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29 November 2016

S U M M O N S

MEETING: Regulatory Board
DATE: 7th December 2016
TIME: 6.00 pm
PLACE: Council Chamber, Town Hall, Gosport
Democratic Services contact: Vicki Stone

MICHAEL LAWThER
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

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

Councillor Jessop (Chairman)
Councillor Allen (Vice Chairman)

| | |
|----------------------|------------------------|
| Councillor Mrs Batty | Councillor Farr |
| Councillor Beavis | Councillor Foster-Reed |
| Councillor Bergin | Councillor Hicks |
| Councillor Carter | Councillor Raffaelli |
| Councillor Ms Diffey | Councillor Ronayne |
| Councillor Earle | Councillor Wright |

INFORMATION FOR MEMBERS OF THE PUBLIC

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

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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).

Regulatory Board
7 December 2016

AGENDA

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST
All Members are required to disclose, at this point in the meeting or as soon as possible thereafter, any disclosable pecuniary interest or personal interest in any item(s) being considered at this meeting.
3. MINUTES OF THE MEETING OF THE REGULATORY BOARD HELD ON 19 OCTOBER 2016
4. DEPUTATIONS – STANDING ORDER 3.4
(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Monday 5th December 2016. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).
5. PUBLIC QUESTIONS – STANDING ORDER 3.5
(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Monday 5th December 2016).
6. REPORT OF THE HEAD OF PLANNING SERVICES
*Schedule of planning applications with recommendations.
(grey sheets pages 1-31)*
7. 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 19 OCTOBER 2016 AT 6PM**

The Mayor (Councillor Mrs Hook)(ex-officio); Councillors Hook (P), Allen (P), Bergin (P), Mrs Batty (P), Beavis (P), Carter (P), Diffey (P), Earle (P), Farr (P), Foster-Reed (P), Hicks (P), Jessop, Raffaelli (P), Ronayne (P), Wright (P)

It was reported that in accordance with Standing Order 2.3.5, Councillor Hook had been nominated to replace Councillor Jessop for this meeting.

It was reported that Councillor Bergin had permanently replaced Councillor Scard as a Member of the Regulatory Board.

In the absence of the Chairman, the Vice-Chairman, Councillor Allen chaired the meeting.

52. APOLOGIES

Apologies for inability to attend the meeting were received from The Mayor and Councillor Jessop.

53. DECLARATIONS OF INTEREST

- Cllr Raffaelli declared a personal interest in respect of Items 1 & 2 of the grey pages of the report of the Borough Solicitor and deputy Chief Executive as he was the Ward Councillor and had spoken to the residents regarding the proposal.
- Councillor Beavis declared a personal interest in respect of Items 1 & 2 of the grey pages of the report of the Borough Solicitor and deputy Chief Executive as he had worked on marine projects with the applicant's sister
- Councillor Allen declared a personal interest in respect of Item 3 of the grey pages of the report of the Borough Solicitor and deputy Chief Executive as he had made a comment at the previous meeting in relation to the proposed development which had been reported in the press. He advised that he would leave the meeting room when this item was being considered and that Councillor Carter would chair the meeting for that item.
- Councillor Ronayne declared a personal interest in respect of Item 3 of the grey pages of the report of the Borough Solicitor and deputy Chief Executive as he had discussed the proposals with residents.

54. MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 20 September 2016 be approved and signed by the Chairman as a true and correct record.

55. DEPUTATIONS

Deputations had been received on the following items:

- Item 1 of the grey pages 16/00401/FULL – Fighting Cocks, 78 Clayhall Road
- Item 3 of the grey pages 16/00382/FULL – 3-4 Camden Street, Gosport
- Item 4 of the grey pages 16/00353/FULL – 30 Marine Parade East, Lee-On-The-Solent
- Item 5 of the grey pages 16/00350/FULL – 151 Privett Road, Gosport
- Item 7 of the grey pages 16/00040/FULL – 7A Stoke Road, Gosport

56. PUBLIC QUESTION

The following public question had been received:

“In a situation that can be seen by the general public where a planning application is made and the public comment section shows response to an application that it is full of lies why can the application not be brought back in for review as it doesn't give the correct Information to the professional bodies that make the comments to determine the outcome of the application?”

The question was answered by the Chairman of the Regulatory Board.

PART II

57. REPORTS OF THE BOROUGH SOLICITOR AND DEPUTY CHIEF EXECUTIVE

The Borough Solicitor and Deputy Chief Executive submitted a report on applications received for planning consent setting out the recommendation.

RESOLVED: That a decision be taken on each application for planning consent as detailed below:

58. 16/00401/FULL – RETENTION OF PLAY EQUIPMENT AND THE ERECTION OF ADDITIONAL FENCING (as amplified by Design and Access Statement received 26.09.16 and photographs received 03.10.16) Fighting Cocks 78 Clayhall Road Gosport

Councillors Beavis and Raffaelli declared a personal interest in this item. They remained in the meeting room and took part 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 16/00401/Full.

Mrs Alexander was invited to address the Board.

Members were advised by the Deputy Head of Planning Services that since the publication of the report, two further representations had been submitted by existing objectors. He advised that as discussed in paragraph 1 of the principal issues within the Planning Officer's report, the behaviour of the Fighting Cocks' patrons, including adults using the play equipment, is not controlled by planning legislation. Therefore no new material planning considerations had been raised and there was no change to the recommendation as set out in the report.

Mrs Alexander advised Members that she had lived in St Francis Road for 25 years and ran a business from her property. She advised that her office was in the upper back room of her house overlooking the pub gardens.

Mrs Alexander advised Members that since the new play equipment had been built, the increase in noise pollution had at times made working from her office impossible (even with the windows closed). She continued that there had been a number of days this summer where the noise was so loud that she and her husband were not able to work in the office at all.

Mrs Alexander advised the Board that most of her neighbours had lived next to the pub for the last 20 - 30 years and, until May 2016, there had been no major noise issues.

Mrs Alexander advised the Board that the play equipment had been constructed in May without Planning Permission. Since then, Mrs Alexander explained that residents have had to endure the vocal noise aroused by the equipment.

Mrs Alexander advised that the new structure was positioned much closer to neighbours than to the

Public House and felt that it was in no way a 'one for one' replacement for the previous plastic slide which had only accommodated two or three small children.

Mrs Alexander advised that the new equipment was a large timber structure with two viewing platforms, three stairways, a walkway, a slide and a wooden ship frontage accommodating up to 20 children of varying ages and sizes. She added that adults had also been seen and heard by neighbours using the equipment.

Mrs Alexander advised that raising the boundary fence by 0.6 metres would make no difference to the noise pollution. She further advised that deeds clearly indicated that the southern boundary fence was the property of 8 Wilberforce Road and 19 St Francis Road and that increasing the height would require consultation or the owners' permission.

Mrs Alexander advised Members that given that children were admitted to the garden until 9pm, and often beyond that time, she didn't feel that the use of the play equipment would be controlled or monitored after 6pm.

Mrs Alexander advised Members that due to the noise caused by the use of the play equipment, residents had suffered much distress simply trying to enjoy their homes and gardens and were unable to plan their lives or how they use their properties. Mrs Alexander felt that this was a severe loss of residential amenity.

In conclusion Mrs Alexander advised Members that conditions 1 and 3 did not pass the six NPPF tests and were therefore unenforceable and urged Members of the Board to refuse the application.

Mr McDermott was invited to address the Board and advised that he was speaking on behalf of his clients who owned the Public House. He advised that the Public House was very popular and exceeding the client's expectations.

Mr McDermott advised Members that the play structure replaced a former plastic tree that was on the site. He advised that his clients felt that the siting of the play equipment had not had an adverse impact on neighbouring properties or generated excessive noise.

Mr McDermott further advised that the structure would not cause any overlooking of surrounding residential properties and that his clients had looked into modifying the play structure to include screening but had been advised by the Local Planning Authority that this was not necessary.

Following a question from a Member regarding the possible relocation of the play equipment, Mr McDermott advised that the structure was fairly heavy and to move it would be a big operation.

RESOLVED: That planning application 16/00401/FULL be approved subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

59. 16/00377/FULL – ERECTION OF SINGLE STOREY REAR EXTENSION (as amplified by letter received 01.09.16 Fighting Cocks 78 Clayhall Road Gosport Hampshire PO12 2AJ

Councillors Beavis and Raffaelli declared a personal interest in this item. They remained in the meeting room and took part in the voting thereon.

Consideration was given to the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 16/00377/FULL.

Members were advised that there were no updates.

A Member sought clarification on the Public House being a locally listed heritage asset. The Deputy Head Of Planning Services informed Members that the Public House was not a listed building and that the location of the proposal did not physically or visually impact on the historical building so would not harm the special interest of the building and the reason it was locally listed.

RESOLVED: That planning application 16/00377/FULL be approved subject to the conditions of the Borough Solicitor and Deputy Chief Executive.

- 60. 16/00382/FULL – DEMOLITION OF EXISTING LIGHT INDUSTRIAL UNIT (CLASS B2) AND ERECTION OF 5 NO. TWO BEDROOM HOUSES AND 1 NO. THREE BEDROOM HOUSE WITH ASSOCIATED PARKING, CYCLE AND BIN STORAGE
Unit 3-4 Camden Street Gosport Hampshire PO12 3LU**

Councillor Allen declared a personal interest in respect of this item and left the meeting room. He took no part in the discussion or voting thereon.

In the absence of the Chairman Councillor Allen, Councillor Carter chaired the meeting for this is item.

Councillor Ronayne declared a personal interest in respect of this item however he remained in the meeting room and took part in the discussion and voting thereon.

Consideration was given to the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 16/00382/FULL

Mr Baker was invited to address the Board.

Members were advised that there were no updates.

Mr Baker advised the Board that should the application be approved his children's safety would be compromised due to there being no footpath between his property and the proposed development.

Mr Baker advised that his camper van that had been reported abandoned at a previous meeting had been parked outside his property for the past 12 years. He reported that no residents of Camden Terrace had any problems with the vehicle being there.

Mr Miles was invited to address the Board. He advised that he was once again making a statement regarding his community's reasons for asking Members of the Board to accept the professional Officer's recommendation for refusal of the application.

Mr Miles advised the Board that the Planning Officer's reasons for refusal were borne out of the adopted legal documents that were backed by government policy and reflected a government, that although keen to develop the land, wished to not overdevelop and detract from the amenity that all citizens deserved to enjoy.

Mr Miles advised the Board that the Government had adopted, as had Gosport Borough Council, the Human Rights Act 1998. Mr Miles referred Members to Article 6 – Right to fair trial, Article 8 – The right to respect for private and family life and Article 1 – The protection of property.

Mr Miles advised the Board that he believed this and the previous application showed no respect for residents' private and family life and no respect for the adopted documents that support Article 8 or Article 1 of the Human Rights Act 1998 and that the same contempt for the community, for the Planning Officers and for the Regulatory Board existed within the proposed application.

Mr Miles advised that within the application, there was insufficient parking for the community and only for the development itself. He added that there was no inclusion of a safe footpath access to the existing cottages as per planning policies yet residents were asked by the applicant to not only give up vehicular access and parking rights but more of their existing amenity by moving their gardens back to accommodate a safer passage which Policy LP23 expected of the design.

Mr Miles advised the Board that the footprint of the adjacent cottages was 0.6hectares returning a residential density of 100 dwellings per Hectare (DPH). He reported that he believed the proposed application should be designed to modern day policies, using the design principles of the Local Plan and its supporting Supplementary Planning Documents (SPD) yet, although the proposal returned a residential density of 85 DPH using the whole footprint including parking, the actual amenity that would be enjoyed was 0.036 hectares returning a figure of 166DPH which was 4.76 times the average 35 DPH. This Mr Miles believed was an overdevelopment of a massive scale and reiterated that the parking aspect of the proposed application ignored both the existing and the future needs of the community.

Mr Miles advised the Board that residents urged the Board to consider the facts rather than the tactics of the applicant and designer, who were well aware that they were not using the design principles currently in place and refuse the application with the same fervour as the previous one and with the same 'serious concerns' used in that determination.

Mr Miles advised the Board that residents understood that the factory had now been sold and that the new owner/developer would seek to replace it, to which he advised that this was something that in itself residents were not against, just a design that showed a continuous bullying of its neighbourhood, rather than a concept that would one day encourage further development prospects in the vicinity. The existing staff would now move to Lee-On-The-Solent as intended, whatever the outcome of today's meeting.

Mr Miles advised the Board that he accepted that he was not a professional designer, but was a professional engineer that had worked within the construction industry for 35 years and understood the tactics used to blind Members to the real and true issues of professionally managing the Town & Country Planning Act 1990 within the year 2016.

In conclusion, Mr Miles advised Members to not consider the perceived 'threat' that the factory could operate 24 hours under a B2 classification, as the Council had a duty of care under Section 79 of the Environmental Protection Act 1990 to protect the community from certain 'pollutions' that would and have been suggested could occur.

Mr Knight was invited to address the Board. He advised Members that he was the designer and agent for the application.

Mr Knight advised the Board that the parking facilities proposed for the site were deemed compliant and pointed out that at present workers from the factory parked on the street therefore he concluded that the parking situation would be eased as a result of the proposed scheme.

Mr Knight advised the Board that the proposal provided 18 secure cycle provision and therefore, compliant with the planning policies in place. He further added that there was adequate storage for refuse.

Mr Knight advised the Board that although residents had been critical of the design, the proposed houses would be of a modern construction with a low pitch standing seam roof, metal eave detail and mixture of grey brick, white render and timber cladding for the walls. He further advised that this style of build and materials had been chosen in order to create an aesthetically pleasing building, whilst keeping the height similar to the existing. Mr Knight felt that this would complement the surrounding area and the existing neighbouring properties.

Following a question from a Member, Mr Knight confirmed that the sale of the land was subject to planning permission being obtained.

Councillor Hylands was invited to address the Board and advised that he was speaking as the Ward Councillor. He advised Members that the application in front of them was similar to the previous application that had been refused. The proposal now was for one less dwelling however it still took up the same footprint and mass to what had been previously rejected.

Councillor Hylands urged Members when determining this application to consider it on its own merits and not compare the application with the Barley Mow site as the location was different and did have immediate on street parking. Furthermore Councillor Hylands advised that the Barlow Mow application was situated on a bus route and that the Highways Authority had not objected to the application.

Councillor Hylands advised Members that the proposed application would constitute an overdevelopment of a built-up residential area. He further advised that there was an insufficient parking arrangement for the site and that it did not take into account neighbouring properties. In addition, Councillor Hylands stated that there were concerns from residents regarding the parking layout, width of footpath proposed and the quality of the design. Councillor Hylands concluded that this application was something that should not be supported.

Further to a question from a Member regarding parking requirements of a development situated close to public transport routes, the Head of Planning Services advised Members that the layout proposed had been considered and it had been determined that not all of the proposed spaces complied with the minimum dimensions of the Parking Supplementary Planning Design and that the space in the southern eastern corner would be difficult to access due to restricted manoeuvring space at the end of the It was further reported that presently there was a significant demand for parking in Camden Street and it had been considered that this application would potentially result in further congestion and overflow. Reference was also made to the other reasons for refusal, noting that parking was not the only relevant planning consideration.

A Member reported that this application would remove a non-conforming industrial unit and replace it with residential use and provide much needed affordable family homes in the Borough. They advised that the car parking requirements could be delivered by the applicant as they had the opportunity to deliver 9 spaces on site. They also advised that the applicant had provision to include cycle storage on the site and concluded that the design and layout was sufficient to accommodate the proposal.

It was proposed and seconded by a Member that the application be approved. A vote was taken and was subsequently lost.

Following discussions it was felt by Members that the area was too small a space to accommodate the proposed development and would have a detrimental impact on the surrounding area.

RESOLVED: That planning application 16/00382/FULL be refused for the following reason(s):-

1. The proposed development, by reason of its design and layout would constitute an undesirable overdevelopment of the site that is not reflective of the established pattern of development in the area and would be harmful to the character and visual appearance of the area and would result in an unsatisfactory and undesirable environment for prospective occupants, contrary to Policy LP10 of the Gosport Borough Local Plan, 2011-2029, the Gosport Borough Council Design Guidance: Supplementary Planning Document.
2. Adequate provision has not been made for the parking of vehicles which would result in harmful overspill parking in the local road network to the detriment of local amenity and highway and pedestrian safety, contrary to Policies LP10 and LP23 of the Gosport Borough Local Plan, 2011 - 2029, the Gosport Borough Council Parking: Supplementary Planning Document.
3. Adequate provision has not been made for facilities for the storage and collection of refuse, to the detriment of the amenities of the prospective occupiers and the visual amenities of the area and contrary to Policy LP10 of Gosport Borough Local Plan, 2011-2029, the Gosport Borough Council Design Guidance: Supplementary Planning Document.
4. Adequate provision has not been made for long stay and short stay cycle storage, contrary to Policies LP10 and LP23 of the Gosport Borough Local Plan, 2011 - 2029, the Gosport Borough Council Parking: Supplementary Planning Document.

5. Adequate provision has not been made for mitigation against the harmful impacts of recreational disturbance on the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA sites to the detriment of the protected and other species for which these areas are designated, contrary to Policy LP42 of the Gosport Borough Local Plan 2011 - 2029.

Councillor Hook left the meeting room at 19:10 and took no further part in the meeting.

- 61. 16/00353/FULL – DEMOLITION OF EXISTING DWELLING AND ERECTION OF 6 TWO BEDROOM APARTMENTS IN A DETACHED 4 STOREY BLOCK WITH ASSOCIATED CAR PARKING, CYCLE AND REFUSE STORES (as amended by plans and additional information received 23.09.16)
30 Marine Parade East Lee-on-the-Solent Hampshire PO13 9BW**

Councillor Allen resumed the role of Chairman of the Board.

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 16/00353/FULL.

Mr Birch was invited to address board.

Members were advised that an additional letter of representation from the Lee-on-the-Solent Residents Association had been received. The letter was read out by the Deputy Head of Planning Services as follows:

“The Lee Residents Association objects on the grounds that it contravenes the Marine Parade Area of Special Character. They acknowledge that the amendments to the application has addressed some of their original objections. The building has been set back to the 6 metre guideline although the balconies were still set forward. The application had been reduced to 6 flats which had allowed for the roof line to reduce down in height to match the next adjacent westerly house. At the rear of the development they have altered the layout to enable cars to turn around within the parking area and there are 2 additional parking spaces to the front of the development. Some of the residents are still concerned that there is not enough spaces.”

“The main consideration from the Association is that this application will set a precedent being four story in an area of the Sea Front which has predominately two storey dwellings. That it will enable future developers to use the precedent if approved”.

Mr Birch thanked Members for the opportunity to speak on the application and advised that he was from Barclay Phillips Architects speaking on behalf of his clients.

Mr Birch advised the Board that this scheme was a 4 storey residential build providing two bed apartments. He advised that his clients had consulted extensively with the Planning Officers and had referred to the Marine Parade East SPD guidance. He further advised that his clients had listened to concerns raised by neighbouring properties and had modified and altered the scheme from 7 flats to 6 flats. In addition Mr Birch reported that there had been an open day at the site which had been well attended by residents.

Mr Birch advised the Board that the proposal would provide private amenity space that gave residents a view of the waterfront. He further added that windows in the side elevations would be obscure glazed.

Mr Birch advised the Board that the design was a mix of materials comprising a pale render, grey cement board cladding, timber framed balconies, glazed balustrades and a slate roof. He further added that the scheme would see high quality landscaping and boundary wall being either reinstated or retained and concluded that there would be 9 allocated parking spaces on site with 12 secure bicycle spaces provided.

Officers responded to a Members question relating to potential loss of light and advised that any impact from the development would not be considered to be harmful.

RESOLVED: That planning application 16/00353/FULL be approved subject to the conditions of the Borough Solicitor and Deputy Chief Executive.

**62. 16/00350/FULL – INSTALLATION OF NEW SHOPFRONT AND AIR CONDITIONING UNITS AND LADDER (as amplified by email received 30.08.16)
151 Privett Road Gosport Hampshire PO12 3SS**

Consideration was given to the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 16/00350/FULL

Members were advised by the Head of Planning Services that in paragraph 2 on page 29 in the site and proposal section of the Planning Officer's report, the 'north' in line 5 should read 'south' and in paragraph 3 on page 30 in the principal issues section 'southern' in the second line should read 'northern'. An email from the applicant had also been received, dated 6 September 2016, confirming that the existing air conditioner units were to be removed and the new ones would not be operated overnight.

In the absence of the depute speaker Mr John Sadler, Ward Councillor Mrs Forder was invited to address the Board. She advised Members that she would be reading a statement from Mr Sadler whose property backed onto the Co-op store. The statement read as follows:

"Dear Ladies and Gentleman of the Board, if you are hearing this it means that I am still abroad on business and have been unable get home to address you in person. I and my family have lived at 2 Ladram Road since 1964. Our house and the houses around were there before the supermarket. When the original 'SPAR' shop opened, it was little more than a corner store, with minimal freezer capacity. Even so, they erected a sound barrier to stifle the noise of their refrigerators. This barrier subsequently proved to be something of a Trojan horse because, over the years, subsequent owners incrementally added more and more refrigeration capacity, hidden by the barrier and with no planning permission.

It was only when Alldays removed the sound barrier in 2002, because it was an asbestos health hazard, that the full impact was revealed. The noise, coupled with the installation of three air-conditioning units on the roof in a direct line with our bedroom window, again with no planning permission, was unacceptable.

This led me to approach Alldays seeking a resolution to the problem. I was reassured by Alldays that they would resolve the problem but, unbeknown to me, they were selling out to the Co-op. The co-op subsequently obtained retrospective Planning Permission for the main refrigeration plant but despite vague promises of a sound barrier this did not materialise and I had to finance and construct a concrete wall in front of their main refrigeration plant to cut down the noise which has been further exacerbated by their failure to maintain the existing louvers doors to the point where they are loose and do not close correctly. To this day no sound barrier has been installed on the roof of their building despite more air conditioning units having been added without planning permission.

The application in question takes no account of the noise generated by the existing air conditioning units on the roof and no measurement of this noise level has been taken or quoted. Indeed the existing air conditioning units are not even shown on the plans submitted in the application. However, the application does quote the noise levels to be generated by the proposed new air conditioning units. Ergo there will be an augmentation of the noise at my property which is already at an unacceptable level. I would challenge any assertion that these levels are within acceptable limits because there has been no improvement since the noise survey conducted in February, which clearly did not meet the standards required by BS 4142:1997. Furthermore, the February survey did not include the air-conditioning units which are situated on the roof. (I was in attendance and can vouch for this).

At this juncture, you may wonder why I am alone in objecting to this application. I cannot say for certain, because I have been unable to consult my neighbours, but I believe this may be because they are rightly concerned that a dispute with the supermarket will blight their property resale values. On the other hand, I have no such qualms. Having lived there for 50 years, I intend to die there.

Finally, may I say that I am not a Luddite and accept that refrigeration is a necessary requirement for modern supermarkets. Further, I am sure that we could reach an amicable agreement if there was a guarantee to construct simple and relatively inexpensive sound barriers especially on the roof.

In closing, may I thank you, the Ladies and Gentleman of the Board, for your kind attention and I look to you to do the right thing.”

A Member asked for clarification on the noise report assessment that had been carried out and the Head of Planning Services advised Members that the existing 3 air conditioning units had a cumulative sound power level of 76dBA whereas the proposed 2 units would have a cumulative sound power level of 71-74dBA. Therefore it had been considered that this would be an improvement to the current situation.

Following a question from a Member, it was advised that the refrigeration unit and louvre doors were not a material planning matter to consider when determining the application.

RESOLVED: That planning application 16/00350/FULL be approved subject to the conditions of the Borough Solicitor and Deputy Chief Executive.

- 63. 16/00444/VOC – VARIATION OF CONDITIONS 2 (APPROVED PLANS) AND 9 (DETAIL OF STAIRCASES) OF PLANNING PERMISSION REFERENCE 13/00312/EXT RENEWAL OF PLANNING PERMISSION TO EXTEND THE TIME LIMIT FOR THE IMPLEMENTATION OF PLANNING PERMISSION REFERENCE K9316/7 (08/00423/FULL) – RESTORATION OF GRADE II LISTED BUILDING AND SCHEDULED ANCIENT MONUMENT AND CONVERSION TO 26 DWELLINGS, RESIDENTS STORES AND INTERPRETATION ROOM TO ENABLE THE CONSTRUCTION OF STAIRS BETWEEN GROUND AND FIRST FLOORS OF 1-2, 4-18 AND 20-22 (LISTED BUILDING AND SCHEDULED ANCIENT MONUMENT)
Fort Gilkicker Fort Road Gosport Hampshire**

Consideration was given to the Borough Solicitor and Deputy Chief Executive that consideration be given to planning application 16/00444/VOC

Members were advised that since the publication of the report, the Environment Agency had raised no objection to the proposed variations to planning conditions 2 and 9.

RESOLVED: That planning application 16/00444/VOC be approved subject to:

1. A Deed of Variation to the existing Section 106 agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space; the provision of affordable housing; public access works; the provision of an interpretation centre and access to the parade ground; a flood warning and evacuation plan; a flood mitigation management plan including works to the beach to enable the new culvert to function effectively; the provision of mitre gates and details of the access gates at Fort Road; CCTV; the appointment of a management company; and
2. the conditions of the Borough Solicitor and Deputy Chief Executive

64. 16/00040/FULL - PROPOSED PART DEMOLITION OF 7A STOKE ROAD AND CONSTRUCTION OF NEW BUILDINGS TO FORM 1NO. ONE BEDROOM AND 4NO. TWO BEDROOM DWELLINGS AND 2NO. ONE BEDROOM FLATS AND 2NO. RETAIL SHOPS (CONSERVATION AREA) (AMENDMENT TO APPLICATION 13/00381/FULL) (as amended by plan received 26.09.16) 7A Stoke Road Gosport Hampshire PO12 1LT

Consideration was given to the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 16/00040/FULL.

Members were advised that there were no updates.

Mr Tutton was invited to address the Board.

Mr Tutton advised the Board that the building had been vacant since June 2009. He advised that it was in a dilapidated state of disrepair and detracted from the Stoke Road Conservation Area.

Mr Tutton advised the Board that in December 2013 planning permission had been granted for 6 dwellings on the site and reported that this consent was still live.

Mr Tutton advised the Board that the scheme would bring the ground floor of the building back into retail use after 7 years of being vacant and would therefore generate full time employment opportunities.

Mr Tutton advised that the development would be served by 3 undercroft parking spaces accessed from Jamaica Place.

In conclusion, Mr Tutton advised the Board that the development was within 400 metres of the Town Centre and situated in an accessible area with access to public transport and was an attractive location for people with low car ownership.

Following a question from a Member relating to recycling bin storage, the Head of Planning Services informed Members that storage was available on site and that recycling bins would be put out on the footpath on the designated collection day.

RESOLVED: That planning application 16/00040/FULL be approved subject to the conditions of the Borough Solicitor and Deputy Chief Executive.

65. ANY OTHER BUSINESS

Members were advised that an appeal had been submitted in respect of the previous application relating to 4-6 Camden Street. Comments were to be submitted by 14 November 2016.

The meeting concluded at 19:40

CHAIRMAN

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

7th December 2016

ITEMS WITH RECOMMENDATIONS

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

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| 02. | 9-14/1 | 16/00312/FULL | Finsbury Cars Privett Road Gosport Hampshire PO12 2SU | Refuse |
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| 04. | 19-26/1 | 16/00352/OUT | Land Adjacent To 2C Perth Road Gosport Hampshire | Grant Permission subject to Conditions |
| 05. | 27-31/1 | 16/00356/FULL | Huhtamaki (uk) Ltd Grange Road Gosport Hampshire PO13 9UP | Grant Permission subject to Conditions |

ITEM NUMBER: 01.
APPLICATION NUMBER: 16/00423/FULL
APPLICANT: Mr Ben Bartrip
DATE REGISTERED: 09.09.2016

RETENTION OF AND FURTHER WORKS FOR THE ERECTION OF FREE STANDING TABLES AND CHAIRS (ADJACENT TO LISTED BUILDING IN A CONSERVATION AREA) (as amended by plan received 18.11.16)
Unit B1 Granary And Bakery Weevil Lane Gosport Hampshire PO12 1FX

The Site and the proposal

1. The Granary and Bakery is a Grade II* Listed Building of significant architectural and historic interest located within the Royal Clarence Yard Conservation Area. The building is three stories high and occupies a prominent waterfront location fronting Portsmouth Harbour. Royal Clarence Yard underwent substantial re-planning and redevelopment in the 1820's which included creating a unified waterfront design running from the Bakery in the north to the New South Store to the south. This frontage suffered bomb damage in WW2 resulting in the loss of the south wing to the Bakery and Granary, and most of the top floor to the New South Store. The restoration of the waterfront and Brewhouse Square undertaken as part of the redevelopment of the site in recent years has reinstated a key building that makes a substantial contribution to the character of the waterfront and re-balances the original architect's design of the Granary being the centre of two matching wings: both with pediments at their centre. The Bakery is of particular national significance as it retains its original ovens, said to be the only ones of their kind in Britain and a significant attraction in themselves. Historically, the area in front of the Bakery was used for the loading of ships and this area is approximately 26m deep and 78m wide. It is hard surfaced and has been deliberately left open and undeveloped in order to reinforce the historic character of the area and to allow for the impressive façade of the building to be appreciated. There is a modern, 0.37m high raised platform adjacent to the 1.2m high seawall to the east with the Marina and Portsmouth Harbour beyond.

2. The principle of the use of the ground floor of the building as a restaurant has been established through planning consent reference K16416 in 2003. Listed Building consent was subsequently granted for internal alterations to the then vacant unit, which included the provision of mezzanine floors and partition walls and the installation of a kitchen, bar, office, store and WCs (under reference K16416/24) and an extract system for the former occupier (under references K16416/27 and K16416/28). Planning permission and Listed Building consent were granted for further internal alterations and an extraction system including cowls erected on top of the existing chimneys earlier this year (under references 16/00269/LBA and 16/00374/FULL) to facilitate the restaurant being re-opened under a new proprietor. The restaurant is now open and has licensing hours of 09.00-00.30 Monday to Thursday, 09.00-01.30 Friday to Saturday and 09.00 to 11.30 on a Sunday. The floors above are used as residential accommodation.

3. The previous occupiers of the restaurant used the area in front of the building (and parts of the walkway) for the siting of conventional tables and chairs. In that instance, however, the character, number, location, degree of permanence and visual impact of the tables and chairs were such that their siting was not considered to be 'development' as defined under Section 55 of the Town and Country Planning Act 1990 and, as such, planning permission was not required at that time.

4. This application is for the retention of new tables and chairs that have been constructed in the area in front of the Granary and Bakery and upon the raised area adjacent to the seawall without planning permission. The tables and chairs differ in design between the two areas. The section in front of the building is approximately 40m wide and extends out by approximately 5m (covering an area of approximately 203m²). They are laid out in 12 rows, 6 either side of the main entrance, which each row containing two tables and two seats, with the exception of those at the end which are formed of one table and 5 seats. The tables and chairs are constructed of dark stained wooden pallets and scaffolding boards with removable, black cushions. The chairs are each 0.85m high, 1.2m wide and 0.95m deep. The tables are 0.33m high, 2.46m wide and 0.86m deep. Each seat

could accommodate up to 2 people. In total, this section is capable of provide seating for approximately 50 people.

5. The tables and chairs upon the raised area cover a section that is approximately 40m wide and approximately 4m deep (an area of approximately 165m²). They are laid out in a row with high tables and high benches either side that are also constructed of wooden pallets and scaffolding boards and are laid between 0.6m and 0.8m apart. The benches are 0.85m high, 3.9m wide and 0.4m deep. The tables are 1.12m high, 0.86m wide and 3.9m deep. The original plans showed 14 rows orientated at 90° to the Harbour. Amended plans, however, have been received showing the as built situation which now consists of a row of 12 tables and benches at 90° to the Harbour and the southernmost being sited parallel to the Harbour (total of 13). The northernmost set of table and benches is shown to be removed but it currently remains. Each set could accommodate up to 8 people, and in total, this section is capable of providing seating for approximately 104 people.

Relevant Planning History

K15500 - Outline Consent for mixed use development of residential, offices/workshops (B1), retail (A1,A2), public houses/cafes/restaurants (A3), cinema, hotel, leisure/community uses, marina, open space, & related infrastructure - permitted 30.11.2001

K16416 - Details Pursuant for conversion to residential, retail, offices and restaurant - permitted 06.11.2003

K16416/1 - Listed Building Consent for conversion to residential, retail, offices and restaurant - permitted 06.11.2003

K16713/1 - Revised redevelopment proposal for offices/workshops, retail and restaurants, public houses/cafes (A1, A2, A3, A4 and A5), cinema (D2), millennium promenade and related infrastructure (including access, car parking, landscaping, open space and flood defences) - refused 26.07.05. Appeal allowed 02.02.06

K16416/24 - Listed Building Consent for internal alterations to facilitate use of ground floor as restaurant - permitted 26.03.10

K16416/27 - Listed Building Application for the erection of 1no. external extraction cowl and installation of air/ventilation bricks to existing chimney stacks - permitted 23.06.10

K16416/28 - erection of 1no. external extraction cowl and installation of air/ventilation bricks to existing chimney stacks - permitted 23.06.10

16/00269/LBA - Listed Building Application - internal and external alterations to include erection of internal staircase, removal of existing and erection of new partition walls and bar areas together with installation of kitchen extract system and inlet and outlet cowls (Conservation Area) (as amended by plans received 20.09.16 and 27.09.16 and amplified by details received 08.08.16, 03.10.16 and 04.10.16) - permitted 20.10.16

16/00374/FULL - installation of kitchen extract system with inlet and outlet cowls (Listed Building in a Conservation Area) - permitted 20.10.16

Relevant Policies

Gosport Borough Local Plan,2011 – 2029:

LP2

Infrastructure

LP10

Design

LP11

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

LP12

Designated Heritage Assets: Conservation Areas

LP46

Pollution Control

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

Consultations

Hampshire Fire And Rescue Service

Raise objection. The Regulatory Reform (Fire Safety) Order 2005 requires the responsible person for the premises to make a suitable and sufficient assessment of the risks to which relevant persons are exposed and to take steps to remedy any findings of the assessment. Risk assessment should be an ongoing exercise to identify changes in risk. The apparent readily combustible wooden seating and tables (created from wooden pallets), presents a considerable fire load directly outside the licensed part of the building and directly below the upper floor private residential living accommodation. This may not be of concern during licensed hours or business use, when staff are on the premises and able to control the situation. It may, however, create a potential after-hours fire hazard and risk for the residents, as any fire involving the wooden seating, whether by accident or intent, could become serious before arrival of the fire service. I do not have such concerns for the separate wooden pallet type seats and tables alongside the jetty.

Building Control

No objection.

Environmental Health

Raise objection. Due to the permanent nature and number of seating and tables, there are concerns that noise from customers could cause nuisance to neighbouring premises. During opening hours this could be managed by the owner and staff although maybe difficult to control due to the permanence, numbers and location. The main concern of Environmental Health, however, is that the permanent seating and tables could attract members of the public to congregate/use this area and seating outside licensing/opening hours which the owner would have no control over. This may cause noise nuisance to neighbouring residents. Historically, complaints have been received regarding noise from licensed premises in this area. These complaints regarding noise were addressed by the owners controlling the use of outside furniture after certain times by removal inside. Due to the

permanence of the seating in question this solution would not be appropriate. Fencing off/covering the seats after closing time would also be impractical.

The Gosport Society

Raise objection. The Gosport Society does not object to the furniture being placed outside the restaurant, only to the design. Several outside furniture designs need to be investigated and seen by the stakeholders, not just few people. The Gosport Society thinks a smarter, more lightweight design could be investigated, involving all those concerned.

Historic England

The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Response to Public Advertisement

22 letters of objection (to original plans)

Issues raised:-

- low quality building materials, height and location could result in personal injury
- previous occupier removed seating after hours
- reduction in number would reduce amount of noise and nuisance
- well placed stainless steel furniture would be more appropriate
- application for planters was previously resisted due to being historically inappropriate
- loss of public access to raised area
- seating is unnecessary
- seating goes beyond confines of the drinking establishment
- permanent siting of furniture could lead to attraction of vermin
- concerns over fire safety
- wheelchair/pushchair access to raised area has been affected
- visibility of sea lights and access to lifebuoy is reduced
- many letters of support are from outside of the area
- questions as to whether permission was sought prior to construction
- parking at RCY is insufficient, overpriced and inconvenient
- unfair in terms of commercial competition to allow one trader sole use of boardwalk area
- loss of privacy from customers using raised area
- seating is excessive and visually inappropriate
- seating on raised area is too high
- unsympathetic to historic surroundings
- inappropriate materials not in keeping with Georgian materials used in Conservation Area
- lack of security would lead to anti-social behaviour
- seating will attract drinkers who will create noise and nuisance
- no measures to prevent use after hours
- seating unable to be stacked and removed
- measures should be put in place to ensure no harmful impacts

29 letters of support (to original plans)

Issues raised:-

- fully support the application
- can see no harm
- timber is appropriate
- furniture is innovative and will bring vibrancy to area

- use of recycled materials and rustic look is in keeping with surroundings
- Gosport needs more bar/restaurants
- all permissions to enable opening of restaurant should be granted
- previous restaurant had external seating and questions as to difference
- outside seating will encourage custom from other marina users
- seating will be beneficial to users of bar/restaurant
- good for local economy
- council should support business
- outside seating will help business
- successful restaurant will attract other businesses to RCY
- seating and activity will reduce instances of anti-social behaviour

Principal Issues

1. Amendments to the parking strategy for the site were approved last year, under reference 15/00154/FULL. The opening hours of the restaurant were not restricted under the previous planning permission. The new opening hours and any statutory environmental nuisance issues, including the likelihood of vermin, are matters to be dealt with by the Council's Licensing and Environmental Health Sections. The area in front of the building and the raised area are not Public Highway and means of access is dealt with under the Building Regulations. Matters of Health & Safety, function of sea lights, availability of lifebuoy, commercial competition and fire safety are not material planning considerations. 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 own merits in light of the relevant national and local planning policies. The position of the tables and chairs is such that there has been no harmful loss of privacy. The main issues in this case, therefore, are the acceptability of the design of the tables and chairs that have been constructed, whether they preserve or enhance the character and appearance of the Royal Clarence Yard Conservation Area, their impact on the setting of the adjacent Grade II* Listed Building, the impact of the proposal on amenities of the occupiers of the neighbouring residential properties and whether the development improves the economic, social and environmental conditions in the Borough.

2. The simple Palladian design of the adjacent Grade II* Listed Building presents a clear and bold facade onto the waterfront area and this visually important front elevation is enhanced by the open setting to its east, fronting onto the Harbour. Historically, this area would have been kept open (with the exemption of cranes and temporary storage) and although the principle of the siting of tables and chairs in front of the restaurant is acceptable, the tables and chairs that have been constructed are visually inappropriate in this location. Policy LP11 of the Gosport Borough Local Plan, 2011-2029 (GBLP) makes it clear that proposals should conserve or enhance designated heritage assets and make a positive contribution to their setting. Policy LP12 of the GBLP adds that the location, form, scale, massing, external appearance, layout and density of a proposal in a Conservation Area are amongst the key considerations, as are whether the proposal conserves or enhances the setting and is not detrimental to inward or outward views. They have characteristics of permanent fixtures, unlike the conventional tables and chairs that were previously sited, that were capable of being removed. The solid timber form, and number and density of the tables and chairs, however, has a significantly harmful visual impact both on the area in front of the Bakery and unnecessarily impedes views towards the lower part of the façade, as well as the intrinsic value of the building. The seating on the raised area is excessive in number and taking the dense layout, overall height and poor quality finish of the tables and benches in this prominent location into account, is similarly harmful to the character and appearance of the Conservation Area. The development, therefore, fails to preserve the character and appearance of the Conservation Area and is harmful to the setting of the Grade II* Listed Building in both locations. Taking the above in to account, therefore, the proposal is contrary to Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan, 2011-2029 and is unacceptable.

3. Whilst the principle of the siting of tables and chairs is acceptable and notwithstanding the powers available to the Council's Licensing and Environmental Health Sections, in this instance, the number, location and degree of permanence of the seating is likely to give rise to harmful levels of noise and disturbance beyond the control of applicant. The tables and chairs are incapable of being

removed after-hours and no measures to secure them and thereby prevent harmful disturbance have been provided. They are located in close proximity to a number of residential properties, all of which, as a matter of necessity being within a Grade II* Listed Building, have single glazed, timber sash windows that are more susceptible to noise disturbance. Noise and activity resulting from the use of the tables and chairs after-hours, therefore, in particular to those in front of the building that are located directly beneath a number of residential windows, would be harmful to the amenities of the occupiers of the nearby flats and in this respect, the development is, therefore, contrary to Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

4. Notwithstanding the likely economic benefits of additional seating to the operation of the restaurant and the potential to increase footfall within the waterfront area, the application does not include any justification for the appearance, number, location, degree of permanence and the amenity impact resulting from these particular tables and chairs in economic or viability terms and is, therefore, contrary to the aims and objectives of Policy LP2 Gosport Borough Local Plan, 2011-2029. Overall, therefore, the application constitutes a development that, by virtue of its number, location, height, form, finish, degree of permanence and visual impact is likely to be harmful to the ongoing amenities of nearby occupiers and has caused demonstrable, substantial and unacceptable harm to the character and appearance of the Royal Clarence Yard Conservation Area and the setting of the adjacent Grade II* Listed building and there are no substantial public benefits advanced that would outweigh that harm.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The development, by virtue of the amount of seating, its location, height, form, finish, degree of permanence and visual impact is causing substantial harm to the setting of the adjacent Grade II* Listed designated heritage asset and fails to preserve the character and appearance of the Royal Clarence Yard Conservation Area, contrary to Policies LP10, LP11 and LP12 of the Gosport Borough Local Plan, 2011-2029.

2. The development, by virtue of the amount of seating, its location and degree of permanence would have a harmful impact upon the amenities of the occupiers of the area and nearby residential properties in terms of noise and disturbance, contrary to Policy LP46 of the Gosport Borough Local Plan, 2011-2029.

ITEM NUMBER: 02.
APPLICATION NUMBER: 16/00312/FULL
APPLICANT: Mr H Adkins
DATE REGISTERED: 01.07.2016

CHANGE OF USE FROM CAR SALES TO CAR WASH AND VALETING AND ERECTION OF NEW 2.4M HIGH ACOUSTIC FENCE/SPRAY SCREEN ADJACENT TO SOUTHERN BOUNDARY (as amended by plans and additional information received 09.09.16)
Finsbury Cars Privett Road Gosport Hampshire PO12 2SU

The Site and the proposal

1. The site is located within the Urban Area as defined by the Gosport Borough Local Plan 2011-2029 on an unallocated site which has been in employment use for many years, originally as a petrol filling station and more recently as a garage, MOT service centre and car sales.
2. The site is located on the southern side of the Cocked Hat Pub roundabout with vehicular access 12m to the west of the roundabout and a separate vehicular exit 35m further along Privett Road to the west of the roundabout. A shared cycle/footpath runs along the site frontage across which vehicles entering and exiting the site have to manoeuvre. It is currently operated as an MOT service centre and car sales with ancillary office with a range of smaller buildings and structures in the south east corner used for storage of parts.
3. North of the site, on the opposite side of Privett Road, are playing fields which are protected open space (Policy LP35 and LP41), form the very south eastern corner of the part of the Settlement Gap (Policy LP3) and are designated as part of the Alver Valley Site of Importance for Nature Conservation.
4. Immediately south of the site, at a lower level of approximately 0.6m, are residential gardens of houses 6 Gomer Lane and 7 Naismith Close respectively.
5. The proposed car wash and valet would be operated from the triangular shaped western part of the site. Capacity for up to 7 vehicles at a time to be serviced by the wash and valeting facilities is shown on the submitted plans. It is proposed to operate the car wash 7 days a week between the hours of 9am and 6pm Monday to Saturday and 10am to 4pm on Sundays. A 2.4m high acoustic barrier would be located close to the southern boundary but set off by 1m to provide some landscaping/tree planting in between. The existing access and egress arrangements are not proposed to be altered as part of the proposal. The existing MOT servicing centre would continue to operate from the site, but the car sales element of the business would be reduced and operate from the eastern part of the site.
6. The site is 100% hardstanding with a retained surface water drainage system including attenuation tanks with filtration systems to accommodate water from the site and ensure the removal of pollutants before it being passed back into the piped drainage network at a regulated rate.
7. It is confirmed that the former underground petrol storage tanks were fully decommissioned in accordance with the requirements of Environmental and Health and Safety regulations at the time the petrol station ceased activity.

Relevant Planning History

94/00375/FULL - alterations to existing sales building to include new shopfront and internal provision of Jetwash Facility (as amplified by letters dated 18.08.94 and 09.09.94) - permitted 28.09.1994

98/00356/FULL - Use of part of forecourt for car display and sales and erection of 1.2m high boundary fencing (as amended by plans received 16.06.99) - permitted 15.07.1999

00/00387/FULL - Use of Part of Forecourt for Car Display and Sales and Erection of 1.2 Metre High Boundary Fencing (amended Scheme) - refused 22.06.2000

01/00432/FULL - Change of Use from Petrol Filling Station, Workshop & Car Sales To Car Sales, Mot Station & Associated Repairs (as Amended By Letter Dated 19.11.01 & Plans Received 20.12.01) - permitted 16.01.2002

07/00077/OUT - Outline: erection of a convenience store (Class A1) with 5no. flats above, alterations to access to Classified Road (B3333) and associated parking (as amplified by letter dated 23.02.07 and email dated 9.3.07) - refused 28.03.2007

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

LP10

Design

LP22

Accessibility to New Development

LP23

Layout of Sites and Parking

LP46

Pollution Control

LP47

Contamination and Unstable Land

Transport

Hampshire County Council Transport Contributions Policy: A New Approach to Calculating Transport Contributions in Hampshire September 2007

LP1

Sustainable Development

National Planning Policy Framework (NPPF), March 2012

Consultations

HCC Ecology

Considering the existing use and location of the proposal site in relation to the nearby site identified as important for use by Brent geese, it is not considered that the proposals will have any detrimental impact on such birds associated with the European designated sites.

Southern Water

No objection but highlight that it is for the applicant to make suitable provision for the disposal of surface water and there would be a need for the applicant to apply for a connection to the foul sewerage system.

Local Highway Authority

The applicant has submitted a Site Management Plan which seeks to set out the overall management strategy for the proposed use, including comments on highway and access matters. Within the plan, the applicant proposes to erect signage to direct traffic

to the appropriate access/egress at the site which is considered appropriate by the Highway Authority as is the strategy of directing traffic to first go around the roundabout in order to access the existing site access from the east to avoid congestion for eastbound traffic on Privett Road. The proposed movement of vehicles through the site seems logical and is in accordance with the previously provided plans. The existing egress point which will be utilised for vehicles leaving the site is considered appropriate to accommodate the car wash traffic.

The Highway Authority raises no objection subject to conditions to ensure the site is operated in accordance with the submitted details.

Environment Agency (Hants & IOW)

No comments received.

Environmental Health

Seeking some clarification on a number of points contained in the noise report submitted in support of this planning application, a site meeting was held on 3 October with the applicant and their acoustic consultant to address these.

The issues were satisfactorily addressed at the meeting and as a result it was agreed the noise report would be amended - both to correct or clarify existing information and to take account of agreed changes to proposed mitigation measures - and resubmitted. To date that has not happened.

Although based on the discussions had it appeared that matters of noise nuisance could be satisfactorily resolved, it is not possible without the resubmitted report to say this categorically nor to identify the required mitigation measures and confirm they would be acceptable.

Response to Public Advertisement

16 letters of objection

Issues raised:-

- the new fencing will be overbearing by reason of height and proximity to the boundary;
- jet washers and vacuum cleaners will cause noise, pollution and dust;
- additional traffic will cause more congestion and be a danger to highway safety because of the position of the access;
- increase risk of accidents on the roundabout due to traffic turning into the site or backing up waiting to turn;

- the access crosses a designated cycle route and is too close to the roundabout;
- build-up of dirt and debris from the washing of cars may block the drains;
- the current use is Sui Generis and there is no permitted change to the proposed use;
- the title deeds for the site contain a clause preventing uses which may cause disturbance to nearby occupiers;
- the rationale for refusing the mixed use scheme in 2007 still remains valid;
- the proposals are contrary to the Local Plan;
- the site is visually prominent and should be subject of a development brief;
- application has ignored the drainage requirements of the site given the waste water will be industrial waste and requires a licence from the Environment Agency to discharge into the foul sewer;
- the proposals will result in significant environmental impacts which have not been considered;
- there is insufficient capacity in the sewerage system to handle the volume of water associated with such a use;
- no consideration has been given to what may be present on the site as a legacy of previous uses;
- the noise reports includes a number of inconsistencies, errors, omissions and inaccuracies which give no confidence in its findings;
- there are already other similar facilities nearby and there is no need for another one;
- these sites are usually visually poor and untidy and detract from the character of an area;
- the activity associated with these uses are not suitable in such close proximity to residential properties;
- acoustic barriers are ineffective for this type of scheme due the scientific fact that sound waves are diffracted (bend round an obstacle) rather than being deflected or contained;
- proposed operating times (7 days a week) are unneighbourly;
- the proposals will be detrimental to local residents' quality of life;
- the vehicle crossover/access requires vehicles to cross over a pedestrian route used by large numbers of school children;
- potential impact on wildlife given proximity to the S.I.N.C;

Principal Issues

1. The site has been in commercial use for many years, historically as a Petrol Station with a jet wash facility close to the southern boundary (approved in 1994) and more latterly as a car sales and MOT servicing operation. Commercial activity is therefore established and, given the site is located within the Urban Area boundary, the principle of retaining or providing new commercial uses is acceptable subject to satisfying the relevant criteria of the Gosport Borough Local Plan 2011-2029 with regard to highway safety, residential amenity and character of the area.

2. The proposed car wash use would introduce significantly greater trips and activity throughout the day than the existing relatively static operation of the car sales. Concerns have been raised that this increase in vehicle movements using an access in such close proximity to the roundabout will conflict with the free flow of traffic and increase the likelihood of accidents and congestion at the junction. Concern is also raised that the level of traffic movements through the roundabout has increased since the site was last used as a petrol filling station in approximately 2001/02.

3. Notwithstanding these concerns, the clear advice from Hampshire County Council, as Local Highway Authority is that the existing access and egress points are safe and that the proposed use does not conflict with highway safety. The layout of the site and the positioning of equipment related to the valeting and car wash service being offered allow 7 vehicles to wait within the site without obstructing the highway. Based on this advice it is considered that the proposals are in accordance with Policies LP22 and LP23 of the Gosport Borough Local Plan 2011-2029.

4. The adjacent garden areas have all the qualitative elements of privacy, sunlight and spaciousness. Both neighbours whose gardens would be directly affected maintain these spaces to a high standard and gain significant amenity value from sitting out areas placed alongside the shared boundary with the site. The applicant has employed a noise consultant with national experience dealing with car wash schemes and has submitted a revised noise impact assessment

which identifies the levels of noise which would be audible within the habitable rooms of adjoining houses. The report highlights that background noise levels from the nearby highway network are already high and that the manner in which the equipment will be housed and operated on site means that noise levels above this existing background level will, the majority of the time, be negligible. The noise assessment does not, however, indicate the impact on the garden areas adjoining the site. Within these areas residents should still expect to enjoy a level of amenity which is not significantly altered as a result of new development. The increase in activity and the nature of that activity, including the noise of water on the body of a car at high pressure, is considered likely to alter the current level of amenity enjoyed by the adjoining residents for the worse to the degree where it would be harmful. For this reason, it is considered that the introduction of a car wash facility on this site and at this scale (given the proposed daily operating times) represent an unneighbourly use which is contrary to Policy LP46: 3 (Noise pollution) of the Gosport Borough Local Plan 2011-2029. In coming to this view consideration has been given to the existing car wash provision which is associated with the car sales. The existing arrangements for cleaning cars for sale are less frequent and involve one individual employed to wash static, unoccupied cars.

5. Consideration has been given to limiting the hours during which the use can operate through condition and the potential mitigation of providing landscape screening along the southern boundary to improve the visual impact on neighbours and the surrounding area and also to act as an additional sound buffer. However, no formal submission showing these details has been received and, even if they were, they would be unlikely to fully address the concerns set out above regarding the impact the increased activity and noise would have on the level of amenity currently enjoyed by neighbours in their private gardens.

6. It is confirmed that the site was fully decommissioned at the time of the closure of the petrol station and as such the use does not represent a threat of pollution in accordance with Policy LP47 of the Gosport Borough Plan 2011-2029.

7. It is confirmed that there is an existing drainage system in place as a legacy of the former use which includes oil and other pollutant interceptors which would prevent such material getting into the drainage network or the affecting groundwater in accordance with LP47 of the Gosport Borough Plan 2011-2029.

8. It is confirmed that the drainage system has holding capacity for surface water and a regulated flow rate for dispersal of surface water that would prevent inundation of the drainage network or cause increased run-off onto adjoining sites in accordance with Policy LP39 of the Gosport Borough Plan 2011-2029.

10. It is not considered the proposals would have any adverse impact on wildlife in accordance with Policy LP44 of the Gosport Borough Plan 2011-2029.

11. The contents of title deeds for the site are not enforceable through the planning process. Therefore the existence of a clause preventing uses which may cause disturbance to nearby occupiers within the deeds would be a private matter to be resolved through civil law.

12. The proposed acoustic fence would be visible above the existing timber fence along the southern boundary of the site when viewed from the neighbouring gardens and rear windows. This fence could be conditioned to be set off the boundary and screened by new planting. This and the change in levels between the sites (the residential gardens sit at a lower level by just over 0.5m) would mean that its visual impact could be satisfactorily addressed by condition should all other matters be found to be acceptable. Being on the north side of the residential gardens it would not cause any loss of light or shadowing. It is therefore not considered the provision of an acoustic fence in itself would be harmful to the amenities of neighbours or the character of the area. The design of the acoustic barrier, and that of the plant and equipment required to facilitate the proposed use, could be controlled through condition to ensure the site retains an appearance appropriate for its location in compliance with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposed car wash and valeting facility by reason of its scale, operating times and the level of activity associated with it in immediate proximity to the boundary of residential properties represents an unneighbourly form of development resulting in levels of noise and disturbance which would be harmful to the amenities currently enjoyed by the occupiers of those properties contrary to Policy LP 46 (3) of the Gosport Borough Local Plan 2011-2029.

ITEM NUMBER: 03.
APPLICATION NUMBER: 16/00146/FULL
APPLICANT: Mr Stephen and Linda McCallan
DATE REGISTERED: 30.09.2016

CHANGE OF USE OF LAND INTO RESIDENTIAL CURTILAGE, THE RETENTION OF EXTENDED DRIVEWAY, 1.8 METRE HIGH FENCE AND OUTBUILDING, AND THE ERECTION OF AN ADDITIONAL 1.8 METRE HIGH FENCE
19 Amersham Close Gosport Hampshire PO12 2RU

The Site and the proposal

1. The application property is a detached two storey dwelling at the west end of Amersham Close within an established residential estate. It is built in brick and has been extended in the past. It is on a larger than average plot for the vicinity and is bordered by 1.8m feather board fencing. It is separated from an existing public footpath to the north by a 2.5m verge which has two trees on it. This footpath is not only for access through the estate but as the main and only access for two residential properties, 4 and 6 Amersham Close.

2. The application site is a piece of open land to the west of the application property measuring approximately 20m (east to west) by 17m (north to south) with the north-west corner boundary angled along an existing public footpath. Public footpaths are also along the north and west boundaries of the application site. The southern boundary of the application site is shared with 29 Gomer Lane and is delineated by a wall approximately 1.8m high and a hedge approximately 1.5m high.

3. The proposal is partially retrospective with a 7m wide strip along the eastern boundary of the application site having already been covered in hardstanding to extend the drive / parking area of the application property. On the north-east corner of the hard standing an outbuilding has started to be erected which measures 2.6m long (east to west) by 2m wide (north to south) and is 2.4m high. This piece of the application site has been enclosed by 1.8m high feather board fencing along the north, west and south boundaries and the outbuilding's north elevation has been incorporated into this. The northern section of the fencing is positioned 2.5m further north than the existing fencing around the application property, adjacent to the footpath.

4. The proposal also includes the change of use of the whole application site (retrospective in part) into residential curtilage and to enclose the remaining open section with 1.8m high feather board fencing. The application form states the alterations would increase the parking available for the application property from six to nine spaces and the outbuilding would be used for storing a mobility scooter.

Relevant Planning History

Land at 27 Gomer Lane
15/00398/FULL - Continued use of land as garden and retention of 1.8 metre high boundary fence/gate - permitted 12.10.15

Land at 11 Monroe Close
K15568/1 - Change of use of land to extend garden and erection of 1.8 metre high wall - refused - appeal allowed 13.09.13

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:
LP10
Design
LP23

Layout of Sites and Parking

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

Consultations

Local Highway Authority

Object. The enclosure of the land is not acceptable to the Highway Authority as it would prohibit the access over the land which the existing rights allow.

Response to Public Advertisement

17 letters of objection

Issues raised:-

- effect on the appearance of the surrounding area - the estate has been designed to be spread out amongst open spaces, trees and green corridors
- the footpath from Amersham Close to Gomer Lane is heavily used by school children, dog walkers and pedestrians
- the proposed fencing would make the footpath into an alleyway stopping views around the corner and potentially increasing accidents
- the height of the fence would mean the users of the footpath cannot see vehicles moving in and out of 19 Amersham Close
- the fencing would box in the front of 6 and 4 Amersham Close, the path is the only access to these properties and the lack of wider views of their frontages could be a security risk
- the fencing would impact on the outlook and access to light for occupants of 6 and 4 Amersham Close
- height of the proposed fencing is too tall a better solution could be a lower fence softened with shrubs, conifers etc
- work has already started before the planning application has been considered
- this application could set a precedent for other such enclosures on the Privett Estate
- the impact of the enclosure of the open space would affect the value of nearby properties
- a large mature tree has already been felled which was on this piece of land
- why does the application property need nine car parking spaces, will they be running a business from the property?
- the Council has been maintaining the land over the summer, will the applicant be reimbursing the Council for the work if it is determined that Highways do not have a right of access over the land
- neighbouring properties deeds state that no high fences should be built and the open plan character should be maintained - likely the application property's deeds do too

Principal Issues

1. Planning legislation allows for planning applications to be submitted retrospectively and each planning application must be considered on its own merits in the context of local and national planning policy. Therefore an individual decision does not necessarily set a precedent for future developments. The effect of a development on the potential value of nearby properties is not a material planning consideration. The tree that has been felled on the application site was not protected by a Tree Preservation Order, nor was it within a designated Conservation Area, therefore notification of, or consent from the Council was not required for its removal. It is not a material planning consideration as to why the applicant requires nine parking spaces but it is likely that

separate planning permission would be required if a business was to be run from the application property in the future. The contents of deeds, the determination of Highway access over the land, and maintenance costs are beyond the remit of planning legislation. The main issues, therefore, are the appropriateness of the proposal, its impact on the appearance of the locality and the amenities of the occupiers of adjacent properties and the safety of the highway and public footpath.

2. Amersham Close is part of a specifically designed residential estate whose main layout features include:

- properties that are set back with open frontages and low or no fencing or boundary treatments between individual properties;
- areas of open space at highway junctions and road bends;
- pedestrian permeability with footpaths creating direct access to properties as well as permeability through the estate from the schools to the east and Gomer Lane to the west; and
- four distinct open green spaces spread along the length of Gomer Lane and linked into the estate creating visual breaks to the development along this section of the road.

3. This has created an estate with a verdant character and an appropriate balance between the built development and open spaces. Although in the past sections of the various open spaces have been permitted to be enclosed this has not been to the extent or scale of this proposal or in such a visually dominant location. The application site represents the majority of one of the four green spaces adjacent to Gomer Lane and therefore any form of enclosure or change of use could significantly alter the character of the area.

4. The area of hardstanding and fencing that has already been built is set back from Gomer Lane and, visually from the west, does not look dissimilar to the original fencing around the application property. It reduces the physical size of the open space but it is considered the public amenity aspect of the space would not be significantly harmed. However the section of fencing along the northern boundary of the application site abuts the edge of the public footpath and the position of the outbuilding along this creates a narrowing of the space from approximately 4.5m to 2m. This introduces an enclosed element in an otherwise open plan estate which detrimentally alters the character of the area. The height of the fence and outbuilding reduces the ability to see along the footpath which in turn reduces the safety for users of this busy pedestrian route in terms of being able to see other oncoming users, or persons entering / exiting 4 and 6 Amersham Close, as well as vehicle movement on Amersham Close.

5. The outbuilding is of a design which is considered appropriate for such a use and is subservient to the main dwelling in stature. However the location to the front of the application property, directly along the edge of the footpath and forward of the original fence line along the northern boundary unnecessarily draws attention to it and increases its visual impact in relation to the built hierarchy of the application property and site. It is clearly visible and prominent within the wider context of the site which is at odds to other outbuildings within the locality which are to the rear or side of the main dwellings and are not so visually prominent.

6. The proposed enclosure of the rest of the application site would significantly alter the visual impact from Gomer Lane the road and almost entirely remove the natural break in the built development along it that this space creates.

7. The resulting application would be in two parts, the already implemented enclosed driveway extension and separate area of fenced open space. It is not clear how the fenced in open space would be used in relation to the application property and why it is necessary to be incorporated as residential curtilage. It would also be physically separated from the application property with no clear means of access either from the application property itself, through the enclosed driveway or from the surrounding footpaths.

8. The proposed fencing, and that already built along the northern boundary of the application site, would closely follow the edges of the existing public footpaths at a height of 1.8m. Prior to the enclosure of the driveway extension the narrowest section of the footpath was between the boundary of the application property and 4 Amersham Close and was approximately 4.5m wide,

including a treed verge. The proposal would extend the fencing along the southern edge of footpath to a total depth of 18.8m and reduce the separation width to approximately 2m. Although this would clearly delineate the path ensuring it is recognisable as a route the fence itself would reduce the ability to see around the curve of the path along the north-west corner and when considered against the existing boundaries to the north of the footpath would create an enclosed and narrow space with reduced visibility at either end. As a busy thoroughfare it is therefore considered that the proposed additional fence would exacerbate the impact of the already constructed fence and would further reduce intervisibility between users of the footpath.

9. A further unintentional outcome of the fencing along the edge of the footpath would be that of personal safety. The fencing would significantly reduce the potential of passive surveillance from nearby residential properties which is prevalent throughout the estate and is important to creating the perception of a safe environment. Although the proposed change of use and fence, including the wall of the outbuilding, is not considered to harm the physical access to light or privacy of the adjacent properties, the outlook from 6 Amersham Close would be significantly altered. The front of no.6 has already suffered some enclosure from a 1.8m high fence to the west, however still partially maintains the open frontage of the estate design by a low wall boundary between it and the application site. The proposed fencing would remove this relationship so creating a visually enclosed frontage which is at odds to all other properties along Amersham Close.

10. The proposal does not respect the character of the distinctive residential environment of which the application site is part; and it is not required to provide acceptable levels of amenity space for the occupants of the application property or for off-road parking. Further to this, it is also considered that the proposal would harm the safe movement of users along the footpath. As such it the proposal does not comply with Policies LP10 or LP23 of the Gosport Borough Local Plan 2011-2029 and the Council's Design Supplementary Planning Document.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposed development, by reason of the height, extent and alignment of the existing and proposed fencing and existing outbuilding would represent an unduly prominent and incongruous feature that is not reflective of the established pattern of development in the area and would be harmful to the character and visual appearance of the area contrary to Policy LP10 of the Gosport Borough Local Plan, 2011-2029 and the Gosport Borough Council Design Guidance: Supplementary Planning Document.

2. The existing and proposed fencing and existing outbuilding, by reason of their height and proximity to the edge of the public footpath to the north, would create an enclosed environment reducing intervisibility along the whole length of that footpath which would be harmful to the safe movement of pedestrians. The proposal is therefore, contrary to Policy LP23 and Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

ITEM NUMBER: 04.
APPLICATION NUMBER: 16/00352/OUT
APPLICANT: Mrs Elizabeth Rolls
DATE REGISTERED: 07.07.2016

OUTLINE APPLICATION - ERECTION OF DETACHED DWELLING WITH ACCESS FROM PERTH ROAD AND NEW ACCESS TO BALMORAL DRIVE (additional plans 18.08.2016)

Land Adjacent To 2C Perth Road Gosport Hampshire

The Site and the proposal

1. The application site is located to the eastern side of the extended driveway off Perth Road where it runs alongside Balmoral Close. The site is laid to garden for 2C Perth Road, which is located to the south and west of the application site created. The area is residential in character with both Perth Road and Balmoral Close characterised by a varied mix of single storey bungalows and chalet bungalows. All properties have integral garages and driveways for off-road parking and are fronted by a footpath to the roadside apart from nos.2, 2A, 2B and 2C which have a shared driveway.
2. The site is 0.06ha in area. The boundary to Perth Road driveway is fairly open with various shrubs forming part of the front garden to no.2C. The boundary to the side elevation of no.2B to the north is a 1.5m high close boarded fence, this wraps around to form the eastern boundary of the dog-leg garden to no.2B and then joins the open watercourse / drainage ditch that runs to the southern end of the site.
3. The application is for outline permission with the principle of development and the means of access for consideration. Subsequent matters relating to the appearance of the development, the landscaping to the scheme, the layout on site and the scale of development have been indicated to be left to a later stage should outline planning permission be secured.
4. The proposal is for a detached dwelling to be provided on the site with vehicular access from Perth Road driveway to the west. The submitted plans also make reference to a new dropped kerb being provided between the Perth Road driveway and Balmoral Close to offer direct access from the highway, albeit the Perth Road driveway would be the principal access to be used (as clarified in the planning agents email 25 July 2016). An indicative location for the proposed dwelling is shown and various fruit trees on the site are annotated for removal on the submitted plan. Three car parking spaces are shown to be provided for the proposal whilst the existing bungalow no.2C would retain two spaces within its reduced curtilage.
5. Submitted in support of the application is a Design and Access Statement which includes comment on bio-diversity, land contamination, drainage and flood risk, waste management, and sustainability, and provides an ecological assessment and biodiversity check list. Amended plans provide annotation relating to on-site cycle storage and refuse / recycle bin storage. Confirmation is also provided on the site access to the highway boundary should access direct to Balmoral Close be used.

Relevant Planning History

No relevant planning history for this site.

58/03720/PA - dwelling house at 2C Perth Road - permitted 30.05.1958
58/03598/PA - O/L Dwelling house at 2C Perth Road - permitted 16.05.1958
57/03221/PA - bungalow at 2B Perth Road - permitted 04.01.1957

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

- LP1
Sustainable Development
- LP2
Infrastructure
- LP3
Spatial Strategy
- LP10
Design
- LP23
Layout of Sites and Parking
- LP24
Housing
- LP34
Provision of New Open Space and Improvement to Existing Open Space
- LP42
International and Nationally Important Habitats
- LP44
Protecting Species and Other Features of Nature Conservation Importance
- LP46
Pollution Control
- LP47
Contamination and Unstable Land

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

Consultations

Streetscene Waste & Cleansing

Dwelling would require a 240 litre domestic and 240 litre recycling wheeled bin which be placed out kerb-side Perth Road / Balmoral Close for collection.

Local Highway Authority

The application here is for the construction of a single detached dwelling adjacent to 2C Perth Road together with parking and a new access from Balmoral Drive. Vehicular and pedestrian access to the site is currently gained from a private drive from Perth Road/Balmoral Close which also provides access to several other properties.

The application includes the provision for 3 parking spaces to be provided on site which is appropriate for a 4+ bed dwelling. As the application does not specify the scale of the proposed dwelling, the local planning authority will need to satisfy themselves that the level of parking proposed is appropriate.

Appropriate cycle and bin storage areas is

required by the Highway Authority and should be provided by the applicant. The applicant is also required to provide tracking drawings for the largest vehicles entering the site to ensure adequate turning is available on site to prevent the requirement for vehicles to reverse to/from the public highway.

With respect to the new vehicular access the applicant is required to show precisely the location and width of the proposed new vehicular access. The dropped kerb access should accord with Manual for Streets standards and an appropriate highways licence will be required to enable works to commence to the public highway, should this application be approved.

Having regard to the above the Highway Authority would recommend no objection subject to conditions relating to tracking, parking and access details.

Natural England

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The Council as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

This application is within 5.6km of Portsmouth Harbour SPA and will lead to a net increase in residential accommodation. Natural England is aware that Gosport Borough council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). Provided that the applicant is complying with the SPD or policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

This application is in close proximity to Portsmouth Harbour SSSI. Natural England is satisfied that the proposed development

being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified.

HCC Ecology

This application is supported by an Ecological Assessment (4WoodsEcology, April 2016).

This provides details of an adequate survey and assessment of the site, and in summary there are no particular concerns due to the nature of much of the site and small outbuildings to be impacted. The potential for birds to nest within vegetation on site which is to be lost to development has been identified. As such the following informative should be placed on any consent.

'Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.'

The presence of a watercourse along the southern edge of the site has been identified. Although not considered suitable for supporting any protected or notable species, there is a need to protect this watercourse itself, and a package of protective measures should be put in place in line with section 4.4.2 of the ecological report. No detail is given within the application as to the proposed landscaping treatment adjacent to the watercourse. I understand that currently at least part of the bank is formed of ornamental planting. It is assumed that no physical works will occur to the watercourse or banks as part of this application. A buffer of vegetation as natural as possible should

be retained adjacent to the watercourse bank, and provided in the final scheme. A scheme of protective clearance/construction measures should be secured through a condition of any consent. This scheme (to be submitted, approved, and then implemented during the works) should include measures such as protective fencing, and prevention of pollution/machinery/materials/runoff from entering the watercourse during the construction and landscaping works.

I would also recommend that a scheme of ecological enhancements is secured through a condition of any consent.

This site is within the zone within which impacts to the European designated sites of the Solent are considered to occur in combination as a result of any increases in residential development. As such a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP), will need to be secured through any future consent.

Response to Public Advertisement

6 letters of objection

Issues raised:-

- question of ownership of the driveway verge by applicant
- loss of on-street parking if any new access to Balmoral Close
- loss of on street turning if any new access from Balmoral Close
- overlooking and loss of privacy
- construction noise and disturbance
- site may have some bat activity which should be considered

Principal Issues

1. The application site is located within the urban area boundary and consequently the principle of residential development is acceptable providing that the details accord with the criteria outlined in Policy LP24 and LP10 of the Gosport Local Plan 2011-2029 (October 2015) and the advice provided in the Design Guidance : Supplementary Planning Document (Feb 2014).
2. The main issue for consideration in respect of this outline application is the access relationship and the prospect of direct access from Balmoral Close which lies alongside the driveway that serves the site from Perth Road. Matters relating to the appearance of the proposal, the landscaping, the on-site layout and the scale of development are not submitted for assessment and therefore cannot be considered at this outline stage. That said the Design & Access Statement provided makes various references to the proposed development being capable of being a modest dwelling of similar footprint and height to those surrounding and providing sufficient space around it so as not to feel cramped, overlooked, etc.
3. Advice in the Council's Design Guidance SPD indicates a typical 2 bedroom / 4 person home should have an internal floor area of 77sqm overall to provide for flexibility and adaptability over time to address changing needs. The associated requirement of the Council's Parking: Supplementary Planning Document (Feb 2014) is for 2 off-street allocated car parking spaces (with an additional 0.2 space provision for off-street visitor spaces) for this typical scale of dwelling. The

provision of parking space within an integral garage will require the garage to have internal dimensions of a minimum of 6.0m by 3.2m (or 7.0m x 3.2m if the garage is to accommodate cycle parking) in order that it is counted towards the car parking provision.

4. It is also a consideration for any subsequent Reserved Matters submission that the proposed development must retain the current level of car parking for the existing dwelling in addition to the parking required for the proposed development. The site plan indicates the existing garage and 1 additional space, which would appear to be a reduction in the current level of car parking for this retained dwelling, however there is scope on the site to achieve the full parking provision for both the existing and the proposed new dwelling. This would need to be shown as alternative layout at the Reserved Matters stage, ensuring that the number of parking spaces currently available are retained, whilst maintaining sufficient turning / access and parking space to the proposed new dwelling.

5. Concerns have been raised relating to any vehicular access on to Balmoral Close as this would reduce the ability of vehicles from making full use of the on-road turning area due to the risk of obstructing the proposed access into the site. Furthermore, some casual on-street parking on the roadside would be lost due to the placement of the access point into the site. Whilst these concerns are understood the provision of an access directly on to Balmoral Close would not be contrary to highway advice.

6. Comment has also been received concerning the applicants ownership of the verge side landscaping strip between the Perth Road driveway and Balmoral Close. The submitted forms and certificates indicate that the applicant has confirmed that at least 21 days prior to the submission of the application that the application site, which includes the verge land was in their ownership. On further enquiry the applicant has also confirmed land registry ownership details which address the planning consideration of the application. On this basis the application has been accepted as valid for consideration and assessment.

7. The need for contributions in accordance with Policies LP2 and LP21 of the Gosport Borough Local Plan 2011-2029 has been considered. The payment of a commuted sum towards the Solent Recreation Mitigation Partnership (SRMP) in accordance with SRMP advice would be necessary. This payment has been made as part of the application submission, as without this obligation the proposal would be unacceptable at Outline Application stage.

RECOMMENDATION: Grant Permission

Subject to the following condition(s):-

1. The development hereby permitted must be begun either before the expiration of three years from the date of the grant of this outline permission, or the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved whichever is the later date.

Reason - To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of this outline planning permission.

Reason - To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. Details relating to the appearance, layout, scale, access details and landscaping of the proposed development, hereinafter called "the reserved matters", shall be submitted to and approved, in writing, by the Local Planning Authority before the development hereby permitted is commenced.

Reason - Such details have yet to be submitted, and to comply with the National Planning Policy Framework and Policies LP10, LP14 and LP23 of the adopted Gosport Borough Local Plan 2011-2029 (October 2015).

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 1267/01

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029 (October 2015).

5. No development shall commence until a Construction Environmental Management Plan (CEMP) for the development, hereby approved, has been submitted to and approved, in writing, by the Local Planning Authority. The CEMP shall contain details of:

- (a) A plan of the defined working area;
- (b) The location of the site compound and any buildings within it;
- (c) The means of enclosure of the site compound;
- (d) The provisions to be made for the parking of contractors, site operatives, employees and visitors;
- (e) The provision for wheel washing facilities;
- (h) Measures to control the emission of dust and dirt;
- (g) The method and timing of any piling required;
- (i) Measures to prevent adverse impacts to surface water and ground water;
- (j) Any screening or hoarding;
- (k) A lighting strategy;
- (l) Hours of construction.

The development must be carried out in accordance with the approved details.

Reason - To safeguard the amenity of occupiers of adjoining properties, highway and pedestrian safety, the character and appearance of the area and to prevent pollution in accordance with Policies LP10, LP22, LP44, LP46 and LP47 of the Gosport Borough Local Plan 2011-2029 (October 2015) and the NPPF.

6. No development shall commence until details, including samples, of all external facing materials, including any window reveals, brick bond, and mortar and the roofing materials, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that the external appearance of the development is satisfactory, and to comply with Policies LP10 and LP12 of the Gosport Borough Local Plan 2011-2029 (October 2015).

7. No development shall commence until a detailed scheme of biodiversity enhancements in line with measures set out in section 4.4.4 of the Ecological Assessment (4WoodsEcology, April 2016) to be incorporated into the development (including a timetable for their implementation) has been submitted to and approved in writing by the Local Planning Authority. Development shall subsequently be carried out in accordance with any such approved details.

Reason: To enhance biodiversity in accordance with policy LP44 of the Gosport Borough Local Plan 2011-2029 (October 2015).

8. The development hereby permitted shall not be occupied until cycle storage facilities have been provided in accordance with details to be submitted and agreed in writing by the Local Planning Authority. The approved cycle storage facilities shall thereafter be retained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order to ensure that adequate cycle storage is provided in compliance with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011-2029 (October 2015).

9. The development hereby permitted shall not be occupied until refuse and recycling storage facilities have been provided in accordance with the details to be submitted and agreed in writing by the Local Planning Authority. The approved refuse storage facilities shall thereafter be retained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order to ensure that adequate refuse storage is provided in compliance with Policy LP10 of the Gosport Borough Local Plan 2011-2029 (October 2015).

10. No development shall commence until plans and particulars showing details that enable vehicles to enter and leave in a forward gear have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the details that have first been submitted to and approved in writing by the Planning Authority.

Reason - In the interests of highway safety in compliance with Policy LP10 of the Gosport Borough Local Plan 2011-2029 (October 2015).

11. No development shall commence until plans and particulars showing details for car parking to be provided within the curtilage of the site for both the existing retained dwelling and the proposed dwelling have been submitted and approved in writing by the Local Planning Authority. The car parking spaces shall be provided and subsequently retained, maintained and kept available solely for that purpose, in accordance with the details that have first been submitted to and approved in writing by the Planning Authority.

Reason - To ensure adequate on-site car parking provision for the approved development and within the site in compliance with Policy LP10 of the Gosport Borough Local Plan 2011-2029 (October 2015).

ITEM NUMBER: 05.
APPLICATION NUMBER: 16/00356/FULL
APPLICANT: Mr Gary Owen Huhtamaki (UK) Ltd
DATE REGISTERED: 18.07.2016

ERECTION OF DETACHED SINGLE STOREY STORAGE BUILDING
Huhtamaki (uk) Ltd Grange Road Gosport Hampshire PO13 9UP

The Site and the proposal

1. The application site is located to the east of Grange Road and at the roundabout junction with Rowner Road. There is a direct vehicular access to the site from the roundabout. Within the site there is an existing large factory building, approximately 10.6m high, silos and outside service and storage areas. There is an existing car parking area, balancing pond and an open grassed area located adjacent to Grange Road, on the west side of the site. On the eastern side of the factory is a storage building, approximately 4m high, located on a grassed area adjacent to the factory, but detached from it. On the eastern boundary is an existing fence with open storage behind and dense planting on its eastern side adjacent to the cycleway. The remaining boundaries are secured by fencing and planting.

2. To the east of the site is the existing footpath / cycleway bordering Brune Park School. There is a footpath to the south of the site with the MOD establishments of Centurion and Sultan beyond. To the north and west are Rowner Road and Grange Road respectively with residential properties beyond.

3. The proposal is for the erection of a high roofed storage building on the southern side of the existing factory building. The building is proposed to be located on the adjacent grassed area. The building would have a pitched roof and be of sandwich panel UPVC construction. The building would have a ridge height of 11.2m with building eaves at 6.2m off the ground. The building would cover approx.2,250sqm. (75m by 30m). It would be approx.0.6m higher to ridge than the factory building.

Relevant Planning History

15/00110/FULL - Erection of single storey storage building/extension (as amplified by plan received 13.05.15) - permitted 03.06.2015
05/00237/FULL - Construction of vehicle hard standing - permitted 19.05.2005
05/00163/FULL - Erection of water chiller - permitted 09.05.2005
05/00118/FULL - Siting of portacabin for a temporary period - time limited temporary permitted 31.05.2005
05/00117/FULL - Erection of 8no. 14m high silos and 3no. transformer sub-stations - permitted 06.04.2005
95/20700/PA (K11886/4) -Erection of extensions to existing factory to provide warehouse & printing shop and. two storey office building - permitted 27.10.1995
90/20699/PA (K11886/3) - Erection of an extension to existing factory to provide warehouse and office space - permitted 03.09.1990
84/20686/PA (K11886) - Building. for industrial storage plant & ancillary office uses and an access road parking & landscaping - permitted 21.08.1984

Relevant Policies

Gosport Borough Local Plan,2011 – 2029:

LP10
Design
LP16
Employment Land

LP23
Layout of Sites and Parking
LP44
Protecting Species and Other Features of Nature Conservation Importance
LP46
Pollution Control
LP47
Contamination and Unstable Land

Supplementary Planning Documents:

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

Gosport Borough Council Parking: Supplementary Planning Document: February 2014

National Planning Policy Framework (NPPF), March 2012

Consultations

Southern Water

The application details indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

It is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter with Southern Water.

Local Highway Authority

No objection. The proposed building would not offer any direct or indirect impact on the operation or safety of the local highway.

HCC Ecology

The proposal will result in a significant net loss of semi-improved grassland habitat and therefore I consider it appropriate to attempt to offset that loss by the provision of new semi-improved grassland. This is a recommendation within the reptile report and I would concur with this. The grassland to the west of the existing site should be managed appropriately so as to allow it to develop into a structured grassland habitat suitable for reptiles and other organisms: the recommendations in paragraph 6.16 of the reptile report are acceptable. This and the retained habitat will be enhanced with the creation of artificial reptile hibernacula.

HCC Local Lead Flood Authority

Due to the size of the application do not wish to comment, however, if the proposals affect an ordinary watercourse consent will be required. Further information on drainage systems and watercourses can be found on the Hampshire County Council website.

Environmental Health

If any ground works are proposed would recommend condition in respect of ground investigation, risk assessment, remedial scheme and verification.

Response to Public Advertisement

Nil

Principal Issues

1. The main issues for consideration are whether the proposed storage building is an appropriate addition to the existing employment site and whether it would have a detrimental impact on the occupiers of adjoining properties, highway safety or biodiversity interests.
2. This is an existing employment site as identified within the Gosport Borough Local Plan, 2011-2029. The proposals would introduce additional storage for this existing and long established use, to meet the needs of the current operation and as such is considered to be an appropriate use of this partially utilised area of land within the site. The appearance of the proposed building is functional and industrial in nature, however, this is appropriate within this employment site. The building is significantly screened from public view from Rowner Road and from Grange Road by its position to the east of the site and south of the existing main factory building. There is existing boundary planting to the east. A condition requiring details of the proposed external materials is considered appropriate. The proposal would, therefore, comply with Policies LP10 and LP16 of the Gosport Borough Local Plan, 2011-2029.
3. The building would be largely screened from surrounding areas and the closest residential property is across an elevated section of Rowner Road and screened from the proposed building by the existing factory. Therefore the building would not have a detrimental impact on adjoining occupiers in terms of loss of light, outlook, or privacy. The applicants have indicated that the proposed use of the building is for storage only. If it were to be used for other activities it would be necessary to consider impacts from manufacturing or other operations that could result in noise being audible from outside of the site. It is therefore considered appropriate to restrict the use to storage only by planning condition. Subject to this condition the proposal would not have a detrimental impact on adjoining occupiers in accordance with Policies LP10 and LP46 of the Gosport Borough Local Plan, 2011-2029.
4. The applicant has indicated that there would be no increase in employees as it is part of a re-modelling of the unit, and, as noted above, the use of the building will be conditioned solely for storage purposes. Notwithstanding this, the level of car parking on site complies with the adopted Parking SPD in terms of the increased floor area and there is sufficient car parking within the site. As this application does not result in an increase in staff it is not considered reasonable to impose a condition requiring additional cycle storage in this instance. The proposals would, therefore, comply with Policy LP23 of the Gosport Borough Local Plan, 2011-2029.
5. The applicants have provided supporting information regarding the ecology of the site due to the existence of the balancing pond. The existing grassed area where the building is to be located is an area of semi-improved neutral grassland and developing scrub. This habitat is of intrinsic ecological value in the local landscape, which is predominantly urban in character. The grassland and scrub is considered suitable for supporting common reptile species and may provide some limited suitability

for foraging / commuting bats and nesting birds. The grassland will undoubtedly have value for invertebrate species in the local area.

6. A detailed reptile survey has been carried out and the site supports small numbers of common lizard and slow-worm. The actual numbers present may be higher than the small numbers recorded during surveys. A reptile translocation exercise is recommended in the submitted reports - reptiles will need to be moved carefully from the development footprint to a defined receptor area to the south. In the longer term the western amenity grassland habitat will be managed to provide additional reptile habitat.

7. The proposal will result in a significant net loss of semi-improved grassland habitat and therefore it is appropriate to attempt to offset that loss by the provision of new semi-improved grassland. This is a recommendation within the reptile report. The grassland to the west of the existing site should be managed appropriately so as to allow it to develop into a structured grassland habitat suitable for reptiles and other organisms: the recommendations in paragraph 6.16 of the reptile report dealing with this are acceptable. This and the retained habitat will be enhanced with the creation of artificial reptile hibernacula.

8. Subject to compliance with the submitted ecology reports findings the proposal is considered to comply with Policy LP44 of the Gosport Borough Local Plan 2011-2029. It is proposed to impose a condition to require compliance with the report's findings and also to include a condition to address the issue of contamination should this be discovered during the works and to comply with Policy LP46 of the Gosport Borough Local Plan 2011-2029.

9. The proposal, being a storage facility, would not generate any waste water. The surface water run-off is indicated to be disposed of to the pond on the site. The drainage bodies commenting on the disposal have not raised objection in this respect.

RECOMMENDATION: Grant Permission

Subject to the following condition(s):-

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

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

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

23064/01 location plan

Plan 2 elevations

23064/02 loading bay section

Design and Access Statement (dated July 2016) with biodiversity checklist and Great Crested Newt Conservation Handbook

Phase 1 Ecological Assessment (dated September 2016)

Phase 2 Reptile Report (dated October 2016)

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy LP1 of the Gosport Borough Local Plan 2011-2029 (October 2015)

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that order), the development shall only be used for storage purposes ancillary to the main factory use and for no other purpose whatsoever.

Reason - In the interest of the amenity of the area and highway safety and to comply with Policies LP10 and LP46 of the Gosport Borough Local Plan 2011-2029 (October 2015).

4. Development works shall be carried out in accordance with the ecological mitigation, compensation and enhancement measures set out within the Phase I Ecological Assessment (PV Ecology, September 2016) and Phase II Reptile Report (PV Ecology, October 2016) unless otherwise approved in writing by the Local Planning Authority. All ecological compensation and enhancement measures shall be retained and maintained in perpetuity.

Reason: in order to secure adequate ecological protection and enhancement in accordance with the Wildlife & Countryside Act 1981, NERC Act 2006, NPPF and Policy LP44 of the Gosport Borough Local Plan 2011-2029 (October 2015).

5. Details of the colour of the external facing and roofing materials shall be submitted to, and approved by, the Local Planning Authority before works above slab level are commenced. The development shall thereafter be implemented in accordance with the approved details.

Reason - To ensure that the external appearance of the development is satisfactory, and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029 (October 2015).

6. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an investigation and risk assessment of the identified material / ground conditions has been undertaken and details of the findings along with a detailed remedial scheme, if required, have been submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be fully implemented and shall be validated in writing by an independent competent person as agreed with the LPA prior to the occupation of the building.

Reason - To ensure that risks from land contamination, ground gases and contaminated groundwater to the future uses of the land, neighbouring land, surface water, groundwater and wider environment are mitigated to ensure that the development can be carried out safely without any unacceptable risks to workers, neighbours and off site receptors and to comply with the NPPF and Policies LP46 and LP47 of the Gosport Borough Local Plan 2011-2029 (October 2015).