



Appeal Decision

Site visit made on 15 December 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2021

Appeal Ref: APP/J1725/W/20/3250189

Land to west of Control Tower, Daedalus Drive, Solent Airfield, Lee-on-the Solent PO13 9YA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Day of Hangar Homes Ltd against the decision of Gosport Borough Council.
 - The application Ref 19/00239/OUT, dated 10 May 2019, was refused by notice dated 17 October 2019.
 - The development proposed is Hybrid Application: Full permission for the erection of six mixed-use (B1 and C3) hangar buildings for the aviation sector; and Outline permission for the provision of an aviation-themed hangar heritage centre (Class D1) (Resubmission of 17/00496/FULL).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal application is a hybrid application, with full detail provided in relation to the proposed mixed-use units, with the hangar heritage centre submitted in outline with matters of layout provided for consideration. I have considered the appeal on this basis.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development provides a sufficient level of employment to meet the requirements of the development plan;
 - The effect of the proposal upon the existing and future operations of the existing airfield;
 - Whether the proposal provides adequate living conditions for future occupiers of the proposed mixed-use hangar buildings, in terms of outlook; and
 - Whether the proposal makes adequate provision for car parking to serve the proposed hangar heritage centre and flying club.

Reasons

Provision of employment use

4. The appeal site lies within the operational area of the Solent Airfield and within the Daedalus Regeneration Area (DRA). Policy LP5 of the Gosport Borough

Local Plan 2011-2029 (Local Plan) identifies the DRA as being suitable for a mix of uses including employment, along with the provision of residential development to be located at the edge of the site and away from the airfield.

5. Policy LP16 of the Local Plan identifies access to the operational airfield as being important to attract new opportunities to the DRA and that the potential for employment uses, should be fully explored before land is used for other purposes. Criterion 5 of Policy LP16 identifies that in certain circumstances, planning permission may be granted for residential development as part of an employment-led mixed use scheme, provided that it is demonstrated it is not viable to redevelop the whole site for employment uses or other types of economic development, and that the overall proposed development would generate the same or a greater number of jobs than recent levels on the site. With regard to live/work proposals, the supporting text to Policy LP16 identifies that these should be considered primarily as residential development.
6. Further policies for the development of the DRA are contained within the Daedalus Supplementary Planning Document (SPD). Within the SPD the appeal site falls within Character Area 8, where the aim is to provide a mix of employment premises to suit a range of business needs, with uses in this character area being employment-based, with opportunities for aviation related business.
7. A key thrust of the policies for the DRA, is the development of a balanced mix of uses to create a vibrant and diverse community, along with activities beyond the working day. In this regard, Policy LP5 includes the provision of around 350 homes. The proposal would make a contribution to this policy requirement. Whilst the supporting text to Policy LP5 is clear that these homes are to be delivered at the edge of the site, away from the airfield, in this instance, due to the unique nature of the proposal, it is clear that access to the operational airfield is essential.
8. It is submitted by the appellant that the units would provide an approximate floorspace split of 60% residential and 40% employment, with each unit having the potential to employ 3 full-time staff. In this regard, I note, however, that a substantial element of the employment floorspace is taken up by the aircraft hangar, which, in my view, limits the overall employment opportunity of the scheme. Therefore, whilst the proposal could potentially generate around 18 full time employees, given the level of employment space that would actually be delivered, I do not consider that the proposal amounts to an employment led development as required by Policy LP16.
9. Even if I were to consider the hangar space as part of the commercial operation, given the floorspace split, I still consider that the proposal would not represent an employment led development. Furthermore, no evidence is provided to demonstrate how the proposal would deliver the economic benefits to meet the objectives of the development plan with regards to the regeneration of the area.
10. Despite the identification of the site within the SPD as a potential location for a mix of employment uses, my attention has been drawn by the appellant to the fact that no proposals for the development of the appeal site, other than the appeal proposal, have been brought forward. It is submitted that this, in turn, provides a justification for the proposal as a departure from the development plan. Be that as it may, given the important and acknowledged relationship in

the development plan and the SPD between the appeal site and the operational airfield, the loss of this part of the airfield, to a non-employment led development has, in my view, not been sufficiently justified, with no substantial evidence before me to enable me to conclude that the site could not be used for a viable employment led development.

11. For the above reasons, the proposal would fail to provide the level of employment use necessary to justify the development, and, in this respect, would be contrary to Policies LP5 and LP16 of the Local Plan, the SPD and the National Planning Policy Framework (the Framework).

Airfield operations

12. The safe operation of the aerodrome is governed by the UK Civil Aviation Authority (CAA), via an appropriate licence. It is a requirement of the airfield operator that it must comply with certain physical, operational and safety requirements, which are based on the operational restrictions of the airfield. The SPD identifies that the safeguarding responsibilities for the aerodrome, rests with the operator.
13. The Council have identified that Policy LP15 of the Local Plan requires the relevant bodies be consulted for development proposals. In this case, to comply with this policy, they consulted the CAA and the airfield operator on the appeal application. Whilst no response was received from the CAA, the airfield operator raised a number of objections with regards to the impact of the proposal upon the existing and future operation of the airfield.
14. My attention has been drawn by the appellant to subsequent correspondence which the appellant received from the CAA. However, the response, whilst being positive, does refer to the need for proposals to be compliant with licencing requirements and agreed operating procedures. Furthermore, I have not been provided with the context of the original question or the supplied information upon which the CAA were asked to comment. For these reasons, I therefore give the response little weight.
15. On the basis of the evidence before me, I therefore conclude that the proposed development would conflict with the existing and future operation of the aerodrome and, in this respect, would be contrary to Policy LP16 of the Local Plan.

Living conditions of future residents

16. Due to the design and internal layout of the proposed residential accommodation, each unit would have two bedrooms with windows that would face towards the side elevation of the adjoining unit, approximately 4.5m away. The exception to this would be unit HH01, at the western end of the site, where these windows would face onto the open airfield.
17. The proposed windows would serve as the only means of light and outlook from these rooms. Therefore, given the proximity of the adjoining building, such provision would result in a poor level of amenity within these rooms. Furthermore, these windows are proposed to be high level, with a cill level of 1.7m, which would further reduce the amount of daylight that would be available within these rooms.

18. It has been put to me by the appellant that, due to the specialist nature of the proposal, this provides a justification for the design approach. Whilst I accept that the nature of the proposal and the residential accommodation is different from a traditional house design, I do not consider this to be a justification for the provision of poor living conditions for future occupiers.
19. For the above reasons, I therefore conclude that the proposed development would harm the living conditions of future occupiers in terms of outlook and, in this respect, would be contrary to Policy LP10 of the Local Plan, the adopted Design SPD and Paragraph 127 of the Framework. These policies amongst other things seek to ensure that adequate living conditions are provided for future residents of all developments.

Car parking

20. To serve the proposed hangar heritage centre, the existing parking spaces within the existing air traffic control tower car park would be used. Therefore, no additional parking would be provided to support this element of the appeal application.
21. Evidence, in the form of a parking survey, was submitted as part of the appeal proposal, which showed that the car park had an average of 30 available car parking spaces on weekdays, increasing to 32 during the weekend. Whilst issues have been raised by both the airfield operator and the Council, no evidence has been presented to dispute these conclusions.
22. In terms of the parking numbers, given the bespoke nature of the use, the Council have no specific parking standards. The submitted Highway Statement from the appellant draws comparisons with a similar facility to justify that the level of demand from the heritage centre would fall well below the number of spaces shown to be available in the parking survey. Furthermore, my attention is drawn to the fact that a number of the users, in particular the flying club, would utilise the new building, and are already served by this parking area.
23. It is likely that the provision of the new heritage centre and an enhanced flying club element would increase the demand for car parking on the site. However, from the evidence before me, it would appear sufficient capacity exists within the existing car park to accommodate the parking demand from both the hangar heritage centre and other users that require parking spaces.
24. For the above reasons, I conclude that the proposed development would make adequate provision to serve the hangar heritage centre and flying club and, in this regard, accords with Policy LP23, the Parking SPD and the Framework.

Other Matters

25. The site is located within close proximity of the Portsmouth Harbour and Southampton Water Special Protection Areas (SPAs). Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. Thus, given my overall conclusion on the main issues it is not necessary for me to consider this matter in any further detail.
26. I note the Council raise no issues in relation to access, flooding, impact on neighbouring occupiers, design, or upon the character of the surrounding area,

amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.

Conclusion

27. Although I have found no harm in terms of parking provision, this would be outweighed by the harm from the other main issues. Therefore, for the above reasons and having considered all matters, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR

Richborough Estates