confirm with modifications, or not to confirm Tree Preservation Order G.131 where a representation had been received.

Following discussions in relation to the maintenance of the tree the Head of Development Control clarified to Members that the Tree Preservation Order would protect the tree but would not preclude future works that may be required as an application for consent for such works would be considered at that time.

RESOLVED: That in accordance with the Town and Country (Tree Preservation) (England) Regulations 2012, and despite a letter of representation, the Board confirm Tree Preservation

52. REPORT OF THE BOROUGH SOLICITOR

The Borough Solicitor submitted a report on applications received for planning consent setting out the recommendation in each case.

RESOLVED: That the decisions be taken on each application for planning consent as detailed below:

**53. 13/00544/FULL - RETENTION OF AND FURTHER WORKS FOR THE ERECTION OF A TWO STOREY REAR EXTENSION AND SINGLE STOREY REAR EXTENSION
159 ELSON ROAD, GOSPORT, HAMPSHIRE, PO12 4AB**

Members were advised that the Officer's report had been withdrawn for this application. The Borough Solicitor and Deputy Chief Executive advised the Board that this item would be included in the next agenda for the Regulatory Board.

**54. 14/00420/FULL - DEMOLITION OF EXISTING HALL AND ANCILLARY ROOMS TO NORTH SIDE OF SITE AND CONVERSION OF BAPTIST CHURCH TO PROVIDE 4 NO. ONE BEDROOM FLATS AND 4 NO. TWO BEDROOM FLATS, ERECTION OF DORMER WINDOWS TO EAST AND WEST ELEVATIONS OF ROOF, INSTALLATION OF NEW AND ALTERATIONS TO EXISTING WINDOWS AND DOORS TOGETHER WITH ASSOCIATED CAR PARKING, CYCLE PARKING, BOUNDARY TREATMENTS AND LANDSCAPING (CONSERVATION AREA) (AS AMENDED BY PLANS RECEIVED 17.09.14 AND 3.10.14)
BAPTIST CHURCH 10-12 STOKE ROAD, GOSPORT, HAMPSHIRE, PO12 1JB**

Councillor Dickson advised that he had previously expressed his views on the development and he remained in the room but did not take part in the debate or in the voting thereon.

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 14/00420/FULL.

Members were advised that there were no updates.

In relation to a Members question concerning compliance with planning conditions Officers advised that the applicant would be made aware of the requirements of the conditions attached to any permission granted and that development on the site would be monitored.

Following a Members question in relation to signage being erected at the entrance of the access road not being detailed in the conditions of the Planning Officer's report, the Borough Solicitor and Deputy Chief Executive clarified that this would be amended.

RESOLVED: That application 14/00420/FULL – Baptist Church, 10-12 Stoke Road, Gosport, be approved subject to the payment of a commuted sum towards public Open Space and the payment of a commuted sum towards the Solent Disturbance and Mitigation Project and that delegated authority be given to the Head of Development Control, in consultation with the Borough Solicitor and Deputy Chief Executive, to clarify the

requirements relating to signage in the planning conditions and subject to the conditions in the Report of the Borough Solicitor and Deputy Chief Executive.

55. 14/00419/VOC – VARIATION OF CONDITION 2 OF PLANNING PERMISSION K5856/5 TO ALLOW ALTERATIONS TO THE APPROVED DRAWINGS, INCLUDING THE REMOVAL OF ROOF PARAPET, POSITION OF CHIMNEY AND AMENDED SITING OF GARAGE LAND ADJOINING 24 ASHBURTON ROAD, GOSPORT, HAMPSHIRE, PO12 2LJ

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 14/00419/VOC.

Members were advised that there were no updates.

RESOLVED: That application 14/00419/VOC – 24 Ashburton Road, Gosport be approved subject to the conditions in the Report of the Borough Solicitor and Deputy Chief Executive

56. 14/00411/GR3 REGULATION 3 – REMOVAL OF CONDITION 2 OF PLANNING PERMISSION K11618 RELATING TO AGE RESTRICTION 27-59 BLACKTHORN DRIVE, GOSPORT, HAMPSHIRE, PO12 4AZ

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 14/00411/GR3

Members were advised that there were no updates.

In relation to a Members question concerning why removal of the age restriction of the properties was being sought it was advised by the Borough Solicitor and Deputy Chief Executive that this information would need to be sought from the Housing Services Manager and that she would ask for an email to be circulated to Members of the Board addressing this point.

RESOLVED: That application 14/00411/GR3- 27-59 Blackthorn Drive, Gosport be approved.

57. ANY OTHER BUSINESS

Members were reminded by the Chairman that the Regulatory Board training was scheduled to take place on 8th November 2014 and that further details would be circulated shortly.

The meeting concluded at 6:19PM

CHAIRMAN

Board/Committee:	REGULATORY BOARD
Date of meeting:	2 DECEMBER 2014
Title:	VARIATION OF SECTION 106 AGREEMENT RELATING TO LAND AT MUMBY ROAD GOSPORT (PLANNING APPLICATION14/00076/OUT)
Author:	BOROUGH SOLICITOR AND DEPUTY CHIEF EXECUTIVE
Status:	FOR DECISION

Purpose

To consider a request to vary planning obligations.

Recommendation

To agree to vary the Section 106 Agreement dated 20 August 2014 relating to the development of land at Mumby Road Gosport (planning application, reference 14/00076/OUT) as set out in Paragraph 2.5 of this report.

1. Background

- 1.1 On 8 April 2014 the Regulatory Board considered a report on an application for the demolition of all existing buildings at Mumby Road Gosport (Mayfield Buildings) and the erection of a 1550 square metre food store (Class A1) and 1 no. 275 square metre commercial unit (Classes A1, A2, A3, A4, A5, B1 and D1) (Appearance, Layout, Scale, Access and Landscaping) and the erection of up to 48 no. residential units (Class C3)
- 1.2 The Regulatory Board resolved to Grant Planning Permission subject to:
 - appropriate conditions
 - appropriate planning obligations to secure the provision of, or a contribution towards, improvements towards highway and transport infrastructure; Traffic Regulation Orders; open space; educational facilities; affordable housing; ecological and recreational disturbance mitigation measures; and a training and employment plan.
 - The Board also delegated authority to the Head of Development Control, in consultation with the Borough Solicitor and Deputy Chief Executive, to determine the appropriate planning obligations, subject to viability assessments, and conditions.
- 1.3 The Section 106 Agreement containing planning obligations as set out above was completed and the planning permission issued on 20 August 2014. The Applicant has now asked the Council to agree to vary one of the planning obligations. The Parties to a planning obligation can agree to vary it but if the Council do not agree the Applicant can make an application to modify (vary) the obligation under Section 106 A of the Town and Country planning Act 1990. The test under the legislation is whether the obligation serves a useful purpose and if it would serve that purpose equally well with the modification.

2. Report

- 2.1 One of the issues raised by the application was that the proposed residential development would be likely to result in an increase in the recreational use of the coastline and feeding sites for over-wintering birds in the Portsmouth Harbour Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI).
- 2.2 Planning conditions securing the provision of interpretation boards/information panels on the vicinity of the site were imposed and a planning obligation was also required to secure a contribution towards improvements/enhancements to existing recreational space in the Borough hereby helping to promote the use of alternative sites in the Borough, to off-set any net increase in the recreational use of the nearby coastline, this was in addition to the Council's more usual requirement for a contribution towards the provision and/or improvement of Open Space in the Borough, in accordance with the requirements of the NPPF and Policy R/OS8 of the Gosport Borough Local Plan Review. The Regulatory Board agreed that the planning obligations excluding the ecological mitigation/recreational disturbance measure would be subject to a viability assessment to demonstrate that they can be paid without making the development unviable.
- 2.3 The PUSH authorities including the Council have been working with organisations including Natural England to set up the Solent Recreational Mitigation Partnership to identify measures which would mitigate the impact of residential development on protected habitats in the Solent Area. At the time of negotiating and completing this Section 106 Agreement the manner in which developments were to contribute to a package of mitigation measures had not yet been agreed. The Council had identified the Alver Valley Country Park, as a pilot project, where improvements could be made to mitigate the impact of the recreational disturbance. In these circumstances the planning obligation secured that a contribution calculated in accordance with the Open Space formula would be provided and be applied to schemes in the Alver Valley. Under the Habitats Regulations 2010 any plan or project can only lawfully go ahead if it can be shown that the development, either on its own or in combination with other plans or projects, will have no adverse effect on the integrity of the SPA. Without this mitigation the development cannot begin and therefore the obligation was payable irrespective of the viability of the development.
- 2.4 Since the completion of the Section 106 Agreement, agreement has been reached by the Solent Recreation Mitigation Partnership that for each residential unit the sum of £172 will be payable to be used to secure a package of mitigation measures in the Solent area including ranger schemes and improvements to the Alver Valley Country Park.
- 2.5 The Applicant has now requested that in view of the agreement now reached on the mitigation measures that the Council vary the Section 106 Agreement so

that they pay a contribution of £172 per dwelling mitigate the impact from recreational disturbance and to be used for any of the measures identified by Solent Recreation Mitigation Partnership which will be payable irrespective of the viability of the development and that the existing Open Space Contribution is used to provide improvements/enhancements to open space in the Borough which would include the Alver Valley Country park. This Open Space Contribution would be payable subject to the viability of the development as are the obligations relating to Affordable Housing, Education and Transport Infrastructure.

- 2.6 Given the agreement reached by the Solent Recreation Mitigation Partnership on the mitigation measures the Applicants request is reasonable and consistent with the approach set out in relation to viability in the previous report to the Regulatory Board.

3. **Risk Assessment**

- 3.1 As the Applicant is proposing a modification which would secure mitigation at the level now imposed by the Council and their proposal in relation to the Open Space Contribution is consistent with the report to Regulatory Board if such an application was made and refused by the Council it is likely that on appeal the modification would be approved.

Financial Services comments:	Contained in the report
Legal Services comments:	Contained in the report
Service Improvement Plan implications:	The planning application is a part of the delivery of a key project
Corporate Plan:	The planning application is a part of the delivery of a key project
Risk Assessment:	See Section 3
Background papers:	Report to Regulatory Board 8 April 2014 Letter from Applicant's Planning Consultant dated 5 November 2014
Appendices/Enclosures:	None
Report author/ Lead Officer:	Linda Edwards

AGENDA ITEM NO. 07

Board/Committee:	REGULATORY BOARD
Date of Meeting:	2 DECEMBER 2014
Title:	14/00320/FULL - CHANGE OF USE OF FORMER CORDITE MAGAZINE TO 1 NO. THREE BEDROOM DWELLING TOGETHER WITH PART DEMOLITION OF EXISTING BUILDING, ALTERATION TO EXISTING AND INSERTION OF NEW WINDOWS WITH ASSOCIATED HARD LANDSCAPING, ACCESS, CAR AND CYCLE PARKING (as amplified by information received 12.08.14, 27.08.14, 28.08.14 and 03.09.14)
Author:	BOROUGH SOLICITOR AND DEPUTY CHIEF EXECUTIVE
Status:	FOR CONSIDERATION

Purpose

An appeal has been made against the non determination of application reference 14/00320/FULL. This report considers the planning issues in respect of the application so that the Planning Inspectorate can be advised what the Council's decision would have been in this case.

Recommendation

That if an appeal had not been made the application would have been refused for the reasons set out in paragraph 9.0 of the report.

1.0 Background

1.1 The site originally formed part of the Priddy's Hard Ordnance Depot. Following the closure of Priddy's Hard, the Ministry of Defence applied for Outline Planning Permission for up to 700 houses under planning reference K14026. In approving that application, the Secretary of State for Defence and Gosport Borough Council entered into an Agreement under Section 299A of the Town and Country Planning Act 1990 securing a 'Management Plan Relating to Environmental Protection', providing mitigation for the housing development approved. Within the agreement, the north eastern magazine, to which this application relates, and the moat were to be retained and protected from development to provide conditions suitable for the retention and breeding of the Great Crested Newt (GCN). A Nature Conservation Management Plan was approved by the Borough Council in July 1999 and the residential scheme was then developed around this acknowledged area of nature conservation importance. Details of the fencing surrounding the nature conservation area were approved under application reference

K15490.

- 1.2 Application reference 14/00320/FULL proposes the change of use of the former cordite magazine (ammunitions store) to a three bedroom dwelling together with part demolition of the existing building and other alterations to facilitate the change of use.

2.0 Application Site and Surroundings

- 2.1 The site is located on the southwest side of Britannia Way and forms part of a wider site originally identified within the Gosport Borough Local Plan Review 2006 as the 'Priddy's Hard Nature Conservation site' and subsequently designated as a Site of Importance for Nature Conservation (SINC), for its nature conservation importance, reflected within the Gosport Borough Local Plan 2011-2029. It is also designated as existing open space within the Gosport Borough Local Plan 2011-2029. There is an existing Tree Preservation Order (G130) covering some of the trees within the application site. On the site is an existing single storey building formerly used as a munitions store constructed from brick, with a low pitched roof. The building is rectangular in shape and in excess of 25m long, 18.5m wide and 5m high. It has five windows on its east and west (side) elevations with two pairs of doors on the south (rear) elevation, with windows situated directly above. The north (front) elevation has two pairs of doors with four high level windows spaced across the elevation. The fenestration on each elevation is generally symmetrical. Surrounding the building is a levelled area, in a generally circular shape, with substantial embankments beyond which extend, approximately to the height of the building. Other than the area within the embankments, pathways and part of an historic road, which form a level access to the site, the remainder of the site mainly consists of woodland and dense scrub.
- 2.2 The area surrounding the building consists of the existing embankments, woodland, ponds/moats, a further magazine and the remaining habitat making up the SINC, all of which is surrounded by a 2m high fence. There are two embankments surrounding the application site, with that to the east, west and south forming a horseshoe, with an opening to the north, beyond which is a further embankment. The other magazine within the site, which falls outside of this application site but also within this fenced off SINC, was also protected from development under the S.299A Agreement to provide protection for the badger sett located within that area. Further provisions within the agreement related to other areas outside of this enclosed land. Beyond the SINC to the north is a small parking area, accessed from Britannia Way, which also serves as a pedestrian cycleway leading to the open space to the east of the SINC. The remaining boundaries of the SINC are bordered by Britannia Way and residential properties.

3.0 Relevant Planning History

- 3.1 K14026 - outline - erection of up to 700 residential units - permitted 24.02.98
K15490 - details pursuant To K14026 - construction of cycleways/footpaths, and laying out and landscaping of open space and nature conservation areas - permitted 07.11.01
- 3.2 The Ministry of Defence transferred the land to Barratt Homes (Southampton) Ltd and signed the S.299A Agreement protecting the site from development and securing the north eastern magazine and moat to provide conditions suitable for the retention and breeding of the Great Crested Newt, clearly indicating their intention that the site should no longer be used for storage. It is the local planning authority's view this resulted in the site's former use as a storage building being abandoned. Barratt's subsequent application reference K15490 indicated that the site should be a nature conservation area, providing details of the fencing surrounding it along with other information and having regard to the length of time the building has been vacant, its physical condition and the owner's intention noted above, the use for storage purposes could not be commenced without further planning permissions. There is, therefore, currently, no lawful storage use of the site.

4.0 The Proposal

- 4.1 The proposal is for the part demolition and alteration of the existing building and its conversion to a single dwellinghouse. The proposal would involve the demolition of the southern part of the building, resulting in a reduction in its length of approximately 8m, around one third of its current length. Internally, mezzanine floors would be provided across parts of the building, notably in the centre, southwest and northwest corners. The new south elevation of the property would be largely glazed with a low level garden store to the western end. An integral double garage is proposed towards the western end of the north elevation, with a new window directly above of the same length. Two additional ground floor windows are proposed on the north elevation and on either side of the eastern pair of doors, directly below the existing windows. Amendments to the existing fenestration, along with additional windows and doors are proposed on both the east and west elevations. This would result in three first floor windows, two ground floor windows and a pair of doors on the west elevation and three first floor windows, four ground floor windows and a pair of doors on the east elevation. Solar panels are proposed towards the southern end of the building, situated on a framework on the roof. A more formalised hard surfaced area would be created to the south of the building with the remainder of the area around the building being used as garden. The proposal also includes the provision of a new 3m wide permeable drive accessed from Britannia Way that would generally following the line of the

existing fence, before turning through the levelled area between the embankments and lead to the existing opening within the horseshoe shaped embankment, utilising part of the existing concrete access. Adjacent to this opening in the embankment, a turning head is also proposed.

- 4.2 The applicant has submitted an additional Great Crested Newt and Reptile Survey, a Topographical Survey and a Tree Survey in support of the application.

5.0 Relevant Policies

- 5.1 In March 2012, the Government published the National Planning Policy Framework (NPPF), which is now the principal Policy Guidance under which planning applications must be considered and determined. The principal aim underlying the NPPF is to provide sustainable and socially cohesive communities that are adaptive to climate change.

- 5.2 The adopted development plan is the Gosport Borough Local Plan Review, 2006. The following Saved Policies of the Gosport Borough Local Plan Review are relevant to the consideration of the application:

R/DP1

General Standards of Development within the Urban Area

R/DP3

Provision of Infrastructure, Services and Facilities

R/T4

Off-site Transport Infrastructure

R/T11

Access and Parking

R/H4

Housing Densities

R/BH8

Archaeology and Ancient Monuments

R/OS8

Recreational Space for New Residential Developments

R/OS12

Locally Designated Areas of Nature Conservation Importance

R/OS13

Protection of Habitats Supporting Protected Species

R/ENV5

Contaminated Land

R/ENV11

Minimising Light Pollution

R/ENV14

Energy Conservation

- 5.3 The emerging Gosport Borough Local Plan, 2011 – 2029 has been the subject of two public consultations and is due for Examination in

Public in early 2015 and adoption in summer 2015. The policies within this document therefore also need to be given weight in decision making, where appropriate. The following Policies within the Gosport Borough Local Plan, 2011 – 2029 (Publication Version 2014) are relevant to the consideration of the application:

- LP1
Sustainable Development
- LP2
Infrastructure
- LP10
Design
- LP13
Locally Important Heritage Assets
- LP15
Safeguarded Areas
- LP23
Layout of Sites and Parking
- LP24
Housing
- LP35
Protection of Existing Open Space
- LP43
Locally Designated Nature Conservation Sites
- LP42
International and Nationally Important Habitats
- LP44
Protecting Species and Other Features of Nature Conservation Importance
- LP47
Contamination and Unstable Land

6.0 Summary of Consultation Responses

Hampshire County Council (Ecology)

The site is within Priddy's Hard Site of Importance for Nature Conservation (SINC) and thus any development proposals here would not be in accordance with Policy LP44 of the Gosport Borough Council Consultation Draft Local Plan 2011-2029 nor Policy R/OS12 of the GBC Local Plan Review 2006. It is for the applicant to demonstrate that the features for which the SINC has been designated (namely several notable plant species) will not be impacted by the proposals. It is for GBC to determine whether allowing development within a SINC is an acceptable way forward. Local policy would appear to dictate that such impacts are not acceptable. It must be considered whether the interests of the SINC would be better served by the proposal than without it.

There is a requirement to either undertake a site-specific Habitat

Regulations Assessment (HRA) or commit to financial contributions towards the offsetting of recreational impacts on the adjacent European designated sites.

Great Crested Newt (GCN)

There are no overriding issues with the quality of ecology work carried out: surveys have identified a GCN population and mitigation has been suggested. The proposed mitigation measures would ensure that GCN are accounted for during the development works and that a scheme of habitat improvement and monitoring will be in place. A request has been made that more detailed mitigation measures are provided (this is in recognition of this being the only extant population of GCN in the Borough). There is no overriding reason why the proposed works could not be carried out under a European Protected Species Mitigation licence or why such a licence would not be granted.

Reptiles

As with the GCN, there is a lack of firm detail and particularly the absence of a site plan showing the location of reptiles and reptile mitigation.

Bats

The building is not currently used by bats, however, details on impacts to foraging or commuting bats have not been provided.

Badgers

Badgers are highly likely to be a constraint during construction and there is an obligation to ensure that badgers are not harmed during such works. There is at present no detail on proposed mitigation measures for badgers. Local residents appear to suggest that badgers are present.

Defence Infrastructure Organisation

No objection subject to conditions relating to the control of glazing within the building.

Hampshire & Isle Of Wight Wildlife Trust

Object to the proposal as it is wholly within a SINC and there is insufficient evidence to determine that an offence will not be committed against European (Great crested newt *Triturus cristatus*) and nationally protected species (reptiles). On a point of principle the Trust is opposed to development proposals on sites that have been designated for their nature conservation value.

Natural England

The site is located within 5.6km of the Portsmouth Harbour SPA. The impact on the SPA and in particular recreational disturbance, therefore, needs to be considered and mitigated in line with the SDMP.

Published Standing Advice needs to be used in considering impacts on protected species.

Hampshire County Council Landscape, Planning & Heritage

The site is of considerable historical interest and although the building is not designated, it should be viewed within the wider historical context of the Priddy's Hard complex as a whole. A report/assessment should have been submitted with the application, with evidence the design had been informed by the assessment. However, would defer to the Local Planning Authority's Conservation Officer to consider the appropriateness of the design and sufficiency of the submission.

Conditions relating to a Written Scheme of Investigation for both archaeological work and building recording and the preparation of a report following completion of archaeological fieldwork, should be imposed if the Council is minded to grant permission.

Hampshire Fire And Rescue Service

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations and the Hampshire Act 1983 Sect.12.

From the information provided it is unclear if suitable access for firefighting appliances and personnel is provided therefore a detailed assessment at Building Regulation stage should be made.

Building Control

This proposal requires a Building Regulation Application.

Access for the Fire Brigade will need to conform to ADB-B5 in terms of road width 3.7, capacity 12.5, turning circle. Access for refuse collection exceeds the requirements 24/30m travel to deposit/pickup refuse.

A soil report will be required and drainage provisions will need to be considered. MoE windows will be required along with a full thermal assessment.

Environmental Health

NOISE

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. Work operations, that result in noise being audible at the site boundary, should 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 in accordance with best practice. The contractor should consult the Health & Safety Executive when removing asbestos materials.

LIGHT POLLUTION

Any additional lighting should not cause glare or spillage which may cause nuisance to neighbouring premises. The contractor should demonstrate best practice by adopting the recommendations of Guidance notes for the reduction of Light Pollution 2000 - The Institution of Light Engineers.

CONTAMINATED LAND

The Council has not undertaken any inspection of the property under its contaminated land strategy at any time in the past 10 years, however, this is a possibly contaminated site. Conditions should be imposed on any permission and should relate to a desk study investigation and site walkover of the site and should this study reveal a potential for contamination, an intrusive site investigation should be carried out. Where necessary a strategy of remedial measures and detailed method statements to address identified risks shall be submitted, agreed and implemented.

Streetscene Parks & Horticulture

No objection - The content of the tree survey, classification, root protection measures and tree work schedule is noted and given the density of tree cover within the site a condition requiring the protection measures will be necessary, along with regular monitoring. The trees identified for removal, 1 Oak and 1 Birch are not worthy of protection as individual trees, or as part of groups and their removal would not have an adverse impact upon the visual amenity of the site.

Streetscene Waste & Cleansing

Proposed development leaves sufficient space for storage of 2 x 240 litre wheeled bins on property.

Wheeled bins will have to be present in Britannia Way for collection, therefore current proposals for driveway would require the residents to manoeuvre the bins over a distance in excess of 30 metres.

Local Highway Authority

No objection subject to conditions regarding hard surface materials.

A non-migratory material should be used on the drive for the first 5 metres back from the public highway. A transport contribution would be required for the development. The double garage would be suitable for cycles as well. A license will be required to create the new access.

7.0 Public Response

57 letters of objection received

Issues raised:

- no overriding need for a house in this location
- appears the site is being considered as previously developed land but it has not been used for a number of years
- will set a precedent for more housing on the site
- the building forms part of a site of historical significance. Although not Listed, the building could be important locally and the development would, therefore be contrary to Policy LP3 and LP11-13
- Site is likely to remain contaminated and could have explosives remaining as it was not decontaminated with the remainder of the site and could result in additional pollution from previous use
- The site is protected as a 'Site of Importance for Nature Conservation' (SINC) and was designed as a nature reserve following redevelopment of the former MOD land and is fully enclosed to keep people out and to allow the habitat and wildlife to thrive
- Part of the original Priddy's Hard mitigation area has been lost by the development on Felicia Park
- proposal is not conducive to the Council's original aim to protect badgers and newts and noted in the original development brief and the management plan indicates that the whole area will be protected from development
- the proposed road goes across existing badger runs and construction work and use of the site will have a significant impact on wildlife, including badgers, foxes, woodpeckers, jays, newts, amphibians, slow worms, bats and squirrels along with trees and existing wildlife, including predation effects and those from the use of pesticides
- if there was a fire the water environment may become polluted with

fire water run off

- the ecology report is flawed and it misses a number of species that are apparent on the site and the other supporting documents seem to have errors within them
- proposed access will require the felling of a number of trees which currently provide effective screening
- loss of privacy
- proposed access would conflict with pedestrians and cyclists due to blind corner
- some clearance works have already commenced
- application has had insufficient advertising
- proposal does not comply with building regulations requirements for fire access
- loss of property value

3 petitions of objection including 15 signatures from 11 addresses

Issues raised:

- the application should be refused
- no community need for this type of housing
- inappropriate to erect any building within the SINC
- the site is enclosed to allow the habitat and wildlife to thrive

1 letter of observation

- would rather see a three bedroom house than it retain its commercial use, or a more dense residential development
- would object if Barratt's original commitments were ignored, some of which are yet to be implemented
- will building times be limited and the developer ensure that contamination does not leak into the water table?
- will the trees on site be managed properly?

8.0 Principal Issues

- 8.1 The effect on property value cannot be considered through the planning process. Clearance works do not normally require planning permission and any activities undertaken that could harm any protected species, in contravention of any wildlife legislation, would be a matter for investigation by the Police. The application was publicised in accordance with the Council's Statement of Community Involvement and adopted procedures using neighbour notification letters and site notices. Issues relating to access by the Fire Service would be dealt with under the Building Regulations, as noted within the consultation Responses. Each application is required to be determined on its own merits and any approval given on this land would not necessarily impact on the acceptability of proposals on other sites. The main issues for consideration in this case are, therefore, whether the proposals are acceptable in principle, whether it is appropriate within the Site of Importance for Nature Conservation (SINC), or would have an adverse impact on protected species, whether it would have a harmful impact on the amenities of the

adjoining occupiers, highway or pedestrian safety, whether it would result in an unacceptable risk from contamination, have a detrimental impact on historic assets, whether the alterations to the building are of an appropriate design, whether the proposal would have a detrimental impact on the existing trees, whether it would address issues of recreational disturbance, and whether would make adequate provision towards the provision and/or improvement of Open Space in the Borough and transport and highway improvements.

- 8.2 As noted above, the site is designated as a SINC which although not statutorily protected, is an important consideration in the determination of this application. Policy R/OS12 of the Gosport Borough Local Plan Review confirms that development likely to have an adverse effect on a SINC will not be permitted, unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the site, which in this case primarily relates to plant species. Policy LP43 of Gosport Borough Local Plan 2011-2029, confirms that planning permission will not be granted on locally designated sites unless it can be clearly demonstrated that the benefits of the proposal outweigh the need to protect the nature conservation value of the site. In this case it has not been clearly demonstrated that there is any benefit from this proposal that outweighs the need to protect the value of the site for nature conservation as a whole, nor is there any evidence that this would be the case and, therefore, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, notably paragraphs 77, 109 and 118 and Policies R/OS12 and LP43 and is unacceptable in principle. It also continues to be required as mitigation for the original housing scheme as set out within the existing S.299A Agreement.
- 8.3 Policy R/OS13 of the of the Gosport Borough Local Plan Review and Policy LP44 of Gosport Borough Local Plan 2011-2029 state that where there is an adverse impact on a habitat supporting a protected species, development will not be permitted unless it can be clearly demonstrated that there is an overriding need for that development. Great Crested Newts and their breeding and resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981. The applicant's Ecology Report by PJC Ecology confirms that the development will involve the removal and clearance of suitable terrestrial Great Crested Newt habitat in the construction of the new driveway. The report also confirms that some temporary disturbance and potential damage of habitat in close proximity to the existing building is likely. Notwithstanding the additional information submitted by the applicant, there would be an adverse impact in this case and there is no evidence of any overriding need for the development. With regard to the other protected species on site, the applicant has had a number of surveys

undertaken, however, there is still a lack of detail in respect of mitigation for badgers, particularly during construction, information regarding the impacts of the proposal on the foraging and commuting of bats and a lack of detail in respect of the location of reptiles and any appropriate mitigation. Such a proposal would inevitably have other impacts from normal day to day activity associated with a residential use which further highlights the unacceptability of this proposal. The site can continue to be managed as a suitable nature conservation habitat, without the redevelopment of the building. The applicant has, therefore, failed to demonstrate that the proposals would not result in harm to protected species living on, or utilising the site, and the proposals would, therefore, be contrary to the aims and objectives of the National Planning Policy Framework, notably paragraphs 77, 109 and 118 and Policy R/OS13 of the Gosport Borough Local Plan Review and Policy LP44 of Gosport Borough Local Plan 2011-2029.

- 8.4 This site and the wider SINC, along with the land to the east are designated within the Gosport Borough Local Plan 2011-2029 as existing open space, to which Policy LP35 refers. This Policy confirms planning permission will not be granted on existing open space, as identified within the Local Plan, except where it is for recreation and/or community facilities, or alternative provision is made available of equivalent or greater community benefit. This proposal does not relate to recreation or community facilities, nor does it make alternative provision required by the policy. The proposals would alter the character of the existing open space, with the introduction of a residential use and its associated activities and, as such, the proposal would result in an incompatible use within the existing open space, contrary to the aims and objectives of the National Planning Policy Framework, notably paragraphs 74, 76 and 77 and Policy LP35 of the Gosport Borough Local Plan 2011-2029.
- 8.5 The building within the site is not a Listed Building, it is not on the list of locally important buildings, nor is it within a designated Conservation Area, however, it is considered to be an undesignated heritage asset in view of its historic connection within Priddy's Hard. Notwithstanding there are principle concerns regarding the redevelopment of the site, as noted above, the proposed alterations are not considered to be sympathetic to the existing form of the building. The proposed fenestration fails to respect the symmetry of the existing openings within the building, and whilst more glazing within the south elevation would be acceptable, the complete loss of the wall is not considered to be an appropriate design solution. Internally the arrangement of the rooms fails to allow for a large full height space in at least part of the extensive structure so as to retain some appreciation and understanding of the historic space. The proposals would therefore be inappropriate alterations to this undesignated heritage asset by reason of their unsympathetic design and appearance, contrary to the aims and objectives of the National

Planning Policy Framework, notably paragraph 64, and Policy R/DP1 of the Gosport Borough Local Plan Review and LP10 and LP13 of the Gosport Borough Local Plan 2011-2029.

- 8.6 With regard to the issue of archaeology, it would be appropriate to secure further work, as suggested by the County Archaeologist in the form of a Written Scheme of Investigation for both archaeological work and building recording and the preparation of a report following completion of archaeological fieldwork, which could be secured by planning condition, if the development was considered acceptable in other respects. The proposals would, subject to conditions, accord with Policy R/BH8 of the Gosport Borough Local Plan Review and Policy LP13 of the Gosport Borough Local Plan 2011-2029 in this respect.
- 8.7 A tree report has been submitted which sets out a number of measures to ensure the protection of the trees on the site during the construction phase and the removal of the trees identified within the report is acknowledged by the Council's Arboricultural Officer as appropriate. The recommended measures could be controlled through the imposition of conditions, if the development was considered acceptable in other respects, and, as such, there would be no detrimental impact on the existing trees. The proposals would, therefore, be in accordance with Policy R/DP1 of the Gosport Borough Local Plan Review and Policy LP10 of the Gosport Borough Local Plan 2011-2029 in this respect.
- 8.8 The provision of the new access road would result in more activity alongside Britannia Way, however, such activities would not result in a harmful impact on the occupiers of adjoining properties in terms of, noise and disturbance in view of the proximity of the existing highway. The proposed house is located behind the existing bunds and is not visible from outside of the site and would not have a detrimental impact on the amenities of the occupiers of adjoining properties in terms of loss of light, privacy, or outlook. Notwithstanding the principle objections to the scheme, the proposals would therefore accord with Policy R/DP1 of the Gosport Borough Local Plan Review and Policy LP10 of the Gosport Borough Local Plan 2011-2029.
- 8.9 The requirement within the Council's Parking Supplementary Planning Document for a three bedroom house is 2 car parking spaces and 3 cycle spaces. The application proposal makes adequate provision for the required car parking and cycle storage, within the garage and hard surfaced area. The provision of these parking facilities, details of the hard surfacing and turning head, which would enable vehicles to enter and leave in a forward gear, could be controlled through the imposition of conditions, if the development was considered acceptable in other respects. Whilst concerns regarding the proposed access have been expressed within

some of the representations, the Local Highway Authority has not raised objection (confirming that a license will be required for its creation), and, overall, the proposal would not have a detriment impact on pedestrian or highway safety. The proposals would accord with Policy R/T11 of the Gosport Borough Local Plan Review and Policy LP23 of the Gosport Borough Local Plan 2011-2029 in this respect.

- 8.10 The issue of contamination has not been fully addressed within the application submission and there is potential for contamination to be present on site. In accordance with the comments from the Head of Environmental Health, it would be possible to control measures to assess the possible contamination risks, site investigations and remediation, through the imposition of conditions if the development was considered acceptable in other respects. Subject to these conditions, the proposals would accord with Policy R/ENV5 of the Gosport Borough Local Plan Review and Policy LP47 of the Gosport Borough Local Plan 2011-2029 in this respect.
- 8.11 This proposal would introduce an additional residential unit which generates a requirement for a contribution towards the provision of open space, in lieu of any on-site provision. In addition, as noted by Natural England, the development would result in increased recreational pressure on the coast and a consequential impact on the protected species for which the Portsmouth Harbour SSSI/SPA/Ramsar site is designated. To address this impact, a contribution towards appropriate mitigation within the Borough would be required. The applicant would also be required to make a contribution towards transport and highway improvements, in accordance with Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review, due to the additional impact of the net increase in dwelling numbers. The applicant has not put in place measures to secure a commuted sum towards the provision and/or improvement of outdoor playing space, mitigation towards recreational disturbance and/or transport and highway improvements. The proposal would, therefore, be contrary to the aims and objectives of the National Planning Policy Framework, notably paragraphs 30, 58, 73 and 118 Policies R/OS8, R/DP3, R/T4, R/OS11 of the Gosport Borough Local Plan Review and Policies LP2, and LP42 of the Gosport Borough Local Plan 2011-2029.

9.0 Reasons for Refusal

1. The proposed residential development would result in an incompatible use, within this designated Site of Nature Conservation Importance (SINC), and would not provide any benefits to outweigh the need to protect the nature conservation value of the site, contrary to the National Planning Policy Framework, notably paragraphs 77, 109 and 118, the aims and measures within the existing S.299A Agreement and Policies R/OS12 and R/OS13 of the Gosport

Borough Local Plan Review and Policies LP43 and LP44 of the Gosport Borough Local Plan 2011-2029.

2. Insufficient information has been submitted to fully assess the impacts of the proposals on the wildlife interests of the site, including those protected species, and the proposals, therefore, fail to demonstrate that the proposals would not result in harm to protected species living on, or utilising the site, contrary to the National Planning Policy Framework, notably paragraphs 77, 109 and 118, the aims and measures within existing S.299A Agreement and Policy R/OS13 of the Gosport Borough Local Plan Review and Policy LP44 of the Gosport Borough Local Plan 2011-2029.

3. The proposed residential development does not relate to the provision of recreation and/or community facilities and, as such, would result in an incompatible and unacceptable use within the Existing Open Space, contrary to the National Planning Policy Framework, notably paragraphs 74, 76 and 77 and Policy LP35 of the Gosport Borough Local Plan 2011-2029.

4. The proposed alterations would, by reason of their unsympathetic appearance, be an inappropriate form of development which would have a detrimental impact on the appearance of the existing building, a non-designated heritage asset, contrary to the National Planning Policy Framework, notably paragraph 64, Policy R/DP1 of the Gosport Borough Local Plan Review and Policies LP10 and LP13 of the Gosport Borough Local Plan 2011-2029.

5. Adequate provision has not been made for outdoor playing space, nor the payment of a commuted sum in lieu of the provision, contrary to the National Planning Policy Framework, notably paragraphs 58 and 73 and Policy R/OS8 of the Gosport Borough Local Plan Review and Policy LP2 of the Gosport Borough Local Plan 2011-2029.

6. Adequate provision has not been made for Transport Infrastructure, Services and Facilities, nor the payment of a commuted sum in lieu of the provision, contrary to the National Planning Policy Framework, notably paragraphs 30 and 58, Policies R/T4 and R/DP3 of the Gosport Borough Local Plan Review and Policies LP2 and LP21 of the Gosport Borough Local Plan 2011-2029.

7. Adequate provision has not been made for mitigation against the harmful impacts of recreational disturbance in the Portsmouth Harbour and Solent and Southampton Water SSSI/SPA/Ramsar sites, detrimental to the protected and other species for which these areas are designated and contrary to the National Planning Policy Framework, notably paragraphs 58 and 118 and Policies R/DP3 and R/OS13 of the Gosport Borough Local Plan Review and Policies LP2

and LP42 of the Gosport Borough Local Plan 2011-2029.

Financial Services comments:	N/A
Legal Services comments:	Contained within the report
Service Improvement Plan implications:	N/A
Corporate Plan:	N/A
Risk Assessment:	Contained within the report
Background papers:	Planning application and supporting documents
Appendices/Enclosures:	
Appendix 'A'	Site Local Plan
Report author/ Lead Officer:	Mark Bridge

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

2nd December 2014

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>	INDEX <u>Address</u>	<u>Recommendation</u>
01.	03-08	13/00544/FULL	159 Elson Road Gosport Hampshire PO12 4AB	Grant Permission subject to Conditions
02.	09-12	14/00376/FULL	The Enclosure Privett Park Privett Road Gosport Hampshire	Grant Permission subject to Conditions
03.	13-18	14/00404/FULL	Gosport Marina Mumby Road Gosport Hampshire PO12 1AH	Grant Permission subject to Conditions

ITEM NUMBER: 01.
APPLICATION NUMBER: 13/00544/FULL
APPLICANT: Mr B Batt
DATE REGISTERED: 31.07.2014

RETENTION OF AND FURTHER WORKS FOR THE ERECTION OF A TWO STOREY REAR EXTENSION AND SINGLE STOREY REAR EXTENSION (as amended by plans received 06.11.14)
159 Elson Road Gosport Hampshire PO12 4AB

The Site and the proposal

1. The application property is a two storey, end of terrace dwelling with a pitched, tiled roof located on the southern side of Elson Road. The property has a rendered front elevation and the western elevation of the main dwelling is constructed of a red/brown brick. The rear garden of the property is approximately 6m wide and extends in excess of 20m to the south and has an approximately 1.8m high fence to the eastern boundary. The former 1.8m fence on the western boundary has been removed and is currently being replaced by a 1.8m high wall. To the rear of the site is the parking area and access road associated with the Gosport and District Sports and Disabled Association Club (GADSAD) with the playing fields beyond. Number 161 Elson Road to the east has a two storey rear projection that is 6.5m deep and located approximately 1.9m from the boundary with the application property. There are also single storey additions to the rear of this two storey projection of number 161. At ground floor level there is a set of doors in the southern elevation of the dwelling and a kitchen window and further door and window in the western elevation of the rear projection. At first floor level there is a bedroom window in the southern elevation of the dwelling and two windows in the western elevation of the projection, one serving the staircase and the second serving a bedroom. There are no first floor windows in the rear elevation of the two storey projection. Number 163 is also a mid-terraced, two storey dwelling. This property, similarly, has single and two storey rear projections. The neighbouring dwelling to the west of the application site, number 157a, is a modern two storey, semi-detached, dwelling that is set off the boundary with the application site by approximately 1m. There is a first floor, bathroom window in the eastern elevation of this property.

2. The application property previously had a two storey rear projection that extended 10.6m into the garden, with single storey elements that extended approximately 3.5m further. The original, two storey rear projection was 3.2m wide and had an eaves height of 5m and an overall height of 6m to the top of the pitched roof. There were three east facing ground floor windows with three first floor windows over, the southernmost of the two served bedrooms and the northernmost served the staircase. There was also a first floor south facing window in this projection which served a bathroom. The western side elevation did not contain any windows.

3. Members resolved to grant planning permission at the Regulatory Board in March 2013, under reference 13/00007/FULL, for the erection of a replacement two storey rear extension following the demolition of the rear projections. The approved two storey extension was to be 10.6m deep as before but 4.8m wide, 1.6m wider than the original projection. The approved extension had a hipped roof with an eaves height matching that of the original dwelling and an overall height of 6.3m, 0.3m higher than the original projection. The approved plans showed three ground floor windows in the eastern elevation and three windows at first floor level, with the two northernmost bathroom windows of the three being fitted with obscure glazing. The southernmost bedroom window was shown to contain clear glazing. There was also a first floor bedroom window in the rear elevation and the approved plans also showed two windows and a pair of doors at ground floor level. Works to erect this extension have commenced on site, however, the development has not been constructed in accordance with the approved plans.

4. The extension that has been built projects 10.6m and is 4.8m wide, as approved. It has an eaves height matching that of the original dwelling and an overall height of 6.7m to the top of the hipped roof, 0.4m higher than previously approved. The other amendments from the approved plans

consist of the southern, hipped end of the roof having a steeper pitch to account for the increased roof height, the width of the first floor window in the rear elevation has also been increased from 1.5m wide to 1.9m wide and the windows in the eastern side elevation are smaller than those previously approved. The opening in the ground floor rear elevation is also wider to allow for the erection of an adjoining single storey extension. The two storey extension has been constructed using red multi-stock bricks and the roof tiles match the original dwelling.

5. This proposal is for the retention of the two storey extension, as built, and the erection of a single storey extension at the rear of the newly constructed two storey extension.

6. The application, as originally submitted, proposed the erection of a 4m deep and 4.8m wide single storey extension with an eaves height of 2.6m and an overall height of 3.9m. To address concerns raised regarding the scale of this extension, however, amended plans have been received which show the proposed single storey extension being 3.5m deep and having an overall height of 3.6m. This extension would contain a ground floor window in the eastern, side elevation and a set of folding doors in the rear elevation. The proposed extension would be constructed using bricks and tiles to match the two storey rear extension.

Relevant Planning History

13/00007/FULL - erection of two storey rear extension (as amended by plan received 08.02.13 and amplified by letter received 19.02.13) - permitted 06.03.13

Relevant Policies

National Planning Policy Framework (NPPF), March 2012

The adopted development plan is the Gosport Borough Local Plan Review, 2006. The emerging Gosport Borough Local Plan, 2011 – 2029 has been the subject of two public consultations and is due for Examination in Public in early 2015 and adoption in summer 2015. The policies within this document therefore also need to be given weight in decision making, where appropriate.

Gosport Borough Local Plan Review, 2006:

R/DP1
General Standards of Development within the Urban Area
R/T11
Access and Parking

Gosport Borough Local Plan, 2011 – 2029 (Publication Version 2014):

LP10
Design
LP23
Layout of Sites and Parking

Consultations

Nil

Response to Public Advertisement

5 letters of objection (to original plans)

Issues raised:-

- concerns raised during previous application were completely dismissed
- works have commenced, without due regard for planning consent
- the two storey extension, as built, is not in accordance with the approved plans
- application states that the rear doors would be made of hard wood, however, the existing doors are aluminium and the application is unclear whether these doors will be re-used
- the application forms are misleading

- two storey extension is causing damp to neighbouring properties
- a large area of hard surfacing has been laid at the rear of the site, suggesting some form of commercial undertaking
- the two storey extension has been built poorly and is possibly unsafe
- the site is untidy and there are no fences preventing children accessing the site
- a large front porch has also been erected, which looks out of place
- the Regulatory Board Members should visit the site to view inconsistencies on the plans and poor build quality
- the two storey extension was built without consideration for the neighbours
- the two storey extension is huge in proportion to the other dwellings and is out of character
- the materials used in the two storey extension do not match the original dwelling
- the proposed single storey extension is an overdevelopment of the site
- the two storey extension is larger than any other properties in the neighbourhood
- loss of light and privacy to 163 Elson Road and 157a Elson Road
- loss of privacy to 161 Elson Road
- development could create additional parking problems in the locality

2 letters of objection (to amended plans)

Issues raised in addition to the above:-

- excessive number of applications/amendments will not overcome concerns of neighbours
- position of new wall 3.5m away from property suggests that planning permission has been granted for single storey extension

Principal Issues

1. The concerns raised by local residents in respect of the previous planning application, reference 13/00007/FULL, were set out in the report and considered by the Regulatory Board when the application was determined. There is provision within the planning legislation for applications to be submitted retrospectively and each application is required to be considered, as submitted, on its merits in the light of the relevant national and local planning policies. The scaled plans are of adequate detail and show the relationships between the properties and, in conjunction with the Officer's site visit, are sufficient to enable the application to be accurately assessed and determined. The proposed doors in the rear elevation are constructed of wood, in accordance with the submitted details. Damp within neighbouring properties is not a material planning consideration and drainage requirements are dealt with under the Building Regulations. The area of hard surfacing at the rear of the site does not require planning permission. Should there be a material change of use of the planning unit, this would require planning permission and any application would be publicly advertised and considered on its own merits. Site security on private land is a private legal matter and the concerns raised regarding site safety have been referred to the Building Control Partnership and the Council's Environmental Health Partnership. The two storey extension has been periodically inspected by Building Control Officers to check for compliance with the Building Regulations. The Council is aware of the porch constructed on the front elevation, which requires planning permission and a planning application has been received. The applicant has confirmed that the western elevation of the two storey extension had to be constructed from within the application site due to land access issues, which is why the pointing, in places, is not of normal finish at present. A certain level of general disturbance and untidiness is inevitable during building works, however, should the site conditions adversely affect the amenity of the area after the development is completed, the Council has powers to take action should it be considered necessary. The wall that is currently being erected does not require planning permission. The principle of the design and location of the two storey extension, including its depth, width and general window arrangement was considered acceptable under planning permission 13/00007/FULL. The only issues in this case, therefore, are the impact of the increased height and hipped end of the roof and the changes in the window size of the two storey extension and the acceptability of the proposed single storey extension in terms of their impact on the visual amenity of the locality and the amenities of the occupiers of the neighbouring dwellings and highway and pedestrian safety.

2. Although the materials used in the construction of the two storey extension do not match the brick used in the construction of the original dwelling, the two storey extension has been constructed of a high quality multi-stock brick which is an overall visual improvement over the materials used in the now demolished rear projection and the existing western elevation of the main dwelling. Furthermore, the difference in bricks is noticeable only on the western elevation where the differing brick finishes meet and is only visible from with the adjacent gardens to the west and not from public vantage to the south. Whilst the height of the roof has increased by 0.4m and the angle of the hipped end has been altered, having regard to the design and overall mass of the extension, these minor changes do not have a significant impact on the appearance of the extension or the amenities of the occupiers of adjoining properties. The amendments to the windows to the eastern side and rear at first floor level are also minor and have no significant visual impact and there would be no significant additional overlooking from the increased width of the first floor window at the rear of the two storey extension. For these reasons, and subject to the re-imposition of a condition requiring the two first floor bathroom windows in the eastern elevation being fitted with obscure glazing and non-opening below 1.7m, the development does not have a harmful impact upon the amenities of the occupiers of the neighbouring dwellings in terms of loss of light, outlook or privacy. The development is, therefore, in compliance with the NPPF and Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 of the Gosport Borough Local Plan Review.

3. The proposed single storey extension has a simple and compatible design and is of an appropriate size and scale, noting also that it is of a similar size to the previous single storey extensions at the property. It would be constructed using materials to match the two storey rear extension and would only be partially visible from public vantage within the GADSAD car park to the south and would not have a harmful impact on the appearance of the dwelling or the visual amenity of the locality. Whilst the extension would be located adjacent to the boundary with number 157a to the west, it would have a maximum height of 3.6m and would only extend 3.5m beyond the rear of the two storey extension, in excess of 9m away from the rear elevation of number 157a. It would not be overbearing in combination with the two storey extension and would not have a harmful impact upon the amenities of the occupiers of that dwelling in terms of loss of light, outlook or privacy. Taking in account the height, scale and location of this single storey extension approximately 1.2m from the common eastern boundary, the orientation of the properties and the height of the boundary treatment, it would also not have a harmful impact on the occupiers of number 161 or 163 to the east. The development is, therefore, acceptable and complies with the NPPF and Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 of the Gosport Borough Local Plan Review.

4. The rear vehicular access to and from the site remains unchanged and will not be affected by the development. There has been no increase in the number of bedrooms within the dwelling and the development will not, therefore, have a harmful impact on highway and pedestrian safety in the locality. Given the above, the development is in compliance with the NPPF and Policies LP23 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 of the Gosport Borough Local Plan Review and R/T11 of the Gosport Borough Local Plan Review.

RECOMMENDATION: Grant Permission

Subject to the following condition(s):-

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

Plan A, Plan B, Plan C, Plan D and Plan E

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with the NPPF and Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 of the Gosport Borough Local Plan Review.

2. The materials to be used in the erection of the single storey extension shall match in type, colour and texture, those on the two storey extension 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 the NPPF and Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 of the Gosport Borough Local Plan Review.

3. The first floor windows in the eastern elevation of the extension hereby approved, outlined in red on the approved plan, Plan C, shall be obscure glazed and any part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be non-opening. The windows shall be permanently retained as such thereafter, unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - In order to protect the amenity of the occupiers of the adjoining property and to comply with the NPPF and Policies LP10 of the Gosport Borough Local Plan, 2011 - 2029 and R/DP1 of the Gosport Borough Local Plan Review.

ITEM NUMBER: 02.
APPLICATION NUMBER: 14/00376/FULL
APPLICANT: Mr M Hook Gosport Borough FC
DATE REGISTERED: 18.09.2014

RETENTION OF AND FURTHER WORKS TO EXISTING TWO STOREY DETACHED BUILDING AND RETENTION OF SINGLE STOREY DETACHED BUILDING (as amplified by e-mail received 11.11.14)

The Enclosure Privett Park Privett Road Gosport Hampshire

The Site and the proposal

1. The application site is the Gosport Borough Football Club ground which is located to the north of Privett Road and in the southwest corner of Privett Park. The site comprises a single full size football pitch and a number of buildings, including the club house and two spectator stands. The Harry Mizen stand is situated on the eastern side of the site, with the main stand located centrally on the western side of the site. The main stand is a pitched roof structure which is approximately 42m long, 6m wide and approximately 7m high to the ridge and forms part of the western boundary of the site, with untreated corrugated cladding to this west elevation. To the south side of the main stand is an existing single storey flat roofed tea hut, linked to a recently added extension which forms part of this application. On the north side of the main stand is a two storey building, also forming part of this application, beyond which is a further single storey building, which has a low pitched roof. In the southeast corner of the site is a detached building that forms the clubhouse. There are a number of existing floodlighting columns surrounding the pitch. The site is enclosed for the most part by close boarded fencing. There is an existing hard surfaced area to the southwest corner with a car park situated outside of the fenced site and to the south of the clubhouse building. The site is accessed from Privett Road via an access road. The football club and Privett Park are designated as an area of Open Space within the Gosport Borough Local Plan Review and the Gosport Borough Local Plan 2011-2029 (Publication Version) and is also within an area identified as a potential feeding site for Brent Geese.

2. To the west of the site is a narrow footpath, linking Privett Road and Wilmott Close, beyond which are the rear gardens of the two storey dwellings fronting Privett Place. The southern side of the site is bordered by the rear boundaries of the two storey properties fronting Privett Road. To the north and east is Privett Park, which is primarily grassed, but includes two single storey buildings.

3. This application relates to the retention of two buildings. The first building, described as Area A within the application and on the submitted drawings, is a two-storey detached building located on the north side of the existing main stand. The building is used for ancillary purposes in connection with the football club, and presently as a corporate facility and office. The building is approximately 10.6m long and 4m wide, with a mono pitch roof, being 6.3m high on its eastern elevation and 6.1m high on its western elevation. It is set off of the western boundary by 2m. On its east elevation, the building has a large glazed area at ground and first floor level. The ground floor glazing also provides access to the building with a ramped access in front. On the west elevation is an existing door centrally located at first floor level, leading to a set of external stairs. The proposal is to amend the existing building to close off the west facing door and remove the external stairs, and also to paint the building in a matt grey colour.

4. Additional information has been received from the applicant confirming that the existing first floor door will be screwed shut and an internal panel used to blank off the door opening to prevent its use.

5. The second building, described as Area B within the application and on the submitted drawings, is for the retention of a single storey building comprising stores and toilets linked to the southern elevation of the existing tea bar. The building replaced a number of detached buildings that were located along the south and west boundaries. It is located parallel to the western boundary and has a flat roof with an overall height of 2.7m. Linked to the building, on its east elevation, is a

covered way over a ramped access. The building is between 2.6m and 2.9m wide and its overall length is approximately 26m long.

Relevant Planning History

K10536/2 - storage building and press box - permitted 03.12.84

K8816/12 - Regulation 3 - erection of new grandstand and installation of turnstiles - permitted 20.07.10

K8816/13 - variation of condition 2 of planning consent K8816/12 - proposed re-siting of grandstand 1.5 metres to the west - permitted 27.05.11

K8816/14 - Regulation 3 - relocation of existing floodlight columns - permitted 02.06.11

Relevant Policies

National Planning Policy Framework (NPPF), March 2012

The adopted development plan is the Gosport Borough Local Plan Review, 2006. The emerging Gosport Borough Local Plan, 2011 – 2029 has been the subject of two public consultations and is due for Examination in Public in early 2015 and adoption in summer 2015. The policies within this document therefore also need to be given weight in decision making, where appropriate.

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/OS4

Protection of Existing Open Space

R/OS13

Protection of Habitats Supporting Protected Species

R/T11

Access and Parking

Gosport Borough Local Plan, 2011 – 2029 (Publication Version 2014):

LP1

Sustainable Development

LP10

Design

LP23

Layout of Sites and Parking

LP35

Protection of Existing Open Space

LP44

Protecting Species and Other Features of Nature Conservation Importance

Consultations

HCC Ecology

No objection. Given that the works have already taken place and are in effect a relatively limited addition to the existing buildings, I have no detailed comments to make on this application. The adjacent football pitch is included within Site G16 of the Solent Waders & Brent Goose Strategy 2010 although I do not consider that this rather enclosed area of grassland would be attractive to feeding birds given the presence of more extensive areas in the immediate surrounds.

Response to Public Advertisement

5 letters of objection

Issues raised:-

- loss of privacy from fire escape door and stair, confirmed by activities already observed
- overbearing
- loss of outlook
- constant noise from building's use
- reflective glare from the building limits the use of the garden
- out of character
- building is designed for temporary use and is not fit for purpose of permanent all year round use
- the rear of the building has no architectural merit, being a bare silver mass with a fire door
- loss of view
- Since the building of the new grandstand and these more recent works the increased spectators has resulted in unacceptable levels of parking
- Inconsiderate parking results in a detrimental impact on neighbours
- building could have been located in an alternative location within the football ground
- there was no consultation with residents to enable them to express their views, prior to its siting
- consider the actions of a local Councillor and member of the planning committee in erecting these buildings prior to obtaining planning permission is disgusting and an internal investigation should be undertaken

1 letter of observation

Issues raised:-

- No objection to the principle of the proposal, but would like the provision of double yellow lines at the second entrance to Privett Park, similar to those at the first entrance

Principal Issues

1. There is provision within the planning legislation for applications to be submitted retrospectively and, notwithstanding its retrospective nature, all material planning considerations are taken into account when such an application is determined. Each application is required to be considered on its individual merits in light of the relevant national and local planning policies and an alternative siting of the buildings is not a matter that can be considered as part of the determination of this application. Whilst the loss of direct outlook is a relevant planning consideration, the loss of a view from an existing residential property is not a material planning consideration. The only issues in this case, therefore, are the appropriateness of the use, the impact on the existing open space, the impact of the buildings on the visual amenity of the locality and the amenities of the occupiers of the neighbouring dwellings and the impact on biodiversity interests.

2. The site benefits from an existing lawful use as a football ground and the use of the buildings for ancillary purposes in connection with this lawful use is acceptable, in principle. The site is designated as existing open space and Policies R/OS4 of the Gosport Borough Local Plan Review and Policy LP35 of the Gosport Borough Local Plan 2011-2029 allow for the enhancement of recreation facilities in such locations. The buildings are considered to represent enhanced facilities at the football ground and, therefore, comply with those adopted and emerging Local Plan Policies.

3. The use of the site as a football ground means there are a variety of different ancillary buildings within the site which are generally located around the perimeter of the football pitch. The surrounding park and residential properties have their own distinct character, unrelated to the football ground. The introduction of the single storey building, to the south of the main stand, is considered to be acceptable in visual terms and is a direct continuation of the existing tea bar to which it is attached, which projects approximately 1m above the existing fence. The two-storey building is located adjacent to the existing main stand and is a lower structure than the stand itself. The building has a more modern appearance, with its grey cladding, than the adjacent corrugated clad stand, and its height and simple appearance are not inappropriate to its context and it does not harm the appearance of the area. The buildings are, therefore, considered to be acceptable in visual terms in this location. Their suitability for permanent all year round use is a matter for the

applicant. The retention of the buildings is, therefore, in accordance with Policy R/DP1 of the Gosport Borough Local Plan Review and Policy LP10 of the Gosport Borough Local Plan 2011-2029.

4. Due to the height and siting of the single storey building, and the separation distance across the existing footpath to the adjacent dwellings, it does not have a detrimental impact on the amenities of the occupiers of the neighbouring dwellings in terms of loss of light, outlook, or privacy. The two-storey building is sited in excess of 21m from the rear elevations of the properties within Privett Place and 2m from the footpath and having regard to these separation distances the proposal does not have a detrimental impact in terms of loss of light, or outlook, and is not overbearing. To reduce disturbance and impact on privacy, the applicant proposes to remove the stairs and seal up the existing first floor door. Provided these works are carried out, which would be secured by planning condition, there would be no opportunity to view into the adjoining properties from the building, and its retention would therefore not have a detrimental impact on the amenities of the occupiers of the neighbouring dwellings in terms of loss of privacy. With regard to the issue of glare, the applicant has confirmed that the building will be painted in a grey matt finish, which will address this concern. This would also be secured by planning condition. The use of the buildings for ancillary purposes to the football ground would not result in an unacceptable increase in noise disturbance and this would be further aided by the removal of the first floor door and metal external stair as noted above. The retention of the buildings is, therefore, in accordance with Policy R/DP1 of the Gosport Borough Local Plan Review and Policy LP10 of the Gosport Borough Local Plan 2011-2029.

5. As noted by the County Ecologist, the area of grassland, forming the pitch, is unlikely to be attractive to feeding birds given the presence of more extensive areas in the immediate surrounds and in view of the limited area the buildings cover, on existing hard surfacing or between buildings, the development does not have a detrimental impact on biodiversity interests in accordance with Policies R/OS13 of the Gosport Borough Local Plan Review and Policy LP44 of the Gosport Borough Local Plan 2011-2029.

6. The retention of the buildings would not result in an increase in the capacity of the ground and, therefore, it is not anticipated that their retention will result in a significant increase in visitors or traffic movements to and from the site. It is not possible to address any existing parking issues at the site, as outlined in the representations received, through this planning application. The proposals would therefore be in accordance with Policy R/T11 of the Gosport Borough Local Plan Review and the Policy LP23 of the Gosport Borough Local Plan 2011-2029.

RECOMMENDATION: Grant Permission

Subject to the following condition(s):-

1. The alterations, to remove the staircase and close off the first floor west facing door, to the two-storey building (Area A), hereby permitted, shall be carried out within four months of the date of this decision in accordance with Plan reference CFA/FULL/001 and the e-mail from Chris Flint Associates received on 11.11.14. The building shall thereafter be retained in that condition.

Reason - In the interests of protecting the amenity of the occupiers of the adjoining properties and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

2. The two-storey building (Area A) hereby permitted shall be painted in a matt Dusty Grey (RAL 7037) finish, within four months of the date of this decision and thereafter retained in that condition.

Reason - In the interest of visual amenity and to protect the amenity of the occupiers of the adjoining properties and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

ITEM NUMBER: 03.
APPLICATION NUMBER: 14/00404/FULL
APPLICANT: Premier Marinas (Gosport) Ltd.
DATE REGISTERED: 18.09.2014

CONTINUED USE OF LAND FOR BOAT STORAGE AND CAR PARKING TO INCLUDE RETENTION OF EXISTING AND THE ERECTION OF NEW DRY STACK FACILITY (152 BOATS IN TOTAL) WITH ASSOCIATED CONCRETE HARDSTAND, TOGETHER WITH THE RETENTION OF EXISTING PONTOONS AND 4NO. PILES (as amplified by email and supporting information received 12.11.14)
Gosport Marina Mumby Road Gosport Hampshire PO12 1AH

The Site and the proposal

1. The application site is within Gosport Marina, situated on the northern side of Mumby Road. The site is approximately 1.6 hectares in area and is approximately 1m lower than the footpath which adjoins Mumby Road. The site is hard surfaced and is currently being used for car parking and boat storage associated with the marina. Access to the site is via the main access to the marina/Charles House and The Quarterdeck. There is a 2m high chain link fence with concrete and metal supporting posts along the boundary facing Mumby Road. On the western boundary is the Marine Trade Centre, which is a two storey industrial building. On the south east boundary is a three storey industrial building occupied by STS Defence Ltd. To the north and east is the existing Gosport Marina car park, and in the far north east lies The Quarterdeck, a residential development containing 46 flats. On the southern side of Mumby Road is Wises Court, a four storey flatted development, a chandlery and, to the east of this, a staggered terrace of 8 three storey townhouses.
2. Planning permission was granted in February 2010, under reference K17379/1, for the southern part of the site, adjacent to Mumby Road, to be used for boat storage and car parking associated with the marina, for a limited period of five years. A further permission was granted in February 2010, under reference K17755, similarly for a limited period of five years, for the erection of two 9 metre high galvanised steel drystack boat storage facilities to accommodate a total of 152 boats on the marina site and included associated hard surfacing and piles and pontoons.
3. The temporary consents were granted as an interim measure to allow the marina facilities to continue whilst the applicant continued working in partnership with Gosport Borough Council to develop the Masterplan for the comprehensive redevelopment of the area.
4. Planning permission reference K17379/1 for the use of the land was fully implemented whereas planning permission reference K17755 was implemented only in part. The facilities granted consent under planning permission reference K17755 consisted of a drystack in two parts. The approved plans showed the larger of the two structures being 60m long, running north west to south east along the southern side of the central access road. The second, smaller, drystack structure was shown to be 54 metres long, lying immediately to the north of the access following the same orientation. This second drystack has not been erected, to date. This application also provided 4 piles and 8 pontoons for use in association with the boats being lifted in and out of the water. An existing pier was shortened to maintain existing boat access arrangements and additional hard surfacing was provided within the fork lift manoeuvring areas. These planning permissions expire in February 2015.
5. This is an application to retain the existing car park and boat storage area approved under planning permission reference K17379/1, on a permanent basis. It is also proposed to retain the hard surfacing approved under planning permission reference K17755 together with the 4 piles and 8 pontoons, as implemented. Sections of the southern drystack facility that has been erected are proposed to be retained, however, one bay is proposed to be removed from the south eastern side and re-positioned on the north western side of the stack. The application also proposes to add a further bay on the north western side, resulting in a 67m long structure, set off the south eastern boundary by 6m which would contain a maximum of 88 boats. The second, 49m long stack, is

proposed to lie immediately to the north of the access following the same orientation, also set off the south eastern boundary by 6m and would contain a maximum of 64 boats. The amended facility would accommodate a total of 152 boats, as previously approved.

6. Additional information has also been provided by the applicant to confirm that the marina employs 14 people, of which three are in the yard, and to clarify the seasonal car parking requirements for the marina. The applicant has further indicated that the facility will mainly be in use during daylight hours.

7. Additional indicative information regarding the possibilities for the comprehensive redevelopment of the area has also been submitted. These details indicate the applicant's intention to provide a mixed use development on the site, which would include commercial/leisure and residential uses on the edges whilst retaining the marine function within the core of the site.

Relevant Planning History

K17379 - use of land as ancillary car park and boat storage with replacement 2 metre high boundary fence - permitted 25.06.07 for a limited period expiring on 30.06.09

K17379/1 continued use of land as ancillary car park and boat storage area (further to expiry of temporary permission K17379) - permitted 17.02.10 for a limited period expiring on 28.02.15

K17755 - 152 boat drystack facility with associated concrete hardstanding, pontoons and 4no. Piles for temporary period of 5 years (as amended by plans received 7.1.10) - permitted 24.02.10 for a limited period expiring on 28.02.15

Relevant Policies

National Planning Policy Framework (NPPF), March 2012

The adopted development plan is the Gosport Borough Local Plan Review, 2006. The emerging Gosport Borough Local Plan, 2011 – 2029 has been the subject of two public consultations and is due for Examination in Public in early 2015 and adoption in summer 2015. The policies within this document therefore also need to be given weight in decision making, where appropriate.

Gosport Borough Local Plan Review, 2006:

R/CH5

Moorings

R/DP1

General Standards of Development within the Urban Area

R/DP4

Mixed-use Developments

R/T2

New Development

R/T10

Traffic Management

R/T11

Access and Parking

R/EMP2

Land Allocated for Employment Use as Part of Mixed-Use Development

R/EMP4

Marine Related Employment

R/EMP7

Low Employment Generating Uses

R/CH1

Development within the Coastal Zone

R/OS11

Protection of Areas of National Nature Conservation Importance

R/ENV2

River and Groundwater Protection

R/ENV10
Noise Pollution

Gosport Borough Local Plan, 2011 – 2029 (Publication Version 2014):

LP19
Marinas and Moorings
LP1
Sustainable Development
LP10
Design
LP4
The Gosport Waterfront and Town Centre
LP22
Accessibility to New Development
LP23
Layout of Sites and Parking
LP16
Employment Land
LP42
International and Nationally Important Habitats
LP39
Water Resources
LP46
Pollution Control
LP45
Flood Risk and Coastal Erosion

Consultations

Local Highway Authority	No objection.
Economic Prosperity	No objection, the economic benefit arising from Premier Marina's ongoing investment into this area of the Gosport waterfront is welcome, particularly in securing the continued use of Endeavour Quay and adjacent premises for marine and manufacturing employment. The Vision document provided offers some reassurance that future development of the land within Premier's ownership accords with the Borough's ambition to see the Town Centre and Waterfront developed as a high quality mixed use destination for leisure, employment and residential purposes.
Portsmouth LPA	No objection.
Crime Prevention & Design	No objection.
Eastern Solent Coastal Partnership	Update to be provided.
Southern Water	No objection, subject to a condition requiring the submission of details of any public sewers that need to be diverted, if appropriate.
Crown Estate Office	No objection.

DEFRA (MMA)	No objection. A marine licence may be required for works below the mean high water springs mark.
Environmental Health (Pollution & Environment)	No objection. Noise pollution during construction should be controlled.
Natural England	No objection.
Environment Agency (Hants & IOW)	No objection.
Queen's Harbour Master	No objection.

Response to Public Advertisement

1 letter of objection

Issues raised:-

- the main launch off pontoon restricts access to the quays
- historical access to an existing quay has been reduced
- the original planning permission was granted temporarily to allow for evaluation of development, no other area in Portsmouth Harbour has been so optimised to the benefit of one company and detriment to others
- maximum berth numbers within the Marina has already been reached
- harmful increase in number of boats within area
- harmful increase in boat movements
- mud banks are deteriorating as a result of passing craft, which has created high siltation levels

1 letter of observation

Issues raised:-

- no objection to the proposal, although others may disagree

Principal Issues

1. Obstruction of access to existing pontoons and quays is an operational matter for the interested parties and the Queen's Harbour Master (QHM) has raised no objection to the development. The Local Planning Authority is required to determine the application on the basis of the submitted plans and its individual merits. The site has an established marina use and the impact on individual commercial interests in the vicinity is not a material consideration in the determination of this application. The supporting text to Policy LP19 advises that the 5000 berth limit set by the QHM has not been breached and the development does not propose any additional berths within the marina. No public sewers will require diversion and no works are proposed below the mean high water springs mark. The main issues in this case, therefore, are the acceptability of the proposed development with regard to the future comprehensive redevelopment of the area, the impact of the permanent, continued use on the character and appearance of the coast and wider locality, the amenities of the occupiers of the neighbouring residential properties, the nature conservation interests of the site, flooding and pollution of controlled waters and highway and pedestrian safety.

2. The application site is located within the Urban Area Boundary, Coastal Zone and an area designated for mixed use development under Policies R/DP4 of the Gosport Borough Local Plan Review and LP4 of the Gosport Borough Local Plan, 2011 - 2029. The proposed drystack facility and associated works are directly related to the existing marina use and are, therefore, acceptable, in principle. It is expected that comprehensive redevelopment of this key, town centre waterfront location will provide significant opportunities for marine and commercial related employment uses and the applicant is currently working in partnership with the Borough Council to progress a Waterfront Masterplan for the area. This principle is promoted in the Gosport Borough Local Plan, 2011 - 2029 where this area is identified as a prime location for regeneration within South Hampshire, under Policy LP4, and can make a major contribution to the regeneration of the

economy of Gosport. The details submitted by the applicant demonstrates that there is an opportunity for mixed use development including employment, leisure and residential uses on the site and this drystack facility would form an integral part of the development and, as such, the proposed use would does not prejudice the development of this wider regeneration site. On this basis, the development accords with Policies R/DP4, R/EMP2, R/EMP4, R/CH5 and R/EMP7 of the Gosport Borough Local Plan Review and LP1, LP4, LP16 and LP19 of the Gosport Borough Local Plan, 2011 - 2029.

3. The site is within an established industrial area, dominated by marine related uses. The proposals are in keeping with these existing uses and, as such, would not harm the character and appearance of the coast or wider locality. Notwithstanding the proposed increase in length of the southern drystack structure, as there would be no overall increase in boat storage over that previously approved and the facilities are located over 38m from the nearest residential properties in Mumby Road and over 55m from The Quarterdeck, there will be no adverse effect on the amenities of the occupiers of these residential properties in terms of loss of light, outlook or privacy. Whilst there will be some disturbance during construction works, given the site is within an established industrial area and the remaining physical works to install the new dry stack onto the existing hard surfacing are minor, it is not considered necessary to control the method or timing of construction. There would be no increase in noise or activity on the site over that previously considered and approved. For these reasons, the proposals comply with the NPPF and Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review and LP10 of the Gosport Borough Local Plan, 2011 - 2029.

4. It is not proposed to increase the number of berths within the marina, the existing access arrangements will be maintained and the number of boats being stored within the drystack would be the same as previously approved. Whilst on site car parking requirements increase during the summer months, more boats are in the water at this time freeing up space on the site and conversely during the winter months car parking requirements on the site decrease at a time when more boats are stored out of the water. These existing, flexible car parking arrangements will be maintained to take account of the fluctuating, seasonal requirements and customer demand and for these reasons, the proposal will have no impact on highway and pedestrian safety in the locality, in compliance with the NPPF and Policies R/T11 of the Gosport Borough Local Plan Review and LP22 and LP23 of the Gosport Borough Local Plan, 2011 - 2029.

5. The development does not impede the flow of floodwater, or increase the number of people or properties at risk of flooding, or reduce the capacity of the floodplain to store water, or affect the quality of surface, ground or coastal water quality. The piles are already in situ and those works were carried out in accordance with details approved by the Local Planning Authority and would also have been subject to a marine licence, all of which ensures that the works have not prejudiced the interests of nature conservation. The continued use of the site would, similarly, have no additional impact. The number of boats proposed to be accommodated on the site is no greater than previously approved and Natural England does not object to the impact of the associated boat movements on the mud banks. Given the above, therefore, the proposal complies with Policies R/DP1, R/CH1, R/ENV2, R/ENV10 and R/OS11 of the Gosport Borough Local Plan Review and LP39, LP42, LP45 and LP46 of the Gosport Borough Local Plan, 2011 - 2029.

RECOMMENDATION: Grant Permission

Subject to the following condition(s):-

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

14-2343-303 P4, 14-2343-100 P7, 14-2343-401 P5, 14-2343-201 P1, 14-2343-102 P4, 14-2343-403 P6, 14-2343/200 P3, 14-2343-402 P2 and 14-2343-400 P6

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with the NPPF and Policies R/DP1 of the Gosport Borough Local Plan Review and LP10 of the Gosport Borough Local Plan, 2011 - 2029.

2. The application site shall be used only for purposes of car parking and boat storage ancillary to the existing marina operation and for no other purpose whatsoever.

Reason - To protect the amenities of neighbouring occupiers and the character and appearance of the area and to comply with the NPPF and Policies R/DP1 and R/CH1 of the Gosport Borough Local Plan Review and LP10 of the Gosport Borough Local Plan, 2011 - 2029.