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4 April 2017

S U M M O N S

MEETING: Regulatory Board
DATE: 12 April 2017
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)

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

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

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

IMPORTANT NOTICE:

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

Regulatory Board
12 April 2017

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 1 MARCH 2017
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 10th April 2017. 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 10th April 2017).
6. REPORT OF THE HEAD OF PLANNING SERVICES
*Schedule of planning applications with recommendations.
(grey sheets pages 1-31/1)*
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 1 MARCH 2017 AT 6PM**

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

It was reported that in accordance with Standing Order 2.3.6, Councillors Hook and Chegwyn had been nominated to replace Councillors Jessop and Hicks respectively for this meeting.

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

91. APOLOGIES

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

92. DECLARATIONS OF INTEREST

- In respect of Item 1 of the grey pages of the report of the Head of Planning Services, Councillor Wright declared that he could see the application property from his garden and so would stay in the room but not participate in the determination of this application.
- In respect of Item 9 of the grey pages of the report of the Head of Planning Services, Councillor Carter declared an interest in this item as he lived in Nottingham Place but stated that his house was quite far away from the application property so he was comfortable remaining in the room throughout the discussion and did not consider this to affect his judgement in determining the application.

93. MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 18 January 2017 be approved and signed by the Chairman as a true and correct record.

94. DEPUTATIONS

Deputations had been received on the following items:

- Item 3 of the grey pages 16/00553/FULL – 124-128 Brockhurst Road, Gosport
- Item 5 of the grey pages 16/00571/FULL – 32 Alver Road, Gosport
- Item 7 of the grey pages 16/00463/FULL – Admiralty Oil Fuel Depot, Forton Road

95. PUBLIC QUESTIONS

There were no public questions

PART II

96. REPORTS OF THE HEAD OF PLANNING SERVICES

The Head of Planning Services 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:

**97. 16/00497/FULL – ERECTION OF TWO STOREY SIDE EXTENSION AND ERECTION OF PITCHED ROOF OVER EXISTING PORCH (as amplified by plan received 24.11.2016)
20 Springcroft Gosport Hampshire PO13 0YW**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00497/FULL.

The Board were advised by the Deputy Head of Planning Services that Members had attended a site visit at 2pm earlier that day at the property whereby Members had the opportunity to view the application within the site and also view the proposal from the street.

RESOLVED: That planning application 16/00497/FULL be approved subject to the conditions of the report of the Head of Planning Services.

**98. 16/00593/FULL – CHANGE OF USE FROM CAR SALES TO COMMERCIAL CAR WASHING
Finsbury Cars Privett Road Gosport Hampshire PO12 2SU**

Members of the Board were advised that planning application 16/00593/FULL had been deferred for consideration at a future meeting.

**99. 16/00553/FULL – DEMOLITION OF EXISTING BUILDING AND ERECTION OF 3NO. ONE BEDROOM DWELLINGS, 3NO. THREE BEDROOM DWELLINGS, AND 1NO. TWO BEDROOM DWELLING, TOGETHER WITH FIRST FLOOR REAR EXTENSION TO EXISTING HOUSE AND ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND CYCLE AND WASTE STORAGE FACILITIES (as amended by plans 03.01.2017)
124-128 Brockhurst Road Gosport Hants PO12 3BA**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00553/FULL.

Members were advised that there were no updates.

Mr Peter Denny was invited to address the Board.

Mr Denny advised the Board that his concerns with the application related to the positioning of the bin and cycle storage facilities for proposed dwelling number 3 as these would be located at the side of his property and the bin storage sited under his bedroom window.

A Member advised that whilst the revised application was an improvement on previous applications submitted, there were still some concerns in relation to access from The Shrubbery and the main road. He further added that the extension of the yellow lines was welcomed, although noted that these would need to be enforced in practice if they were to be effective.

A Member asked the Planning Officer if there was a possibility to adapt the plan to take into account Mr Denny's concerns and reposition the bin storage and cycle storage away from his property.

The Deputy Head of Planning Services advised the Board that Condition 10 of the report detailed the storage provisions for the site and confirmed that it had been considered that the location of these facilities were acceptable. He further advised that, if Councillors were concerned with the

location of the storage facilities, delegated authority could be given to the Head of Planning Services to amend Condition 10 to include the repositioning of the bin and cycle storage for dwelling number 3 to a different location on the site. Members unanimously agreed that Condition 10 be amended.

Mr Trevor Ayles was invited to address the Board but declined.

Following discussions, Members felt that the application was the right plan for a residential area and would tidy up the neighbourhood.

RESOLVED: That planning application 16/00553/FULL be approved subject to:

- (a) a section 106 agreement relating to the payment of a commuted sum to extend the traffic regulation order (TRO) at the Kingsley Road/The Shrubbery junction to prevent vehicles parking in this area opposite the proposed new vehicular access to the rear of the site; and
- (b) the conditions of the report of the Head of Planning Services, including delegated authority to the Head of Planning Services to amend Condition 10 to provide for the relocation of the bin and cycle storage relating to unit 3 of the proposal.

**100. 16/00582/OUT – OUTLINE APPLICATION - ERECTION OF NINE DWELLINGS WITH INDICATIVE ACCESS FROM WYCH LANE
Land Rear of 363, 365 & 367 Fareham Road Gosport Hampshire
PO13 0AD**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00582/OUT.

Members were advised that there were no updates.

Members unanimously supported the Planning Officer's recommendation for refusal of the planning application and felt that the proposal was back garden overdevelopment.

Members further felt that this application was contrary to numerous policies in the Gosport Borough Council's Local Plan and would have a detrimental impact on highway safety within the surrounding area.

A Member raised concerns with the lack of ecological information provided and felt that it would be at odds with an already established development.

RESOLVED: That planning application 16/00582/OUT be refused for the following reasons:

1. The proposed development, by reason of its location, size and inappropriate siting within the rear garden of numbers 363, 365 and 367 Fareham Road, would be at odds with the established pattern of residential development in the locality and would create an incongruous, cramped and discordant development, detrimental to the character of the area and contrary to Policy LP10 of the Gosport Borough Local Plan 2011-2029.

2. The application does not demonstrate that adequate access could be provided to serve the proposed development and that the proposal would not be prejudicial to the safety or convenience of users of the surrounding highway network. The proposal is therefore contrary to Policy LP22 of the Gosport Local Plan 2011-2029.

3. The proposal does not demonstrate that adequate provision can be made for off-street parking and manoeuvring of vehicles to meet likely demand. The proposal is therefore contrary to Policy LP23 of the Gosport Local Plan 2011-2029 and to the adopted Parking SPD.

4. In the absence of any ecological evidence to demonstrate that the proposals would not be likely to affect the habitats of protected species the proposal is contrary to Policy LP44 of the Gosport Borough Local Plan 2011-2029.

5. The proposal does not make adequate provision to mitigate 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, the Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2016 and the Conservation of Habitats and Species Regulations 2010 (as amended).

**101. 16/00571/FULL – ALTERATIONS TO ROOF AND FORMATION OF DORMER WINDOW TO SOUTH ELEVATION (AMENDMENT TO APPLICATION 15/00303/FULL - ERECTION OF TWO STOREY SIDE/REAR EXTENSIONS)
32 Alver Road Gosport Hampshire PO12 1QR**

Consideration was given to the report of Head of Planning Services requesting that consideration be given to planning application 16/00571/FULL.

Mr Critchley was invited to address the Board but was not in attendance.

Members were advised that since the publication of the report one further letter of objection had been received on 27th February 2017 from a neighbour at 34 Alver Road. This letter was read out by the Deputy Head of Planning Services as follows:

“I am writing this letter with a sense of disappointment at how the continuing saga of my roof is progressing.

After speaking with Jeremy and Andrew, I had hopes of a satisfactory conclusion however I must admit that I find the present state of the roof repair to be very unsatisfactory.

The edging while possibly functional is certainly not pleasing to the eye or anywhere near its original state.

After nearly one and a half years of disruption, disappointment and stress to myself, my wife and my children, I feel that it is time for a satisfactory conclusion to be reached”.

The Deputy Head of Planning Services advised Members that an amended plan had been received which represented what was now on the site and that the dormer windows had been removed under a separate enforcement action.

The Deputy Head of Planning Services further advised Members that the applicant had indicated that repairs to the roof and replacement of the rotten roof felt would be carried out within the next two weeks.

A Member highlighted an incorrect address at the bottom of the plan that had been circulated. The Deputy Head of Planning Services confirmed that this was a drafting error.

Following a question regarding the possibility of the property being used as a house of multiple occupation, the Deputy Head of Planning Services advised that no information had been provided and that planning permission would not be required. The Deputy Head of Planning Services confirmed that the building was presently a 3 bedroomed property and authorised for family use. A condition was proposed to be attached limiting the number of bedrooms within the property.

RESOLVED: That planning application 16/00571/FULL be approved subject to the conditions of the report of the Head of Planning Services.

**102. 16/00549/FULL – RETENTION OF AND FURTHER WORKS FOR THE ERECTION OF A SINGLE STOREY SIDE/REAR EXTENSION
31 Monckton Road Gosport Hampshire PO12 2BG**

Consideration was given to the report of Head of Planning Services requesting that consideration be given to planning application 16/00549/FULL

Members were advised that there were no updates.

RESOLVED: That planning application 16/00549/FULL be approved subject to the conditions of the report of the Head of Planning Services.

- 103. 16/00463/FULL - CONSTRUCTION OF A SHEET PILE GROUNDWATER MIGRATION BARRIER AND ASSOCIATED COLLECTION CHAMBERS AND TREATMENT PLANT, BUILDING AND STRUCTURE DEMOLITION, SITE CLEARANCE AND ASSOCIATED REMEDIATION WORKS INCLUDING: REMOVAL OF CONCRETE STRUCTURES, AREAS OF HARDSTANDING AND BURIED OBSTRUCTIONS; REMOVAL OF ABOVE GROUND AND BELOW GROUND PIPELINES AND ASSOCIATED INFRASTRUCTURE; AND EXCAVATION AND REMEDIATION OF CONTAMINATED SOILS. WORKS INCLUDE THE CONSTRUCTION OF TWO TEMPORARY RAMPED ACCESSES TO THE FORESHORE OF FORTON LAKE, TEMPORARY WORKING PLATFORM ON THE FORESHORE AND RE-PROVISION OF PEDESTRIAN ACCESSSES FROM GOSPORT OIL FUEL DEPOT TO THE FORESHORE OF FORTON LAKE (CONSERVATION AREA) (as amplified by information received 27.10.16, 23.11.16 and 16.12.16, plan received 16.02.17 and amended by plan received 13.02.17)**
Admiralty Oil Fuel Depot Forton Road Gosport Hampshire PO12 4TH

Consideration was given to the report of Head of Planning Services requesting that consideration be given to planning application 16/00463/FULL.

Members were advised that there were no updates.

Mr McClea was invited to address the Board.

Mr McClea advised Members that specialised detailed advice had been sought and that work carried out would deliver environmental benefits to the site.

Following a question from a Member Mr McClea advised the Board that the new sheet piles would be installed using vibration piling methods with impact piling only being used minimally if required. Mr McClea further added that a detailed construction management plan would be put in place.

RESOLVED: That planning application 16/00463/FULL be approved subject to:

- (a) a section 106 agreement relating to the payment of a commuted sum to provide adequate off-site biodiversity enhancement works; and
- (b) the conditions of the report of the Head of Planning Services.

- 104. 16/00595/FULL - RETENTION AND FURTHER WORKS TO A SINGLE STOREY OUTBUILDING**
11 Clanwilliam Road Lee-On-The-Solent Hampshire PO13 9HX

Consideration was given to the report of Head of Planning Services requesting that consideration be given to planning application 16/00595/FULL.

Members were advised that there were no updates.

RESOLVED: That planning application 16/00595/FULL be approved subject to the conditions of the report of the Head of Planning Services.

105. **16/00441/DETS - DETAILS PURSUANT TO APPLICATION 11/00282/OUT - EIA - OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS - EMPLOYMENT-LED MIXED USE SCHEME INCLUDING UP TO 69,992 SQM OF COMMERCIAL FLOOR SPACE IN NEW BUILDINGS AND RE-USE OF EXISTING BUILDINGS (USE CLASSES B1, B2 AND B8); UP TO 1,075 SQM OF RETAIL (USE CLASSES A1, A2, A3 AND/OR A4); UP TO 200 RESIDENTIAL UNITS (USE CLASS C3); UP TO 32 UNITS OF CARE ACCOMMODATION (USE CLASS C2); UP TO 1,839 SQM OF COMMUNITY USES (USE CLASS D1); UP TO 8,320 SQM OF HOTEL USE (USE CLASS C1); UP TO 2,321 SQM OF LEISURE (USE CLASS D2); NEW AND UPGRADED VEHICULAR AND PEDESTRIAN ACCESS ARRANGEMENTS; HARD STANDING AND CAR PARKING; OPEN SPACE PROVISION; LANDSCAPING; AND ASSOCIATED WORKS. (WORKS AFFECTING LISTED BUILDINGS/CONSERVATION AREA (IN PART)) (as amended by revised Design and Access Statement, amended plans, Second Addendum to Environmental Statement, Appropriate Assessment Screening Report, Transport Assessment Supplementary Technical Response, Delivery and Service Plan, and Framework Travel Plan all received 25.01.12, additional plans received 24.02.12, revised Heritage Statement and amended plans received 06.03.12, additional information received on 16.03.12, 21.03.12, 23.03.12, 26.03.12, 28.03.12, 28.12.15 and 13.01.16). (CONDITION 5 PURSUANT TO PHASE 1 - LAYOUT OF ROADS, AND INFRASTRUCTURE AND SERVICES INCLUDING NEW FOUL WATER PUMP HOUSE. HMS Daedalus Nottingham Place Lee-On-The-Solent PO13 9YA**

Consideration was given to the report of Head of Planning Services requesting that consideration be given to planning application 16/00441/DETS.

Members were advised that there were no updates.

Members unanimously supported the application and recognised the importance of the provision and improvement of much needed infrastructure to enable the site to develop as planned, including the provision of affordable housing including up to 80 starter homes, employment opportunities and commercial space. Members emphasised their desire to see the site used for leisure and employment uses, and not just for housing.

RESOLVED: That planning application 16/00441/DETS be approved subject to the conditions of the report of the Head of Planning Services.

106. ANY OTHER BUSINESS

There was no other business

The meeting concluded at 18:35

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

12th April 2017

ITEMS WITH RECOMMENDATIONS

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

<u>Item</u>	<u>Page No</u>	<u>Appl. No.</u>	<u>INDEX Address</u>	<u>Recommendation</u>
01.	03-10	16/00423/FULL	Unit B1 Granary And Bakery Weevil Lane Gosport Hampshire PO12 1FX	Refuse
02.	11- 18/1	16/00593/FULL	Finsbury Cars Privett Road Gosport Hampshire PO12 2SU	Refuse
03.	19-24	17/00002/FULL	Land Rear Of 22 Crescent Road Gosport Hampshire PO12 2DH	Grant Permission subject to Conditions
04.	25-28	17/00003/LBA	Land Rear Of 22 Crescent Road Gosport Hampshire PO12 2DH	Grant Listed Building Consent subject to Conditions
05.	29-32	17/00053/FULL	100 Park Road Gosport Hampshire PO12 2HH	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 08.02.17)
Unit B1 Granary And Bakery Weevil Lane Gosport Hampshire PO12 1FX

The Site and the proposal

1. This application was considered by the Regulatory Board on 7 December 2016 when Members resolved to defer it for negotiation.
2. 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 storey 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.
3. 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. There are flats on the floors above.
4. 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.
5. Tables and chairs have now 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 section in front of the building is approximately 40m wide and extends out by approximately 5m (covering an area of approximately 203m²) and contains 50 seats. They are currently laid out in 12 rows, 6 either side of the main entrance, with 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 currently capable of provide seating for approximately 100 people. There are cycle hoops attached to the seating adjacent to the entrance to the building.

6. 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.

7. The initial drawings submitted showed 14 rows on the raised area orientated at 90° to the Harbour. Amended plans, however, were then received that showed 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 was proposed 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. Under the original submission the tables and chairs in the area in front of the Granary and Bakery was proposed to be retained, as constructed.

8. Following concerns raised at the Regulatory Board by Members, an amended proposal has been submitted which now proposes to alter the current layout and reduce the number of tables and chairs in both areas. The plans now show the section in front of the Granary and Bakery proposed to be laid out in 10 rows, 5 either side of the main entrance, with each row containing two tables and two seats, with the exception of those at the end which are formed of 3 seats, to provide a total of 38 seats and up to 76 people. This is an overall reduction of 6 tables and 12 seats in this area.

9. The tables and chairs upon the raised area are now proposed to consist of a row of 11 tables and benches at 90° to the Harbour and the southernmost being sited parallel to the Harbour for up to 76 people. This is a reduction of 2 benches and one table.

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 minor modifications to the apparently readily combustible wooden seating and tables (created from wooden pallets) are noted, however a considerable fire load, directly outside the licensed part of the building and directly below the upper floor private residential living accommodation remains. This may not be of concern during licenced hours or business use, when staff are on the premises and able to control the situation. However, it may 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. Building Regulations do not apply.

The Gosport Society

Raise objection. The Gosport Society sees no reason to lift its previous objection to this retrospective application on the following grounds:

1. Making a minor reduction in the number of tables and seating but spreading the remaining furniture out to cover the same footprint as previously does not address any of the objections regarding, scale, mass and design (as laid out clearly by GBC Head of Conservation and Design in his report dated 29 September).

2. There has been plenty of time since the last hearing for the applicant to consider (and propose) more flexible and less permanent furniture which would be far more in keeping with the setting in the Royal Clarence Yard Conservation Area and in front of the uniquely important Grade II* listed building of the former Bakery and yet he has chosen not to do so; nor provided any evidence that he has actually considered alternatives as required/advised.

Our previous objection specifically asked that more suitable alternative furniture should be considered and discussed. This remains the Society's opinion. We are quite happy to see some exterior furniture outside this restaurant (and outside all the restaurants and cafes along the Royal Clarence Yard Waterfront) but there needs to be a consistent approach to the design, materials and scale of such seating in order to preserve the visual coherence along this important part of Gosport's history, which should be an attraction for visitors to this area. 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.

Our additional concern is that this applicant appears to have shown little respect for either the local policies related to the Conservation Area (specifically LP11 and LP12) or the advice of the highly qualified experts in the Conservation and Planning Departments. That is to be deprecated.

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.

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

7 letters of objection (to amended plans)

Issues raised:-

- lighting and life jackets on sea wall remain obscured
- happy that disabled access to walkway will be provided
- disabled access to walkway is still hindered
- portable seating in front of building could be considered acceptable
- wish for original objections to remain
- seating should be still fewer in number
- changes are to delay decision being made
- changes do not overcome main issues
- issues over design, scale and massing have not been addressed
- changes are a small concession
- development is completely out of character with surrounding buildings
- seating will attract noise and nuisance after hours
- issues over use by smokers

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 for all, included those with disabilities, 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 in the proposed layout, 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. The tables and chairs have characteristics of permanent fixtures, unlike the conventional tables and chairs that were previously sited, that were capable of being removed. Notwithstanding the minor decrease in number of tables and chairs, the solid timber form, and number and density of the tables and chairs have a significantly harmful visual impact both on the area in front of the Bakery and unnecessarily impede views towards the lower part of the façade, as well as the intrinsic value of the building. The seating on the raised area remains excessive in number and taking into account the dense layout, overall height and poor quality finish of the tables and benches in this prominent location, 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 proposed 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 the applicant. The tables and chairs are incapable of being removed after-hours and no measures have been provided to secure them and thereby prevent harmful disturbance. 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 of those in front of the building 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, the application remains 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 would cause substantial harm to the setting of the adjacent Grade II* Listed designated heritage asset and fail 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: 16/00593/FULL
APPLICANT: Mr Hugo Adkins
DATE REGISTERED: 27.02.2017

CHANGE OF USE FROM CAR SALES TO COMMERCIAL CAR WASHING
Finsbury Cars Privett Road Gosport Hampshire PO12 2SU

The Site and the proposal

1. The application was deferred from the 1 March Regulatory Board meeting to allow officers the opportunity to consider additional information provided by the applicant after the report was published relating to highway safety. 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 level approximately 0.6m lower than the application site, 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 3m 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 only.
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. 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.
8. The application is accompanied by a noise report which has assessed the existing background noise levels and indicated the noise levels likely to be generated as a result of the car wash being operational. The 'noise map' which forms part of the noise report includes anticipated noise levels at the facades of adjoining residential properties and the rear garden areas.

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 1.2 Metre 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 (b.3333) and associated parking (as amplified by letter dated 23.02.07 and email dated 9.3.07)- refused 28.03.2007

16/00312/FULL - 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 and 18.11.2016) - withdrawn 07.12.2016.

Relevant Policies

Gosport Borough Local Plan,2011 – 2029:

LP46

Pollution Control

LP47

Contamination and Unstable Land

LP1

Sustainable Development

LP10

Design

LP23

Layout of Sites and Parking

National Planning Policy Framework (NPPF), March 2012

Consultations

Environmental Health

Referring only to the noise map (section 6.4.) and cross section (section 6.5.) contained in the Noise Impact Assessment v1.3, dated 10 November 2016. (It is understood the noise map in section 6.4 and the cross section assumes sources of noise from the car washing facility are present but with proposed mitigation measures in place). The noise map shows the average noise level (Leq) at the nearest noise sensitive property is predicted to not exceed 49dBA, compared to a current background noise level of 47dBA (L90, i.e. the level exceeded 90% of the time). Assuming a reduction in noise from an open window of 10 to 15dBA, the resultant internal average noise level will therefore be in the order of 32 to 37dBA. These noise levels would be acceptable during the daytime (and the hours proposed for operation of the carwash). In the garden of the property, at head height, noise levels

are predicted to be between 42 and 46dBA (Leq). This is less than the current background and compares favourably to World Health Organization guideline levels for outdoor noise of 55dBA for the minimisation of annoyance.

The comments above only interpret the findings of the noise assessment (the sections specifically referenced) and try to put them into some context. Sources of noise from the car washing facility may be audible outside the boundaries of the site.

It is recommended that consideration be given to requiring (through a planning condition) noise monitoring following the change of use in order to demonstrate operation of the car washing facility has not given rise to noise levels (LAeq) at the nearest noise sensitive receptor - measurement positions to be agreed - exceeding the current background noise level (LA90). Should average noise levels be shown to exceed the current background noise level then additional mitigation measures should be installed to bring the average levels down to at least the current background of 47dBA.

Local Highway Authority

The Highway Authority previously raised concerns over the likely highway safety implications of the proposed development if it were to be undertaken. Whilst further information has been submitted by the applicant, this does not alleviate the highway authority's concerns regarding the proposals.

The objection relates to the intensification of use of the sub-standard access/egress arrangement and the lack of suitable internal stacking capacity within the site to cope with the peak demands resulting in a considerable highway safety risk.

Multiple site visits have been undertaken during working hours on weekdays but also at weekends. No vehicles have been observed entering or leaving the site during these visits.

Whilst the applicant has submitted information in an attempt to demonstrate forward visibility on approach to the site access exists, in practice the situation remains a concern.

The objection of the Highway Authority remains.

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.

Environment Agency (Hants & IOW)

No response received.

Response to Public Advertisement

10 letters of objection received.

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;
- the flurry of support letters come from people who are not immediate neighbours, many live some distance away including outside the Borough
- many of the comments are factually incorrect. For example several people state that distances of several miles would need to be travelled to find an alternative car wash. The facts are, there are 3 existing car wash facilities, all less than 1.5 miles away from Privett Roundabout. The closest is a newly opened facility at Tesco Supermarket on Grange Road (less than 0.75 mile North), a 2nd at the Shell Petrol Station, Privett Rd (1 mile East) & a 3rd on Dock Road (1.5 Miles East).

- the comments give little attention to the increased risks associated with heavier traffic activity and backup queues at Privett Roundabout. Nor do they consider the additional hazards this will present to the large numbers of Bay House students crossing at the roundabout more than three times every working day (morning, afternoon & several times during the day to gain access to the playing fields at Military Rd). The risk that this development could precipitate an accident black-spot is shared by HCC Highways.

15 letters of support received.

Issues raised:-

- benefit to locals who do not have time to drive miles to the nearest alternative;
- ideal location as you do not have to get stuck in traffic jams on the A32 to get to it;
- supports a local business:
- ideal location for a car wash;
- ample space for cars to enter and leave the site;
- there has been a garage with car wash facility on this site for decades;
- the business is highly thought of locally, is well run and keeps the site/cars clean and tidy;
- the council should be supporting local businesses not preventing them from providing needed services.
- HCC Highways and Ecology raised no objection to the previous car wash application.
- the noise report states there will be no adverse impact on neighbours.
- other car washes in the area operate safely and haven't caused traffic problems, there is no reason why this one would be different.
- there would be no increase in the likelihood of accidents at the roundabout;
- the road safety aspects of this site are far better than at the existing Grange Road site;
- the proposals accord with the NPPF which promotes economic growth and supports business.

Principal Issues

1. The Local Plan accords with the NPPF in its support for economic growth and the support of local businesses. The Council has adopted a positive and pro-active approach to supporting local businesses and one of the key priorities of the local plan is the retention of existing businesses and the establishment of new businesses within the Borough to reduce to current level of trips out of the Borough. However, new development proposals must accord with adopted policy requirements. The application should be judged on the merits and the unique circumstances of the application site itself. For the reasons set out below the site is not considered to be an ideal location for a car wash notwithstanding the benefits it would bring in terms of employment and the reduced travel demands for some local residents in having a facility closer to home. The noise report indicates there will be an increase, albeit small, in the background noise levels associated with the use, and the County Council, as Highway Authority, has indicated concerns for highway safety as a result of the increased use of the access and egress in such close proximity to the roundabout. The main issues for consideration are therefore highway safety and residential amenity.

2. 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.

3. The proposed car wash use would be likely to introduce significantly greater trips and activity throughout the day than the existing relatively low traffic generation associated with the 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.

4. Hampshire County Council, as Local Highway Authority, have reviewed the additional information provided by the applicant but remain of the opinion that the establishment of a commercial car wash on the site would be prejudicial to highway safety. Despite the additional information the Highway Authority remain concerned that at busy periods the limited availability of space within the site could lead to queuing on the highway at the westbound exit of the roundabout. There is also the strong likelihood of vehicles slowing whilst exiting the roundabout to turn into the site which would increase the likelihood of rear shunts. Furthermore, there is no practical way of preventing vehicles turning right into the site immediately across the west bound exit of the roundabout rather than going right-around the roundabout and turning directly in. This manoeuvre increases the potential for road traffic collisions and also, given the width of the road approaching the roundabout from the west, increases the likelihood of queuing traffic. To enter and exit the site cars would need to cross-over a designated and well used cycle and pedestrian path. This route is part of a continuous off road cycle network linking Lee on the Solent and the town centre and is on a school route which has increased levels of usage around school opening and closing times by pupils and parents in addition to general usage during the remainder of the day. Increased movements and potential queuing and obstruction of this route would introduce a potential conflict with safe usage. Based on this advice it is considered that the proposals have not been demonstrated to be in accordance with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

5. The adjacent garden areas are of reasonable size and currently enjoy good levels of sunlight and relative quiet, despite traffic noise being audible from both traffic using Privett Road and the activities associated with the car sales business which includes an ancillary element of car cleaning. 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 that with the mitigation measures proposed the levels of noise which would be audible within the habitable rooms of adjoining houses and the adjacent garden area would, for the majority of the time, not be audible above existing background noise levels. 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 any noise levels above this existing background level will be limited and be negligible. The noise assessment indicates the impact on the garden areas adjoining the site will only be a little above existing background. The Head of Environmental Health does not disagree with the overall conclusions in the noise report and concludes that the issue of noise is finely balanced. However, in his summary the Head of Environmental Health concludes that 'sources of noise from the car washing facility may be audible outside the boundaries of the site'. The suggested condition of seeing if the existing mitigation is sufficient and if proven not to be requiring further mitigation is not an acceptable condition from a planning perspective. It is not precise, or reasonable and is open ended. It leaves the possibility of disturbance to the neighbours and an unknown cost to the applicant. Also, the level of further mitigation may not be acceptable in planning terms if it requires an acoustic fence of height which impacts on the character of the area or the visual amenity of neighbours. Given that the Head of Environmental Health cannot confirm that the site would operate without causing a detrimental impact on residential amenity, and that residents should still expect to enjoy a level of amenity which is not harmed as a result of new development, the proposals remain unacceptable. Therefore, notwithstanding the conclusion of the noise report, the increase in activity and the nature of that activity, including the noise of water on the body of a car at high pressure for extended periods, 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. 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. For this reason, it is considered that the operation of a commercial car wash facility on this site and on 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.

6. 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.

7. Historic records associated with planning applications submitted to change the use of the former petrol station on the site indicate that the site was fully decommissioned at the time of the closure of the petrol station. As such the use does not represent a threat of pollution in accordance with Policy LP47 of the Gosport Borough Plan 2011-2029.

8. 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.

9. 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 approximately 0.6m) 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 location of the site on a busy roundabout and the intensification of vehicular activity associated with the proposed commercial car wash business would increase the likelihood of road traffic collisions and introduce additional conflict with pedestrians and cyclists using the adjoining cycle/footway to detriment of highway safety and contrary to Policies LP10 (2) and LP23 of the Gosport Borough Local Plan 2011-2026.

2. The proposed commercial car wash business, 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 in their rear private garden areas by

the occupiers of adjacent properties contrary to Policy LP 46 (3) of the Gosport Borough Local Plan 2011-2029.

ITEM NUMBER: 03.
APPLICATION NUMBER: 17/00002/FULL
APPLICANT: Mr & Mrs J Freeman
DATE REGISTERED: 03.01.2017

**ERECTION OF TWO-STOREY DWELLING FRONTING ANGLESEY ARMS ROAD
(LISTED BUILDING IN CONSERVATION AREA) (as amended by Ecology Report dated
03.02.2017 and plans dated 16/3/17)
Land Rear Of 22 Crescent Road Gosport Hampshire PO12 2DH**

The Site and the proposal

1. No 22 Crescent Road is a Grade II* Listed Building dating from the 1830's situated within the Anglesey Conservation Area. It is part of a curved terrace with a painted white stucco front elevation and brick rear elevation under a slate roof. It is a four storey building, split into four flats, with a semi-basement and has a two storey extension at the rear. The rear garden is approximately 40 metres deep and is landscaped with 2 metre high brick boundary walls to either side. At the end of the garden fronting Anglesey Arms Road there is an area of hardstanding.
2. The application site is part of the rear garden of 22 Crescent Road. It is approximately 7 metres wide and 16 metres deep with a frontage to Anglesey Arms Road, a mews to the rear of the Crescent originally provided for the location of coach houses related to the use of the Crescent houses. This part of the Anglesey Conservation Area is characterised by garages and two storey coach house style dwellings located in the large rear gardens of the frontage Listed Buildings. They have windows of different sizes materials and styles from all periods. The gardens to the rear of the Grade II* Listed terrace of which the site is part, are defined by brick walls built with the terrace that by virtue of their attachment to the main buildings are part of the Listed Building. The remaining original outbuildings that are built off the listed walls are themselves also part of the Listed Building. The buildings are of different ages and designs utilising varying materials such as brick, vertical tile hanging, render and timber boarding.
3. To the west of the site, positioned immediately adjacent to the Anglesey Arms Road, there is a two-storey, brick built coach house with a pitched roof and gabled side at the rear of no 21 Crescent Road. To the west of this there is a relatively new two storey house with gabled side elevations. To the east of the site there is a substantial detached garage with a pitched roof and timber boarded gabled front. Next to this is a yard at the rear of the Anglesey Hotel. Located opposite the application site is number 2 Anglesey Arms Road, a two-storey dwelling with a single southerly aspect facing towards the site. There is a narrow pavement on this side of the road with the road available for kerb side parking.
4. It is proposed to erect a two-storey, one bedroom dwelling fronting Anglesey Arms Road. At ground floor the dwelling would comprise an office and shower room as well as an integral garage together with a walkway through to the main building as well as cycle storage for the new dwelling and bin storage for both new and existing properties. To the first floor the dwelling would comprise a bedroom, bathroom and open plan lounge and kitchen. The upper floor would be lit by roof lights on the front and rear elevations and first floor windows fronting Anglesey Arms Road.
5. The building would be two-storey in scale where it fronts Anglesey Arms Road with a reduced scale at the rear though the use of a catslide roof bringing some of the first floor accommodation under the roofslope To the ground floor the building would be finished in red brick, with horizontal timber boarding to the first floor and gables. The roof covering is to be slate and incorporate conservation style rooflights.
6. The proposal has been amended with the detailing of the front elevation and layout of the ground floor being altered. The alterations to the ground floor removed a second bedroom, increased the size of the garage, enlarging the refuse storage area and provided an enclosed walkway to the rear separate from the garage.

Relevant Planning History

12919 - erection of house and garage (fronting Anglesey Arms Road) - refused 18/5/1988.
12919/1 - two storey detached house with garage (fronting Anglesey Arms Road) - refused 10/4/1989. Subsequent appeal dismissed 28/3/1990.

A corresponding application for listed building consent (reference 17/00003/LBA) has been submitted and is pending a decision.

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

- LP3
Spatial Strategy
- LP10
Design
- LP11
Designated Heritage Assets including Listed Buildings, Scheduled Ancient Monuments and Registered Historic Parks & Gardens
- LP12
Designated Heritage Assets: Conservation Areas
- LP23
Layout of Sites and Parking
- LP42
International and Nationally Important Habitats
- LP44
Protecting Species and Other Features of Nature Conservation Importance

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

Consultations

Historic England	Support proposal on heritage grounds. Comments on detail of application and suggests improvements and conditions relating to materials and finishes.
HCC Ecology	No objection. Submitted ecology report demonstrates site is of minimal ecological value. Recommends informative relating to birds' nests
Environmental Health	No objection.
Local Highway Authority	No objection (to original plans). Provision of a single parking space for originally proposed 2-bed property would fail to meet requirements of Parking SPD. Cycle storage provision is acceptable. Questions whether garage as shown on original plans would be capable of accommodating a car and allow

cycles to be taken through. Access direct onto Anglesey Arms Road is not ideal, however arrangement is the same as other properties. Recommends conditions to secure Construction Traffic Management Plan and details, provision and retention of car parking and cycle storage.

Building Control

No response received.

Streetscene Waste & Cleansing

No objection. Revised plans show adequate provision being made for bins of existing properties. Collection will be from kerbside on Anglesey Arms Road.

Response to Public Advertisement

7 letters of objection to original plans.

Issues raised:-

- site too small to accommodate a dwelling of an appropriate size
- loss of light
- building should be set back from Anglesey Arms Road
- loss of open break in streetscene
- brick built building would be more in keeping
- proposal would have negative impact on Conservation Area and adjacent Listed Buildings
- exacerbation of existing parking problems
- garages are not used for parking
- restricted access to proposed garage
- existing flats have right of access to Anglesey Arms Road
- proposed dwelling is not suitable for disabled residents or visitors
- loss of bin storage area used by neighbouring property
- impact of construction works on neighbours
- submission contains errors and inaccuracies

2 letters of objection received to amended plans reiterating original objections.

Principal Issues

1. The application site comprises an area of private garden located within the urban area boundary where the principle of residential development is acceptable. Pedestrian access to the existing flats would be maintained, as would a bin storage area to serve the flats within the wider site. There is no requirement for the site to provide alternative bin storage provision for other neighbouring properties outside the wider site. Any excessive noise from construction should be dealt with by Environmental Health. The submitted information together with the officer's site visit is sufficient to determine the application. The main issues in this case are, therefore, whether the proposal is of an appropriate design and will preserve or enhance the character and appearance of the Conservation Area and setting of the adjacent Listed Building, the impact on the amenities of nearby and prospective residents, and highway safety and the provision of car and cycle parking, refuse storage facilities and any impact on ecology.

2. The proposal will result in the provision of a one bedroom house which will assist in providing a variety of residential accommodation to meet the housing needs of the Borough. The existing gap in the Anglesey Arms Road streetscene does not contribute positively to the character and appearance of the Conservation Area or to the setting of the Listed Buildings. The siting of the proposal at the back edge of the carriageway in Anglesey Arms Road is appropriate and will be in keeping with the prevailing pattern of development. The proposed dwelling is of a traditional design with contemporary detailing with its eaves and ridge height being typical of other properties located in Anglesey Arms Road and will complement the existing pattern of coach house style buildings. As

such the proposal will preserve the character and appearance of this part of the Conservation Area and will not harm the setting of the adjacent Listed Buildings. Therefore the proposal complies with Policies LP10, LP11 and LP12 of the Local Plan.

3. Given the orientation of the site, the scale of the building and the location of neighbouring properties and their outbuildings, there would be no significant or harmful loss of light or increased sense of enclosure to neighbouring properties or their gardens. The proposal includes no side facing windows and only rooflights in the rear elevation so there will be no significant loss of privacy to adjoining properties on either side or the rear which are already overlooked to a substantial degree. The first floor windows fronting Anglesey Arms Road would face towards residential properties on the northern side of the road. Whilst the separation distance between the existing and proposed dwellings would be approximately 8 metres, this is across the width of the existing highway and as such it is not considered that the proposal would result in such a significant degree of overlooking to justify a refusal. Therefore the proposal will not be detrimental to the amenities of adjoining residents and complies with Policy LP10 of the Local Plan.

4. The property would meet the space standards set out in the Design SPD and have its own private walled courtyard garden area which will provide satisfactory amenity space commensurate with the size of the dwelling. The amended drawings indicate adequate storage facilities for refuse being provided for both the proposed dwelling and existing flats.

5. The hardstanding currently covering the site may have in the past been used for the parking of vehicles associated with the existing properties on the wider site, however there is no evidence of this having taken place in recent years. Accordingly it is considered that the proposal would not give rise to any displacement of existing parking. The proposal includes a single parking space for the proposed one bedroom dwelling (as shown in the amended plans) in the form of an integral garage which would meet the recommendation set out in the Parking SPD. A condition can be imposed to ensure the garage is retained for car parking. Secure long stay cycle parking provision is provided to the relevant standard. The proposal therefore complies with Policy LP23 of the Local Plan. Whilst the Highway Authority have recommended the imposition of a condition to secure a Construction Management Plan, having regard to the physical constraints of the site and the existing highway network, it is considered that this would be an unnecessary duplication of matters that would be dealt with by the Local Highway Authority.

6. The application is supported by a Phase 1 ecological report which demonstrates that the site is of minimal ecological value and that the proposal will not affect protected species in accordance with Policy LP44 of the Local Plan.

7. The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 place duties on the Council to ensure that the proposed development would not have a significant effect on the interest features for which Portsmouth Harbour, the Solent and Southampton Water are designated as Special Protection Areas, or otherwise affect protected habitats or species. Policy LP42 in Gosport Borough Local Plan 2011-2029 sets out how the Council will ensure that the European designated nature conservation sites along the Solent coast will continue to be protected.

8. The Solent Special Protection Areas - Gosport Bird Disturbance Mitigation Protocol was adopted in April 2016. It has been identified that any development in the Borough which is residential in nature will result in a significant effect on the Special Protection Areas (SPAs) along the Solent coast.

9. The proposal would lead to a net increase in population, which is likely to lead to a significant effect, as described in Regulation 61 of the Habitats Regulations, on the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA. The Gosport Bird Disturbance Mitigation Protocol sets out how the significant affect which this scheme would otherwise cause, could be overcome. The applicant has acknowledged the need to provide SPA mitigation in this way and has provided appropriate mitigation in accordance with the Protocol.

As mitigation has been provided the proposal would not have an unacceptable impact on protected species and complies with Policy LP42 of the Local Plan.

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:

Drawing No. 3571/LP01 received 04/01/2017 and 3571/P01 Rev.C received 08/03/2017.

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

3. Construction work above slab level shall not commence until details, including samples, of all external facing and roofing materials, the colour finish to the windows, doors and timber boarding and details of their reveals and junctions, have been submitted to and approved in writing by the Local Planning Authority. 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 LP11 of the Gosport Borough Local Plan 2011-2029.

4. Before works commence on any work to the existing boundary walls or on the construction of the new wall to the courtyard garden, details of the bond, lime mortar mix and colour and sample bricks shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason - To maintain the integrity and character of the boundary wall and to comply with Policies LP10 and LP12 of the Gosport Borough Local Plan 2011-2029.

5. The dwelling hereby permitted shall not be occupied until the car parking space shown on the approved plans has been provided. The garage and car parking space shall thereafter be retained for the parking of a car.

Reason - In order to ensure that adequate car parking is provided in compliance with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

6. The dwelling hereby permitted shall not be occupied until the cycle storage facilities shown on the approved plans have been provided. The cycle storage facilities shall thereafter be retained.

Reason - In order to ensure that adequate cycle storage is provided in compliance with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

7. The dwelling hereby permitted shall not be occupied until all of the facilities for the storage of refuse and recyclable materials shown on the approved plans have been provided. The refuse and recyclables storage facilities shall thereafter be retained.

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

ITEM NUMBER: 04.
APPLICATION NUMBER: 17/00003/LBA
APPLICANT: Mr & Mrs J Freeman
DATE REGISTERED: 03.01.2017

LISTED BUILDING APPLICATION - ERECTION OF TWO-STOREY DWELLING FRONTING ANGLESEY ARMS ROAD (Conservation Area) (as amended by plans dated 16/3/17)

Land Rear Of 22 Crescent Road Gosport Hampshire PO12 2DH

The Site and the proposal

1. No 22 Crescent Road is a Grade II* Listed Building dating from the 1830's situated within the Anglesey Conservation Area. It is part of a curved terrace with a painted white stucco front elevation and brick rear elevation under a slate roof. It is a four storey building, split into four flats, with a semi-basement and has a two storey extension at the rear. The rear garden is approximately 40 metres deep and is landscaped with 2 metre high brick boundary walls to either side. At the end of the garden fronting Anglesey Arms Road there is an area of hardstanding.
2. The application site is part of the rear garden of 22 Crescent Road. It is approximately 7 metres wide and 16 metres deep with a frontage to Anglesey Arms Road, a mews to the rear of the Crescent originally provided for the location of coach houses related to the use of the Crescent houses. This part of the Anglesey Conservation Area is characterised by garages and two storey coach house style dwellings located in the large rear gardens of the frontage Listed Buildings. They have windows of different sizes, materials and styles from all periods. The gardens to the rear of the Grade II* Listed terrace of which the site is part, are defined by brick walls built with the terrace that by virtue of their attachment to the main buildings are part of the Listed Building. The remaining original outbuildings that are built off the listed walls are themselves also part of the Listed Building. The buildings are of different ages and designs utilising varying materials such as brick, vertical tile hanging, render and timber boarding.
3. To the west of the site, positioned immediately adjacent to the Anglesey Arms Road, there is a two-storey, brick built coach house with a pitched roof and gabled side at the rear of no 21 Crescent Road. To the west of this there is a relatively new two storey house with gabled side elevations. To the east of the site there is a substantial detached garage with a pitched roof and timber boarded gabled front. Next to this is a yard at the rear of the Anglesey Hotel. Located opposite the application site is number 2 Anglesey Arms Road, a two-storey dwelling with a single southerly aspect facing towards the site. There is a narrow pavement on this side of the road with the road available for kerb side parking.
4. It is proposed to erect a two-storey dwelling fronting Anglesey Arms Road. At ground floor the dwelling would comprise an office and shower room as well as an integral garage together with a walkway through to the main building as well as cycle storage for the new dwelling and bin storage for both new and existing properties. To the first floor the dwelling would comprise a bedroom, bath room and open plan lounge and kitchen. The upper floor would be lit by roof lights on the front and rear elevations and first floor windows fronting Anglesey Arms Road.
5. The building would be two-storey in scale where it fronts Anglesey Arms Road with a reduced scale at the rear though the use of a catslide roof bringing some of the first floor accommodation under the roofslope. To the ground floor the building would be finished in red brick, with horizontal timber boarding to the first floor and gables. The roof covering is to be slate and incorporate conservation style rooflights.
6. The proposal has been amended with the detailing of the front elevation and layout of the ground floor being altered.

Relevant Planning History

A corresponding application for planning permission (reference 17/00002/FULL) has been submitted and is pending a decision.

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:

LP10

Design

LP11

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

National Planning Policy Framework (NPPF), March 2012

Consultations

Historic England

Support proposal on heritage grounds. Comments on detail of application and suggests improvements and conditions relating to materials and finishes.

The Gosport Society

No objection. Comment that the site is currently used to store bins and that suitable alternative provision should be made.

Response to Public Advertisement

6 letters of objection to original submission.

Issues raised:-

- site too small to accommodate a dwelling of an appropriate size
- loss of light
- building should be set back from Anglesey Arms Road
- loss of open break in streetscene
- brick built building would be more in keeping
- proposal would have negative impact on Conservation Area and adjacent Listed Buildings
- exacerbation of existing parking problems
- garages are not used for parking
- restricted access to proposed garage
- existing flats have right of access to Anglesey Arms Road
- proposed dwelling is not suitable for disabled residents or visitors
- loss of bin storage area used by neighbouring property
- impact of construction works on neighbours
- submission contains errors and inaccuracies

2 letters of objection have been received to amended plans reiterating original objections.

Principal Issues

1. The only issues in this case are the acceptability of the design of the extension and the impact on the Listed Building having special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. All other issues will be addressed under the corresponding planning application.

2. The proposed dwelling would be built off the existing Grade II* Listed boundary walls which would be retained within the ground floor of the proposed dwelling. Subject to the incorporation being done in a sympathetic manner, which can be conditioned, the proposal will not harm the special historic or architectural interest of the Listed walls. The proposal represents a high quality design whose design, form and proposed materials are acceptable and will not harm the setting of the neighbouring Listed Buildings. Subject to conditions controlling the details of the proposed materials and finishes, the proposed development is acceptable and is in accordance with the NPPF and Policy LP11 of the Local Plan.

RECOMMENDATION: Grant Listed Building Consent

Subject to the following condition(s):-

1. The works 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 18 of the Planning (Listed Buildings and Conservation Area) Act, 1990 (as amended).

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

Drawing No. 3571/LP01 received 04/01/2017 and 3571/P01 Rev.C received 08/03/2017.

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy LP11 of the Gosport Borough Local Plan 2011-2029.

3. Construction work above slab level shall not commence until details, including samples, of all external facing and roofing materials, the colour finish to the windows, doors and timber boarding and details of their reveals and junctions, have been submitted to and approved in writing by the Local Planning Authority. 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 LP11 of the Gosport Borough Local Plan 2011-2029.

4. Before works commence on any work to the existing boundary walls or on the construction of the new wall to the courtyard garden, details of the bond, lime mortar mix and colour and sample bricks shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason - To maintain the integrity and character of the boundary wall and to comply with Policies LP10 and LP12 of the Gosport Borough Local Plan 2011-2029.

ITEM NUMBER: 05.
APPLICATION NUMBER: 17/00053/FULL
APPLICANT: Mr Patrick Allen
DATE REGISTERED: 20.02.2017

RETENTION OF AND FURTHER WORKS TO A DETACHED GARAGE
100 Park Road Gosport Hampshire PO12 2HH

The Site and the proposal

1. The application property is a detached two storey dwelling positioned to the west of Park Road on a site measuring 67m long and 15ms wide. The property is set back from Park Road by 8m and is broadly central with approximately 3.5m between it and the boundaries on either side. Historically there was a detached garage to the rear of the property along the northern boundary but this no longer exists. The northern boundary of the site has hit-and-miss fencing (whereby the boards are alternately fixed to the front and back of the panel creating some over-lap and some narrow spaces) along it which is slightly higher than 2.0m and there are areas of taller planting along it. The property is within an area of similarly aged and sized residential properties with limited spacing between the plots creating a densely developed street scene. The individual properties have separate design features but the majority are brick built with slate or tile roofing. There are no properties of special interest or tree preservation orders within the immediate vicinity of the application site.

2. 96 Park Road is to the north and is a three storey, detached property although the overall height is not more than half a storey higher than the application property. It is orientated on an east - west axis approximately 1m from the shared boundary. No. 96 has the majority of its living space on the upper floors with a summer lounge on the ground floor to the rear. There are three ground floor windows, three first floor windows and one second floor window within the southern elevation which faces the application property.

3. Planning permission was granted under 16/00317/FULL for a detached single storey outbuilding to be used as a garage and to be located 4m west of the application property and 1m - 1.5m from the northern boundary. The approved dimensions were 7.1 metres long by 3.6 metres wide with the ridge height 3.7 metres and eaves at 2.2 metres high and the external brickwork and tiling would match the application property. It was brought to the Council's attention that the garage was not being built in accordance with the approved plans and to attempt to regularise this situation the current application has been submitted for consideration.

4. The garage is nearly completed and is of the same dimensions and materials as the approved scheme 16/00317/FULL. It is also similar in design and style but the pedestrian access door has been moved to the northern elevation. The garage is still located to the rear of the application property but is now positioned 6.3m west of it and the 1m - 1.5m distance between the garage and the northern boundary is retained.

Relevant Planning History

16/00317/FULL - erection of detached garage (as amended by plans/letter received 15.08.16) - permitted 26.09.16. An objection was raised in relation to the proximity of the proposed garage to the boundary with 96 Park Road. As such the application was originally circulated to Councillors on the proposed to be delegated list on the 12.08.16. However amendments to the location of the garage were submitted; the objection was subsequently withdrawn and the application was determined under delegated authority.

Relevant Policies

Gosport Borough Local Plan, 2011 – 2029:
LP10

Design

Supplementary Planning Documents:

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

National Planning Policy Framework (NPPF), March 2012

Consultations

Nil

Response to Public Advertisement

1 letter of objection

Issues raised:-

- proximity of main garage entrance to living area windows (first floor kitchen/diner and ground floor living room) on 96 Park Road and the impact of noise, light and air pollution from use of the garage;
- location of the side door in the north elevation of garage reduces privacy and introduces noise and light pollution into the garden and rear ground floor living room of 96 Park Road;
- potential of crime as the door in the north elevation and window in the west elevation do not benefit from natural surveillance and the use of flood lights, cameras and alarms would increase the noise and reduce the privacy of the occupants of 96 Park Road;
- impact of the proposal on the holly tree close to the shared boundary between 96 and 100 Park Road.

Principal Issues

1. Any noise, light or smell nuisances that occur in relation to the use of the building as a residential garage would be dealt with under Environmental Health legislation. The future use of flood lights, CCTV cameras and house alarms as part of a residential security system is not part of this application but such measures could be introduced as permitted development under the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended). The main issues, therefore, are the development form of the garage, its impact on the quality of the surrounding neighbourhood and the amenities of neighbouring properties.

2. The garage which forms part of this proposal matches, in terms of style and materials, the associated dwelling house and it would be similar to the garage building already approved under the extant permission. It is therefore considered that the structure, finish and set back location would ensure the proposed garage does not impact on the street scene of Park Road, therefore the proposal complies with this aspect of Policy LP10 of the Gosport Borough Local Plan 2011-2029.

3. The garage is positioned 1m - 1.5m from the boundary with 96 Park Road behind a 2m high fence and there is a pedestrian door in the northern elevation. It is not, however, considered that the use of the door would have any additional impact on the privacy of the occupants of no. 96 over and above the continued use of the space as part of a residential garden. Due to the location of the garage and its relationship and orientation with no. 96 it is not considered that it would impact on the outlook or access to light for the occupants of no. 96. The size of the application site and the relationship between the neighbouring properties to the south and west also means that the garage would have no impact on the amenity of the residents of those properties. It is therefore considered that the proposal would not have a harmful impact on the residential amenity of the occupants of neighbouring properties thus complying with this aspect of policy LP10 of the Gosport Borough Local Plan 2011 - 2029.

4. The holly tree is a decorative garden tree set back along the boundary with the application property and 96 Park Road on the northern side of the fence and is not protected by a tree preservation order; as such any considered damage to it would be a civil matter and not a material

planning consideration. It is noted that the objector refers to Policy LP41 of the Gosport Borough Local Plan 2011-2029 however this policy is relevant to developments of strategic importance to the borough wide green infrastructure network. The holly tree is part of two well-landscaped gardens which make up a small section of a wider residential garden strip creating a privately and individually managed environment for nature. However any damage to or loss of the tree would not be detrimental to the overall natural environment created by the extensive network of residential gardens along the west side of Park Road.

RECOMMENDATION: Grant Permission

Subject to the following condition(s):-

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

- A4 Proposed Site Plan

- allen-16-01 A

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

2. The commencement of construction relating to the development hereby permitted prevents the approved planning permission 16/00317/FULL being undertaken in accordance with the approved plans. Therefore, no works associated with planning permission 16/00317/FULL shall be undertaken at any time unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To ensure that there is not an overdevelopment of the detached garage without proper consideration of planning policy.