

HAMPSHIRE COUNTY COUNCIL

Decision Report

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| Decision Maker: | Regulatory Committee |
| Date: | 18 th May 2022 |
| Title: | Construction of a new replacement bus station on land adjacent to Falklands Gardens at Mumby Road, Gosport together with a replacement taxi rank and ancillary facilities including short stay car parking and pick-up and set down facilities on land at the existing Gosport bus station and adjacent to The Esplanade |
| Report From: | Assistant Director of Waste, Planning and Environment |

Case Officer: Peter Bond

Tel: 0370 779 4201

Email: planning@hants.gov.uk

Recommendation

1. That planning permission be GRANTED subject to the recommended conditions set out in **Appendix A**.

Executive Summary

2. This planning application is for the construction of a new replacement bus station on land adjacent to Falklands Gardens at Mumby Road, Gosport. The proposal also includes a replacement taxi rank and ancillary facilities including short stay car parking and pick-up and set down facilities on land at the existing Gosport bus station and adjacent to The Esplanade.
3. The planning application is being considered by the Regulatory Committee as a major Regulation 3 development proposal for a replacement bus station facility. [Regulation 3 of the Town and Country Planning General Regulations 1992 \(SI 1992/1492\)](#) enables the County Council to make planning applications to itself as long as the development is to be carried out by (or on behalf of) the Council and the interest in the development by the Council is significant. In this case, the County Council, in its role as the Local Highway Authority, is the landowner and therefore has a significant interest in the completed development.
4. The site lies wholly within the Gosport Borough Council administrative area. There is no parish council for this location.
5. The key issues raised are considered to be:
 - Landscape impacts, including on Falklands Gardens;

- Highway safety; and
 - Amenity impacts;
6. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
 7. It is considered that the proposal is in accordance with the relevant policies of the adopted [Gosport Borough Local Plan \(2015\)](#). The proposal will provide significant public transport benefits to the locality which acts as an important link between Gosport and Portsmouth via the Gosport Ferry terminal. While there will be some short term impacts and disturbance to the locality, the longer term benefits outweigh these impacts.
 8. It is considered that planning permission ought to be GRANTED subject to the conditions listed in **Appendix A** of this document.

The Site

9. The proposed development is located on the eastern side of Gosport, close to the entrance to Portsmouth Harbour. The proposal will see the redevelopment of a section of public highway land at the point where the A32 Mumby Road turns southwards and meets the B3333 South Street, about 60 metres to the west of the Gosport Ferry Terminal.
10. The current Gosport Bus Station is immediately to the south east of the application site but does not form part of this proposal. Premier Marine operates from land immediately to the north of the site, with The Esplanade forming the southern boundary.
11. The site extends to 0.76 hectares (ha). It is regarded as brownfield land as it is previously developed land, including a taxi rank, public highway, short stay public car park and public open land. There are numerous mature trees within the site boundary providing amenity benefits.
12. The site is located about 500 metres (m) from the designated Portsmouth Harbour RAMSAR and Site of Special Scientific Interest (SSSI) sites. It is also around 75m from the Solent and Dorset Coast Special Protection Area (SPA).
13. The site can be accessed by cars from the north via Mumby Road and from the south via South Street. It also accessible on foot and bicycle from the east via the ferry terminal and from the west via High Street. The nearest residential properties are around 50m to the west above shops along High Street.
14. The Falklands Gardens, which are dedicated to those Armed Forces, Merchant Navy personnel and civilians who gave their lives or were injured

during the Falklands War, are immediately to the north east of the site. These proposals will not directly impact on this important local public space.

Planning History

15. There is no relevant planning history of the site to report.

The Proposal

16. The proposal is for the construction of a new replacement bus station on land adjacent to Falklands Gardens at Mumby Road in Gosport, together with a replacement taxi rank and ancillary facilities including a short stay parking and pick-up and set down facilities on land at the existing Gosport bus station and adjacent to The Esplanade.
17. While this application includes the development of a new bus station facility, it does not include any works to the existing bus station to the east. There would also be a relocated drop-off facility that would be located adjacent to the new taxi rank, which will utilise the same shared access with a small island separating them.
18. Access will be taken from Mumby Road utilising the existing access to the south of the Castle Tavern, with egress being out onto Mumby Road in the same location as the existing egress out from the Falklands Garden car park/ taxi rank. This arrangement will be for buses only, with appropriate road markings and signage provided.
19. A new pedestrian footway is proposed on the northern edge of the new bus station, which will be finished in red brick, which ties into the characteristics of the existing footways in the vicinity of the site.
20. The proposal allows for the creation of six bays capable of accommodating the largest buses of 13.5 metres (m) length, including those emerging on the market capable of being powered by electricity. Swept path analysis drawings demonstrate how buses will be able to leave and enter the public highway in a forwards motion.
21. The proposal also includes the relocation of a Hackney Carriage stand and short stay car parking with disabled driver bay to the south adjoining The Esplanade.
22. The proposed surfacing includes tarmacadam, tactile block paving as necessary and new kerb lines.
23. The existing loading bay/lay-by will be retained, with the addition of dropped kerbs to enable access for the Premier Marine, SSE and Street Scene maintenance vehicles.

24. The proposed bus station shelter will measure 33.5m by 4.1m and be around 3m in height. It will be built on a north – south axis running parallel to, and about five metres from, the boundary with Falklands Gardens.
25. The design of the bus shelter has been guided by the desire to maintain views across the Falklands Gardens and across Portsmouth Harbour as much as practicable. The bus station shelter will be made from aluminium and glass panels with internal lighting, seating and electronic passenger information boards. The Applicant states that, in order to maintain the current views between the High Street and Falkland Gardens, and across Portsmouth Harbour, the materials to be used within the shelter have been chosen with the aim of enabling the shelter to blend in with its surroundings as much as possible.
26. The roof and the bullnose fascia of the proposed bus station will be finished in a light grey colour, while the structural metal framework and the plinth will be finished in a dark grey (RAL 7012) colour scheme. The roof soffits will also be light grey with LED lighting.
27. A separate temporary works compound area will be set up between Coates Road and South Street, around 500m to the west of the proposed bus station site. It is considered that this temporary use of the land is permitted development due to the developer being the Highway Authority and the site being land adjacent to a public highway.
28. The proposal is for a replacement bus station and there are no indications that this will lead to an increase in bus and/or motorcar trips in the locality.
29. The proposed development will require the removal of seven of 19 trees within or overhanging the site boundary, which is considered to be a major impact in terms of tree loss. Notwithstanding this, the proposed landscaping scheme suggests the planting of 13 new trees, which is hoped will increase the overall canopy cover provided by the trees in the area by 200% as they mature over a 25 year period.
30. The site of the proposed bus station is close to several existing facilities, including Premier Marine, SSE and the Castle Tavern public house. The scheme is designed to ensure that their existing accesses will be retained in the future.
31. The applicant undertook pre application public engagement prior to the submission of the application. In July 2021, the applicant (Highway Authority) invited Local County and Borough councillors and key stakeholders to attend a virtual meeting for a briefing on the proposed Gosport Interchange scheme. The briefing presentation from this meeting was posted on the scheme's website along with a public engagement survey. A public engagement survey was launched the day following the briefing using the same presentation material, and aimed to gauge the level of public support for the proposed scheme, with the survey made available online and paper

copies available on request. The survey was publicised by the applicant via a letter drop to residents living close to the proposed development, along with posters placed in proximity to the scheme and via social media. The survey was available for a period of 8 weeks, ending in early September 2021.

32. As a result of the public consultation exercise over 400 responses were received and considered prior to the submission of the planning application.

Development Plan and Guidance

33. Paragraph 47 of the [National Planning Policy Framework \(2021\)](#) (NPPF) requires 'applications for planning permission (to) be determined in accordance with the development plan, unless material considerations indicate otherwise'. Therefore, consideration of the relevant plans, guidance and policies and whether the proposal is in accordance with these is of relevance to decision making.

National Planning Policy Framework (2021) (NPPF)

34. The following paragraphs are relevant to this proposal:
- Paragraphs 10-12: Presumption in favour of sustainable development;
 - Paragraphs 38, 47: Decision making;
 - Paragraphs 55 – 56: Planning conditions;
 - Paragraphs 81: Support of sustainable economic growth;
 - Paragraph 92: Healthy, inclusive and safe places;
 - Paragraph 100: Public rights of way and access;
 - Paragraphs 104, 110-113: Sustainable transport;
 - Paragraph 120: Types of land;
 - Paragraphs 126-136: Design;
 - Paragraphs 153-158; Planning and climate change;
 - Paragraphs 159-169: Planning and flood risk;
 - Paragraphs 174, 176-178: Contributions and enhancement of natural and local environment;
 - Paragraphs 180-181: Biodiversity and planning;
 - Paragraphs 183-188: Ground conditions and pollution; and
 - Paragraphs 194-208: Heritage assets.
35. [Section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#) states, 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

Gosport Borough Local Plan (2015)

36. The [Gosport Borough Local Plan \(2015\)](#) (GBLP) sets out the spatial strategy for the area up to 2029 and includes the following policies that are relevant to the determination of this application:
- Policy LP1 – Sustainable Development;
 - Policy LP2 – Infrastructure;
 - Policy LP4 – Gosport Waterfront and Town Centre;
 - Policy LP10 – Design;
 - Policy LP11 - Designated Heritage Assets Including Listed Buildings, Scheduled Ancient Monuments and Registered Historic Parks & Gardens;
 - Policy LP18 – Tourism;
 - Policy LP21 - Improving Transport Infrastructure;
 - Policy LP23 – Layout of Sites and Parking;
 - Policy LP27 - Principal, District and Neighbourhood Centres;
 - Policy LP45 - Flood Risk and Coastal Erosion;
 - Policy LP46 – Pollution Control; and
 - Policy LP47 – Contaminated Land and Unstable Land.
37. The [Gosport Waterfront and Town Centre SPD \(2018\)](#) sets out a number of key themes and objectives and more detailed development principles to consider as proposals come forward in this area. The SPD expands and articulates the Council's aspirations for the whole Waterfront and Town Centre area including issues relating to the public realm, the overall appearance of the centre and to ensure that the Waterfront and Town Centre are well linked and form a coherent area within the Borough. The SPD is linked to Policy LP4 (Gosport Waterfront and Town Centre) of the GBLP.
38. The proposal would be in Area 1 of the SPD, with the SPD seeking to achieve the following objectives:
- Redevelop the Bus Station site as a high quality mixed use development incorporating a landmark building at this important gateway;
 - Provide new efficient transport interchange for residents, workers and visitors;
 - Preserve and enhance Falklands Gardens to complement the Bus Station development; and
 - Improve adjoining building frontages at the High Street and Gosport Marina.

Consultations

39. **Gosport Borough Council - Planning:** Raises no objection and supports the planning application.

40. **Gosport Borough Council – Environmental Health:** Raises no objection subject to a planning condition relating to the management of any potential unexpected contamination.
41. **Gosport Borough Council – Conservation Officer:** Was notified.
42. **Hampshire County Council – Highway Authority:** No objection subject to conditions requiring the prior approval of a Construction Traffic Management Plan and detailed plans of the access arrangements.
43. **Hampshire County Council – Arboriculture Advice:** Supports the proposal subject to standard conditions.
44. **Hampshire County Council – Landscape Advice:** No objection but raises concern regarding possible impacts on root protection areas of important trees to be retained and the loss of shading currently provided by trees that will be removed as part of the proposed development.
45. **Environment Agency:** No objection.
46. **Councillors Huggins & Meenaghan:** No comments received.

Representations

47. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications. In complying with the requirements of the SCI, HCC:
 - Published a notice of the application in the [Hampshire Independent](#);
 - Placed notices of the application at the application site and local area;
 - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
 - Notified by letter all residential properties within 50 metres of the boundary of the site (~350 properties).
48. As of 4th May 2022, a total of nine representations to the proposal have been received. There were two representations in support of the proposal, four objecting to the proposal and three making comments only. The main areas of concern raised in the objections related to the following areas:
 - Conflict with GBLP policies on protecting public open space from development;
 - Proximity to residential properties and the noise and disturbance that will be generated from moving the bus and taxi facilities closer to these properties; and
 - Poor quality design of the proposed bus shelter.
49. One of the objections is from Cycle Gosport and Green Travel Hampshire, local community groups that promote cycling and aim to improve and provide

sustainable local walk and ride routes for all. The group submitted a detailed objection based on the proposed new layout of the application site. In summary, the objection considers that there is little real benefit for pedestrians or cyclists in this scheme and significant increased safety risks and new and worsened conflict points. The objector considers that Mumby Road and South Street are important walking and cycling routes known to have major safety issues and that the whole scheme is less convenient for users. The applicant prepared a detailed response to the representation.

50. The representations making comments only generally related to the redevelopment of the current bus station site. Further, one of those objecting does so on the grounds that the proposal is an 'unnecessary expense'. It is considered that these representations are not relevant to the current planning application and therefore no weight should be afforded to these representations.

Climate Change

51. Hampshire County Council declared a climate change emergency on 17 June 2019. The Strategy and Action Plan do not form part of the Development Plan so are not material to decision making. However, it is true to say that many of the principles of the Strategy and Action Plan may be of relevance to the proposal due to the nature of the development.
52. The Applicant submitted a Sustainability and Climate Change Statement (SCCS) with this planning application. The SCCS considers the proposals carbon footprint and encourages the use of locally sourced, recycled materials where practicable. The SCCS also notes that this proposal is part of a wider scheme to reduce reliance on the private car and encourage more sustainable travel opportunities. The SCCS concludes that the proposal will help deliver sustainable transport and address the need for carbon reduction and improved public health.
53. When it comes to planning decisions, consideration of the relevant national or local climate change planning policy is of relevance. There is no specific policy in the Local Plan relating directly to climate change. The proposed development has been subject to consideration of Policies LP1 (Sustainable Development) and LP45 (Flood Risk and Coastal Erosion) of the [Gosport Borough Local Plan \(2015\)](#) and Paragraphs 7-8 and 152-154 of the [National Planning Policy Framework \(2021\)](#).

Commentary

Development Plan

54. The planning application needs to be first considered against the policies of the Development Plan and then other material planning considerations. The policies within the [Gosport Borough Local Plan \(2015\)](#) (GBLP), in particular

Policies LP4 (Gosport Waterfront and Town Centre) and LP21 (Improving Transport Infrastructure) provide significant in-principle support to this proposal and it is considered to be in conformity with the site-specific [Gosport Waterfront and Town Centre SPD \(2018\)](#).

55. The proposal will provide improved public transport facilities and free up the existing bus station site for redevelopment as part of a wider regeneration program. It is noted that the possible redevelopment of the existing bus station is not part of this application and future possible changes to this site should not be afforded any weight in this instance.
56. The proposal is considered to be in accordance with Policies LP4 (Gosport Waterfront and Town Centre) and LP21 (Improving Transport Infrastructure) of the GBLP and there is no conflict with the relevant paragraphs of the NPPF (2021).

Visual impact and landscape

57. The proposal largely relates to surface works to realign the road, kerbs and parking areas, with the only built development involving the new bus shelter structure. While a relatively small and single storey structure, it has the potential to both have impacts on the local street scene and also impact on longer range views from Gosport across Falklands Gardens towards Portsmouth to the east.
58. The County Landscape Architect and the County Arboriculturist have considered the proposal and note the impacts that the loss of existing trees and grassed area will have on the immediate locality, along with the impact on the longer views across the harbour from the erection of the bus shelter. However, they also note the mitigation proposed, including additional tree planting and the benefits from the improved sustainable transport opportunities. Subject to appropriate conditions being imposed relating to the protection of trees to be retained and post-construction landscaping the scheme it is considered that there is no conflict with the Development Plan policies in this regard. The conditions are included in **Appendix A**.
59. On the basis of the proposed conditions, the proposal is considered to be in accordance with Policies LP10 (Design) and LP23 (Layout of Sites and Parking) of the [Gosport Borough Local Plan \(2015\)](#).

Public Access and highway safety

60. Policy LP23 (Layout of sites and parking) considers matters relating to the layout of sites including traffic management.
61. The scheme's primary aim is to provide improved public access to, and interconnectivity of, sustainable transport opportunities. Gosport Borough Council supports the proposal and the Highway Authority, having assessed the proposal on grounds of highway safety, layout design and emergency access raises no objection subject to conditions requiring the prior approval

of a Construction Traffic Management Plan and detailed plans of the access arrangements. This is included in **Appendix A**.

62. It is noted that Cycle Gosport & Green Travel Hampshire object to the proposal due to perceived highway safety and design issues and also consider that the wider plans for the re-routing of buses. A key issue raised with this proposal for a new bus station is that the scheme prioritises buses over other more sustainable travel options, such as cycling and walking.
63. A further detailed note from the Applicant responding to the objection from Cycle Gosport & Green Travel Hampshire was submitted in April 2022. The Highway Authority reviewed the Cycle Gosport & Green Travel Hampshire and the applicant's response and maintains its no objection having been reconsulted on this matter and states that *'the application results in no additional trips onto the highway Network as it is a re-location of the existing bus station, and therefore the impact to the highway is limited. Furthermore, the application includes modifications and improvements to the existing pedestrian infrastructure within the vicinity of the site.'*
64. It is considered that the proposal will not have unacceptable impacts on local highway safety and capacity and forms an important part of wider aspirations for improved public travel arrangements and the redevelopment of the [Gosport Waterfront and Town Centre SPD \(2018\)](#). There is no conflict with the Development Plan in this regard.

Design and sustainability

65. Policies LP1 (Sustainable Development) sets out the positive approach that reflects the presumption in favour of development contained in the National Planning Policy Framework. Policy LP10 (Design) of the [Gosport Borough Local Plan \(2015\)](#) sets out the required approach that development proposals should follow and requires developers to demonstrate a high quality appearance in terms of scale, setting, layout, massing, landscaping, and appearance including details and materials. Policy LP23 (Layout of sites and parking) covers matters related to the layout of sites.
66. The only 'built' development within this proposal is that of the proposed new bus shelter. The design is considered to be acceptable, given the function of the bus shelter and the glass panelling will minimise its visual impact. It is also proposed that the structure be fitted with a 'living' grass roof to reduce water run off and increase the biodiversity benefit of the structure. Additional tree planting is also proposed to replace those trees to be removed and provide additional tree cover in the future. Notwithstanding this, it is acknowledged that the shelter will have a negative impact on longer range views from Mumby Road across the Falklands Gardens and the harbour towards Portsmouth.
67. As already noted, the Applicant submitted a **Sustainability and Climate Change Statement (SCCS)** with this planning application. The SCCS states

that during the design stage, small-scale reconfiguration options were considered to ensure that the space available for the new bus interchange and taxi rank is used efficiently, while encouraging sustainable and active forms of transport.

68. The SCCS considers the proposals carbon footprint and encourages the use of locally sourced, recycled materials where practicable. The SCCS also notes that this proposal is part of a wider scheme to reduce reliance on the private car and encourage more sustainable travel opportunities. The SCCS concludes that the proposal will help deliver sustainable transport and address the need for carbon reduction and improved public health.
69. On balance, it is considered that the shelter and the wider redevelopment scheme, subject to appropriate conditions regarding design and landscaping, will not have an unacceptable impact on local amenity. Any residual harm is considered to be off set by the benefits arising from the proposal and that there is no conflict with Policies LP1 (Sustainable Development), LP10 (Design) and LP23 (Layout of sites and parking) of the [Gosport Borough Local Plan \(2015\)](#).

Cultural and Archaeological Heritage

70. The proposed development will not have a direct impact upon any statutory designated heritage asset or Conservation Area. Given the limited nature of the proposals and the existing nature of the application site it is also considered that there will be no impact on potential buried archaeological interests.
71. The nearest designated heritage assets are several listed buildings along High Street, with the nearest of these being around 130 metres to the west. It is considered that any harm to the setting of these heritage assets would be significantly less than substantial and, in the light of the benefits arising from the proposal, there is no conflict with Policy LP11 (Designated heritage assets including listed buildings, scheduled ancient monuments and registered historic parks & gardens) of the [Gosport Borough Local Plan \(2015\)](#) and paragraphs 194-208 of the NPPF (2021).

Impact on amenity and health

72. The proposed development will mean that the bus parking area and shelter are closer to residential properties along High Street. The scheme has been designed to allow safe access and manoeuvring of the latest electric powered buses and the development is not designed to increase bus movements.
73. The Applicant submitted **Noise and Air Quality Notes** with this application that considered the likely changes arising from the proposal and the significance of any impacts. Both assessments conclude that the development will not have significant impacts by way of noise or air quality,

Therefore, it is considered that general noise and disturbance from the proposal will not be significantly different to the existing situation as a result of this development.

74. Cycle Gosport & Green Travel Hampshire consider that the scheme as submitted does not present the safest and best design for the new bus station. However, the Highway Authority has considered the proposal in depth and considers that any issues identified in the submitted Stage 1 Road Safety Audit have been addressed satisfactorily.
75. The Environmental Health Officer raises no objection subject to a planning condition relating to the management of any potential unexpected contamination. This is included in **Appendix A**.
76. It is considered that the scheme as presented will not generate significant impacts on local amenity and health by way of noise, artificial lighting, air quality or highway safety and that there is no conflict with Policies LP1 (Sustainable development), LP10 (Design) and LP23 (Layout of sites and parking) of the [Gosport Borough Local Plan \(2015\)](#)

Conclusions

77. It is considered that the proposal is acceptable and will improve sustainable transport options in the wider Gosport area. There will be some short term impacts during development and some limited impacts on views across Falklands Gardens across the harbour to Portsmouth, but these impacts are not considered to be significant subject to the conditions proposed in **Appendix A**.
78. The proposed highway layout changes have been considered to be acceptable by the Local Highway Authority. It is considered that the proposal does not conflict with the Development Plan and that permission ought to be granted.

Recommendation

79. That planning permission be GRANTED subject to the recommended conditions set out in **Appendix A**.

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Layout & Elevation Plans

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2022/0041>

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

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| Hampshire maintains strong and sustainable economic growth and prosperity: | No |
| People in Hampshire live safe, healthy and independent lives: | No |
| People in Hampshire enjoy a rich and diverse environment: | No |
| People in Hampshire enjoy being part of strong, inclusive communities: | No |
| OR | |
| This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because: the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste or local planning authority. | |

Other Significant Links

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| Links to previous Member decisions: | |
| <u>Title</u> | <u>Date</u> |
| Direct links to specific legislation or Government Directives | |
| <u>Title</u> | <u>Date</u> |

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

22/00064/HCC3

Hampshire County Council

GPG008

Falklands Gardens Short Stay Car Park,
Mumby Road, Gosport Hampshire PO12 1AD
(Construction of a new replacement bus
station on land adjacent to Falklands
Gardens at Mumby Road, Gosport
together with a replacement taxi rank and
ancillary facilities including short stay car
parking and pick-up and set down facilities
on land at the existing Gosport bus station
and adjacent to The Esplanade

EQUALITIES IMPACT ASSESSMENTS:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Officers considered the information provided by the applicant, together with the response from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

CONDITIONS

Commencement of Development

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

Highway Matters

2. Prior to the commencement of development, detailed plans and particulars of the site access and layout as indicated on drawing numbers HCCSPCO-ATK-HGN-C591-SK-CH-000003 Rev. P01.9 and HCCSPCO-ATK-HGN-C591-SK-CH-000030 shall be submitted to and approved in writing by the County Planning Authority in consultation with the highway authority. The development shall not take place except in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy LP23 (Layout of sites and parking) of the Gosport Borough Local Plan (2015). This is a pre-commencement condition to ensure that the development does not have unacceptable impacts on highway safety.

3. No development hereby permitted shall commence until a Construction Traffic Management Plan (to include details on the daily and total number and size of lorries accessing the site, the turning of delivery vehicles and lorry routing as well as provisions for removing mud from vehicles) and a programme of works has been submitted to and approved in writing by the County Planning Authority. The approved details shall be implemented in full before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interests of highway safety in accordance with Policy LP23 (Layout of sites and parking) of the Gosport Borough Local Plan (2015). This is a pre-commencement condition to ensure that the development does not have unacceptable impacts on highway safety during the construction phase of the development.

Landscaping

4. Prior to the commencement of the development an arboricultural method statement including details of root protection measures for all trees to be retained within the site shall be submitted to and approved in writing by the County Planning Authority. The development shall only be undertaken thereafter in accordance with the approved arboricultural method statement.

Reason: To ensure that trees to be retained on the site are protected during the development in the interests of local amenity in accordance with Policy LP10 (Design) of the Gosport Borough Local Plan (2015). This is a pre-commencement condition to ensure that the development does not have unacceptable impacts on important trees to be retained upon completion of the development.

5. The landscaping scheme as illustrated on drawing nos. Landscape Layout Plan - CJ009105 TBC 1001 Rev. 1 and Landscape Layout Plan - CJ009105 TBC 1002 Rev. 1 shall be implemented in full during the first planting season following completion of the development hereby approved.

Reason: To ensure that the development is carried out in accordance with the details submitted and in the interests of local amenity in accordance with Policy LP10 (Design) of the Gosport Borough Local Plan (2015).

Contaminated Land

6. In the event that ground contamination is encountered during the construction phase of the development that has not been investigated or considered in the Land Condition Report and Appendices dated February 2021, all work shall cease until a scheme of investigation, risk assessment, remedial measures and a detailed remedial method statement has been submitted to and agreed in writing with the Local Planning Authority. Following approval the development shall only take place in accordance with the approved remediation scheme, which shall be fully implemented and validated in writing by an independent competent person as previously agreed with the Local Planning Authority.

Reason: To ensure that any unexpected ground contamination is managed and treated in an acceptable manner in accordance with Policy LP47 (Contaminated land and unstable land) of the [Gosport Borough Local Plan \(2015\)](#).

Plans

7. Unless otherwise explicitly required by a condition above, the development hereby permitted shall be carried out only in accordance with the following approved plans and documents:
 - Planning and Design & Access Statement including Appendices 1-4;
 - Sustainability and Climate Change Statement;
 - Ecological Appraisal updated January 2022;
 - Flood Risk Assessment vC01 dated January 2022 and Appendices A-F;
 - Arboricultural Impact Assessment dated January 2022;

- Landscape and Visual Appraisal dated January 2022;
- Air Quality Technical Screening Note v1.2 dated January 2022;
- Noise Screening Note dated January 2022;
- Land Condition Report and Appendices dated February 2021;
- Site Location Plan - HCCSPCO ATK C591 HGN Rev. P02 dated 02-02-2022;
- Landscape Layout Plan - CJ009105 TBC 1001 Rev. 1 dated 21-02-2022;
- Landscape Layout Plan - CJ009105 TBC 1002 Rev. 1 dated 21-02-2022;
- Site Plan - SK00230 dated 28-01-2022;
- Site Plan - HCCSPCO ATK HGN C591 SK CH 000003 Rev. P01.9;
- Site Plan - HCCSPCO ATK HGN C591 SK CH 000030 Rev. P01.3;
- Elevation Plan - SK00231 dated 28-01-2022;
- Bus Shelter Section Plan - SK00232 dated 28-01-2022;
- Bus Shelter Floor Plan - SK00233 dated 28-01-2022;
- Typical Clearances Plan - SK00234 dated 28-01-2022; and
- CMS3013 Compliance Sketch - (Esplanade Road/Taxi Rank/Taxi Drop Off Area).

Reason: For the avoidance of doubt and in the interests of proper planning.

Note to Applicants

1. In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2021), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts
3. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal);
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);
 - on or within 16 metres of a sea defence;
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert ; and

- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

4. *Signing up for flood warnings:* The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings> . It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.