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28 August 2009

## **S U M M O N S**

**MEETING:** Regulatory Board  
**DATE:** 8 September 2009  
**TIME:** 6.00pm  
**PLACE:** Council Chamber, Town Hall, Gosport  
**Democratic Services contact:** Lisa Reade

**Please Note:** A site visit has been arranged for 10am at Cherque Farm Bunds, on the morning of this meeting.

LINDA EDWARDS  
BOROUGH SOLICITOR

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### **MEMBERS OF THE BOARD**

Councillor Carter (Chairman)  
Councillor Geddes (Vice Chairman)

Councillor Allen	Councillor Hicks
Councillor Mrs Bailey	Councillor Hylands
Councillor Carr	Councillor Miss West
Councillor Dickson	Councillor Wright

The Mayor (Councillor Mrs Searle) (ex officio)  
Chairman of the P and O Board (Councillor Hook) (ex officio)

### **FIRE PRECAUTIONS**

(To be read from the Chair if members of the public are present)

**In the event of the fire alarm (single continuous sound) being activated, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, following 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.**

**Legal & Democratic Support Unit:** Linda Edwards – Borough Solicitor  
Switchboard Telephone Number: **(023) 9258 4242**  
Britdoc Number: **DX136567 Gosport 2** Website: **[www.gosport.gov.uk](http://www.gosport.gov.uk)**

**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).

**NOTE:**

- i. Members are requested to note that if any member wishes to speak at the Board meeting then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

**AGENDA**

Recommended  
Minute Format

**PART A ITEMS**

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

*All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.*

3. MINUTES OF THE MEETING OF THE BOARD HELD ON 11 AUGUST 2009

4. DEPUTATIONS – STANDING ORDER 3.5

*(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Friday, 4 September 2009. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

*(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Friday, 4 September 2009).*

6. REVISED LANDSCAPE SCHEME AT CHERQUE FARM

*To consider a revised Landscape Scheme in the southern part of Cherque Farm adjoining Wootton Road, Lancaster Close, Warwick Close, Westland Drive, Magister Drive and Proctor Drive as part of the Details Approved for the final phase of the Cherque Farm development under Planning Permission K16750 for the erection of 222 dwellings at Cherque Farm, Lee-on-the-Solent.*

PART II  
Contact Officer:  
Pat Aird  
Ext 5328

7. APPEAL BY CEMEX AGAINST THE REFUSAL OF PLANNING APPLICATION K17387 FOR THE ERECTION OF PLANT FOR THE PRODUCTION AND SUPPLY OF READY MIXED CONCRETE AT PLOT 2, LEDERLE LANE, GOSPORT

PART II  
Contact Officer:  
Pat Aird  
Ext 5328

Regulatory Board  
8 September 2009

*To update the Regulatory Board on the progress of the appeal by Cemex against the Council's refusal of planning application K17387, including the negotiations that have been taking place to resolve the potential impact on the adjoining business, Selden Masts*

8. REPORTS OF THE DEVELOPMENT SERVICES MANAGER

*Schedule of planning applications with recommendations.  
(grey sheets – pages 1 –36/1 )*

PART II  
Contact Officer:  
Pat Aird  
Ext 5328

9. ANY OTHER ITEMS

*- which by reason of special circumstances the Chairman determines should be considered as a matter of urgency.*

**A MEETING OF THE REGULATORY BOARD  
WAS HELD ON 11 AUGUST 2009**

The Mayor (Councillor Mrs Searle) (ex-officio), Chairman of the P & O Board (Councillor Hook) (ex-officio), Councillors Allen, Mrs Bailey, Carr (P), Carter (Chairman) (P), Dickson (P) Forder, Geddes, Hicks (P), Miss West (P) and Wright.

It was reported that, in accordance with Standing Orders, notice had been received that Councillors Ms Ballard, Cully, Burgess and Langdon would replace Councillors Forder, Wright, Geddes and Allen respectively for this meeting.

**50 APOLOGIES**

Apologies for inability to attend the meeting were received from the Mayor and Councillors Mrs Bailey, Forder, Wright, Geddes and Allen.

**51 DECLARATIONS OF INTEREST**

- Councillor Carter declared a personal interest in that any decision he made at the Regulatory Board meeting would not affect any decision made as a Hampshire County Councillor.
- Councillor Carter declared a personal and prejudicial interest in item K9604/4 – 18 Russell Road, Lee-on-the-Solent

**52 MINUTES**

RESOLVED: That the Minutes of the Regulatory Board meeting held on 14 July 2009 be approved and signed by the Chairman as a true and correct record.

**53 DEPUTATIONS**

It was reported that deputations had been received on the following applications:

- K9316/7 – Fort Gilkicker at Fort Road, Gosport
- K15602/1 and K15602/2 – 18 Crescent Road, Gosport
- K17685 – 58 Tukes Avenue, Gosport

**54 PUBLIC QUESTIONS**

No public questions had been received.

## PART II

### 55 K9316/7 - Planning Application for the Redevelopment of Fort Gilkicker

**Note: Councillor Carter declared a personal interest in this item but remained in the meeting room and took part in the discussion and voting thereon.**

Consideration was given to the report of the Development Services Manager to consider planning application K.9316/7 for the restoration of Fort Gilkicker at Fort Road, Gosport, a Grade II\* Listed Building and Scheduled Ancient Monument and its conversion to 26 dwellings, residents' stores and interpretation room.

Members were advised that minor alterations had been made to conditions 5 and 28 listed in Appendix B of the report, as the refuse collection arrangements had not been finalised. Appendix B of the minute book detailed these amendments.

Members were also advised that an additional representation had been received expressing concern that there were not 52 car parking spaces and querying the provision of affordable housing. The Board were advised that the recommendation was subject to a Section 106 agreement that included the provision of affordable housing. In addition, Members were advised that the Housing Policy of the Saved Local Plan Review May 2006, details that; "in exceptional circumstances it may be preferable to contribute to the establishment of affordable housing at other locations within the Borough (off-site) or to make a financial contribution in lieu of on site provision".

Mrs Pilcher was invited to address the Board. She advised the Board that she was representing the Fort Gilkicker Action Group and would also be detailing the concerns of the Stokes Bay Golf Club.

The Golf Club currently has 400 active members and 100 social members and had been in existence for 124 years. Concern was expressed that to complete a round of 18 holes of golf, players would need to cross Military Road six times and that the busiest times for the golf club would coincide with the busiest times for traffic movement from the development. It was felt that approval would lead to the road becoming hazardous to both golfers and the residents of the Fort and that this would cause frustration and delays to both parties.

Mrs Pilcher advised that the Fort Gilkicker Action Group had been established for 10 years and focused on preservation of the site that allowed people to enjoy its peace and natural beauty. They felt that the application was not a restoration of the site but a housing development in one of only a few undeveloped sites remaining in Gosport. It was felt that the levels of traffic movement would lead to increased danger to pedestrians and cause

disturbance to the tranquillity of the site.

Concern was expressed that there would not be enough car parking spaces and that this would lead to parking on the access road. It was felt that the introduction of domestic paraphernalia, including blinds and household lighting would desecrate the site.

The Board was advised that the Action Group had collected a 2500 signature petition in opposition to a previous planning application to convert the site into flats and that on a previous occasion when the Golf Club's land had been reduced membership had decreased by 20 members. There was concern that the development would lead to a greater loss of members and possibly threaten the employment of 20 members of staff.

The Action Group were concerned that should the development go ahead, the unique appeal of the area would be lost and that a precedent would be set for development of the rest of the land along Stokes Bay.

Mr Jones of the Environment Agency was invited to address the Board. He advised that the Fort was in flood zone three and at high risk, one of the most dangerous places to locate a residential development.

The Environment Agency are a Statutory Consultee and addressed the Board with advice in line with Planning Policy Statement 25 (PPS25). The aim of which was to avoid development in areas at risk of flooding.

The Board were advised that PPS25 requires that a sequential test be undertaken to demonstrate whether residential development could be located in an area with a lower risk of flooding.

The Board was advised that if the sequential test was satisfied, consideration would need to be given as to whether the development would be safe from flooding in its lifetime, i.e the next 100 years. This had not been demonstrated in the Flood Risk Assessment. In particular as there was no safe access or egress in the event of flooding.

The Board were advised of the predicted increase sea levels as a result of factors including climate change and that the structure could be surrounded by 1.8 metres of flood water which would be subject to tidal action in the event of an exceptional flooding event.

Mr Jones advised that PPS25 required that in a flood event, residents should not only be safe in the building, but be provided with a suitable safe flood evacuation route. He advised that the safety of the emergency services would be at it risk should evacuation be necessary in these circumstances.

It was acknowledged that flood warnings could be given but Mr Jones advised that this was only in the event of tidal flooding. Often in instances of unexpected flooding which could include breaches of the sea wall, sufficient warning could not be given. In addition it was noted that often in the event of a flooding event residents refused to leave their properties, despite early warning notices.

The use of flood gates to provide flood resistance to the site was noted. However, these would need to be manually closed and, as a result, be susceptible to fault as a result of human error or lack of maintenance.

The Board was advised that the Environment Agency recognised the uniqueness of the site, but advised that there was a 40% chance of a large tidal event within the next 100 years.

As the application was seen to be contrary to PPS25 and the South East Plan NRM4, concern was expressed that approval would set a precedent for other developments in high flood risk areas. In addition, the Board was advised that should the application be approved it would be referred to the Government Office for the South East, for call in under Flooding Directions.

A Member queried whether the sequential test applied as the application was for development of an existing building, on a site that had been identified as being in need of restoration, with plans that included all living accommodation above the flood level. The Board was advised by Mr Jones that PPS25 concerned not only the safety of the residents when they were inside the building but also the surrounding area.

Members asked what could be done to address the issues identified to enable the application to pass the sequential test. They were advised that an increase in the height of the access road from 2 metres to 4 metres above the Ordnance Data to provide safe egress would be appropriate.

Dr Richard Massey of English Heritage was invited to address the Board. He advised that English Heritage strongly endorsed the officer recommendation because the Fort was highly distinctive and integral to the history of the town.

Fort Gilkicker was registered as a category C Building at Risk which means it was at risk from slowly deteriorating. It currently retained a high percentage of its historical heritage. However the prognosis was not favourable should the deterioration not be addressed. There was particular concern for the condition of the woodwork and the masonry. English Heritage viewed the proposal as a sustainable re-use of the building and the only viable option and advised that they had been in consultation with the developers and Gosport Borough Council for 2 years.

Scheduled Ancient Monument consent had already been granted and it was felt that the design was well informed, sympathetic and to a high standard of design. It was felt that the flood risks had been considered and that this was reflected in the positioning of the living accommodation.

The Board was advised that English Heritage felt that the proposals were not a desecration of the site, but that the restoration would retain a valuable landscape feature and secure the long term conservation and management of the site.

The proposal would benefit the public as it would provide museum space, restoration of a public monument, improved footpaths and access to the monument and a chance to examine the unique features of the site. It was also recognised that this would provide an opportunity for the site to be removed from the English Heritage Buildings at Risk register.

Dr Massey advised that the sequential test was not applicable as the Fort was an existing structure and could not be moved. He also advised that he believed that the developers had endeavoured to install reasonable measures of flood protection. In answer to a Member's question he advised that he was not an expert on flooding.

David Adams was invited to address the Board. He advised that he was Development Director for the project and was the development partner selected by Hampshire County Council.

He advised the Board that the application had the full support not only of English Heritage but also that of the Palmerston Fort Society. He reiterated that the proposals had been granted Scheduled Ancient Monument Consent.

He advised that any disturbance as a result of the restoration would be kept to a minimum as most of the work would take place within the confines of the fort and be undertaken by hand not from the beach area.

The Board was advised that, following a public exhibition in August 2007 many potential buyers had identified themselves. He believed that potential purchasers would be couples wishing to downsize and enjoy the sea-views. He did not feel that the development would attract those seeking a more active, town orientated, lifestyle.

Mr Adams advised that there was an existing legal agreement in place to compensate the golf club in the event of loss of earnings as a result of the development. In answer to a Member's question it was clarified that the agreement had been drawn up as part of a previous application. It was between Hampshire County Council, Gosport Borough Council and Stokes Bay Golf Club.

The Board was advised that consultation had taken place with Hampshire Fire and Rescue Service and that the proposals had been approved by Emergency Planning at Gosport Borough Council. It was reiterated that all living accommodation was above second floor level and that flood gates would be in place to protect the historic fabric from sea water.

The concerns of the Environment Agency were acknowledged. However, it was identified that should the 1:200 flood events described occur, other areas of Gosport would also be affected. The view of the Fire and Rescue Service and Emergency Planning was that this site was similar to others existing at risk sites. The Board was also advised that previously the Environment Agency had only been concerned that the policy guidance in PPS25 was implemented in the case of residential developments with 10 or more units. Had this proposal been for less than 10 units then no objection would have been made.

Mr Adams stated that the proposal was to restore a valuable, historic building and that improvements would be made to the access road and the security of the site. Viewing points would be created with pathways providing access for members of the public, allowing wildlife to flourish in undisturbed areas.

Mr Travers was invited to address the Board. He advised that he had 40 years experience within the field of flood risk. He had worked for the predecessor of the Environment Agency and had a detailed understanding of their policies and principles.

He felt that the issue of the sequential test had been addressed within the officer report and reiterated that the proposal was not for a new development in the area, but was intended to secure the future of an existing building.

The Board was advised that whilst the PPS25 Practical Guide stated that safe access should be available in the event of an emergency, it also stated that in exceptional circumstances, development can be allowed if the actual buildings were deemed to be safe. Mr Travers advised that should exceptional flooding occur at the site and access not be available, provisions had been made within the design for refuge for residents at higher levels. This would be at least 6ft above the extreme tide level, including the predicted effects of climate change.

It was felt that the probability of such an event was low and that occupants of the building would be safe.

Mr Travers addressed concerns surrounding access to the building in such an event and advised that the maximum length of time that dry access would be un-achievable would be 48 hours. He was aware that the Environment Agency felt that this was not acceptable, but confirmed that Hampshire Fire and Rescue would evacuate by boat if necessary. If this was not viable occupants would remain safe and electric, water and drainage supply would remain intact.

The Board was advised that if the flooding event was due to defences being breached, flood waters would recede in far less than 48 hours and that Military Road could be passable within 12 hours.

The protection provided to the residents was of a high standard and was better than in many houses within the same risk zone. A flood warning system was in place and had been agreed by the Environment Agency. A flood evacuation plan would come into use when the flats were occupied. Mr Travers expressed concern that the Environment Agency had installed flood defences to protect its own properties, but discouraged them elsewhere.

In answer to a Member's question, Mr Travers advised that the guidance received for the prediction of the increase in water levels was accepted and had been used to inform the design. The design had accommodated the possibility of these events happening; the raising of the access road had been considered but it was felt that it was an unacceptable amendment to the landscape.

Members were of the opinion that the proposal provided the only opportunity to restore, repair and improve the existing structure and welcomed the chance to protect the future of the site for subsequent generations.

Members acknowledged that the scheme was supported by both the Palmerston Fort Society and English Heritage. The flood risk to the site was recognised, but it was also accepted that the structure was well built.

A Member expressed concern that a precedent would be set to undertake development on other land in high risk flood zones. It was felt that it would become increasingly difficult to refuse both these applications and others for additional development on Stokes Bay.

RESOLVED: That listed building application – K9316/7 Fort Gilkicker, Fort Road, Gosport be approved subject to a Section 106 Agreement relating to the provision of affordable housing, the payment of a commuted sum towards the provision and/or improvement of sports pitches/other sports facilities, Public access and the provision of an Interpretation Centre, subject to the conditions set out in the report of the Development Services Manager and subject to the conditions listed in Appendix B of the report for the following reasons:

- i That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the works proposed will restore the Grade II\* Listed Building and Scheduled Ancient Monument, which is currently in a poor condition due to water penetration and on the English Heritage Buildings at Risk Register, and bring it back into a use which will ensure its continuing protection. Satisfactory mitigation is proposed to address the impact on the historic integrity and archaeology of the fort. Although the building is located within Flood Zone 3a, the Council is satisfied that residential conversion is the only viable use and that in this case the restoration is a sustainable

objective which satisfies the provisions of Policy NRM4 of the South East Plan which requires the sequential test to be met except where there is over-riding need and absence of suitable alternatives. The works will not increase the risk of flooding elsewhere and measures can be put in place to ensure that the risk to future occupiers is mitigated. Measures have been included to protect wildlife and provide new habitats and retain the character of the coast and informal area of open space with appropriate landscaping and lighting. Adequate provision has been made for affordable housing, open space, parking, access and refuse storage. No contributions are required for formal educational facilities but there is provision for heritage interpretation within the proposal. In view of the extensive costs of restoring the Fort, transport contributions are not required in this instance. Energy efficiency and use of micro-renewables has been taken into account and there are no issues with contamination, noise, air quality, water resources or drainage. As such the development complies with Policies CC2, CC4, CC6, CC8, CC9, H3, T4, NRM4, NRM11, W1, W2, W6, W8, BE6, and SH6 of the South East Plan and Policies R/DP1, R/DP3 R/T2, R/T3, R/T4, R/T10, R/T11, R/H2, R/H4, R/H5, R/CF6, R/BH3, R/BH8, R/OS1, R/OS2, R/OS4, R/OS5, R/OS8, R/OS11, R/OS12, R/OS13, R/OS14, R/CH1, R/CH2, R/ENV2, R/ENV3, R/ENV4, R/ENV5, R/ENV10, R/ENV11, R/ENV12, R/ENV14 and R/ENV15 of the Gosport Borough Local Plan Review.

And subject to the conditions listed in Appendix B of the report.

## **56 REPORTS OF THE DEVELOPMENT SERVICES MANAGER**

The Development Services Manager submitted a report on applications received for planning consent setting out the recommendation in each case (a copy of which is attached in the Minute Book as Appendix 'A').

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

### **57 K15602/1 - ERECTION OF TWO STOREY COACH HOUSE AND ASSOCIATED COURTYARD GARDEN (LISTED BUILDING IN CONSERVATION AREA) (as amended by Design and Access Statement and plans received 21.07.09) 18 Crescent Road Gosport Hampshire PO12 2DH**

Mr Yearley was invited to address the Board. He advised Members that the design was similar to others within the vicinity of the proposed development. He advised that the existing garages were in a poor condition and the proposal would enhance the appearance of the area.

Mr Yearley advised the Board that it was intended to use local materials wherever possible and that solar panels would be installed to the development.

RESOLVED: That application K15602/1, 18 Crescent Road, Gosport be approved subject to a section 106 agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and the payment of a commuted sum towards the provision of transport infrastructure and subject to the conditions set out in the report of the Development Services Manager, for the following reasons:

- i That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposal is at an acceptable density for this location. It has been designed and is to be constructed in a sustainable way maximising sunlight and utilizing solar panels. Due to the appropriate design of the proposal it will preserve the character and appearance of the Conservation Area and setting of the adjacent Listed Building and will not have a detrimental impact on the amenities of neighbouring or prospective occupiers. Adequate provision is made for open space, transport infrastructure, car parking and cycle and refuse storage. As such the development complies with Policies R/DP1, R/DP3, R/BH1, R/BH2, R/BH3, R/H4, R/T4, R/T11, R/OS8 and R/ENV14 of the Gosport Borough Local Plan Review.

**58 K15602/2 - LISTED BUILDING APPLICATION - DEMOLITION OF TWO GARAGES AND ASSOCIATED GARDEN WALLS (IN PART) AND ERECTION OF TWO STOREY COACH HOUSE AND ASSOCIATED COURTYARD GARDEN (CONSERVATION AREA) (as amended by Design and Access Statement and plans received 21.07.09)  
18 Crescent Road Gosport Hampshire PO12 2DH**

RESOLVED: That listed building application K15602/2 18 Crescent Road, Gosport be approved subject to the conditions set out in the report of the Development Services Manager, for the following reasons:

- i That having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations the development is acceptable in this location. It is of an appropriate design and does not have any detrimental impact on this Listed Building or its setting. As such the development complies with Policy R/BH3 of the Gosport Borough Local Plan Review.

**59 K16424/3 - DEMOLITION OF SINGLE STOREY SIDE EXTENSION AND TWO STOREY REAR EXTENSION, INTERNAL ALTERATIONS AND ERECTION OF FOUR STOREY SIDE AND REAR EXTENSION TO PROVIDE 2NO. TWO BEDROOMED FLATS, 1NO. TWO BEDROOMED MAISONETTE AND 1NO THREE BEDROOMED DWELLING WITH ASSOCIATED PARKING AND BIN STORAGE  
11A Brockhurst Road Gosport Hampshire PO12 3AJ**

Members were advised that the required legal agreement relating to the payment of a commuted sum towards the provision and/or improvement of

outdoor playing space and towards transport infrastructure had been not yet been completed. Officers requested that authority be delegated to the Head of Development Control to refuse the application on the basis of non-compliance with Policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review if the completed document was not received by 19 August 2009.

Members expressed concern that the density the development would be greater than the threshold set out in Policy R/H4; however, it was acknowledged that the design reflected the form of adjacent properties.

A Member expressed concern that the development was positioned on the A32 and that the delivery of materials would cause disruption to this road and the access road.

Members requested that, should the development be approved, provision be made to ensure that deliveries and construction works did not cause inconvenience or block the A32 or the access road.

Members were advised that although this matter was not a consideration for the Regulatory Board and would be dealt with by the local highway authority should approval be granted officers would write to express these concerns and request that the necessary precautions and consents be obtained. A copy of the letter would be forwarded to Hampshire County Council, as highway authority, to ensure that it was aware of Members' concerns.

**RESOLVED:** That planning application K16424/3 – 11a Brockhurst Road, Gosport, Hampshire be approved subject to the receipt of a completed S106 Agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and of a commuted sum towards transport infrastructure, and subject to the conditions set out in the report of the Development Services manager, for the following reason below. In the event that the completed legal agreement is not received by 19 August 2009, authority is delegated to the Head of Development Control to refuse the application.

- i That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location. It is of an appropriate design and due to its siting and orientation will not have a detrimental impact on the character of the area, the visual amenity of the locality, the amenities of existing or prospective residents or highway safety. Adequate provision is made for access, car parking, cycle parking, refuse storage, open space and highway and infrastructure improvements. As such, the proposal complies with Policies R/DP1, R/H4, R/T11, R/ENV14, R/ENV15, R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review and Policies BE1, CC4, CC6, H5, SH8 and NRM11 of the South East Plan.
- ii A letter is sent to the applicant to advise him of the need to contact the

Local Highway Authority to ensure that the A32 is not blocked during construction.

**60 K9604/4 - RETENTION OF USE OF 5 NO. BEDROOMS FOR BED AND BREAKFAST ACCOMMODATION (VARIATION OF CONDITION 1 K.9604/3) AND RETENTION OF SIDE, REAR AND FRONT CONSERVATORY, FRONT PERGOLA AND REAR AND SIDE SINGLE STOREY EXTENSION (as amended by plans received 28.05.09)  
18 Russell Road Lee-On-The-Solent Hampshire PO13 9HP**

**Note: Councillor Carter declared a Personal and Prejudicial Interest in this item, left the meeting room and took no part in the discussion and voting thereon. Councillor Burgess chaired the meeting for the duration of minute number 60.**

Members were advised that the required legal agreement relating to the payment of a commuted sum towards the provision and or improvement of outdoor playing space and transport infrastructure had not yet been completed Officers requested that authority be delegated to the Head of Development Control to refuse the application on the basis of non-compliance with Policies R/OS/8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review if the completed document was not received by 14 August 2009.

RESOLVED: That planning application K9604/4 – 18 Russell Road, Lee-on-the-Solent, Hampshire be approved subject to the receipt of a completed S106 Agreement relating to the payment of a commuted sum towards transport infrastructure, services and facilities and subject to the conditions set out in the report of the Development Services manager, for the following reason below. In the event that the completed S106 Agreement is not received by 14 August 2009, authority is delegated to the Head of Development Control to refuse the application.

- i That having regard to the provision of the Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development is acceptable in this location and as such complies with Policies R/DP1, R/T11 and R/T4 of the Gosport Borough Local Plan Review.

**61 K17685 - ERECTION OF 3 SECTION GALVANISED STEEL TILT OVER MAST WITH 3 ELEMENT BEAM ANTENNA, 1 SINGLE ELEMENT ANTENNA AND 2 POLE ANTENNAS ON ROOF  
58 Tukes Avenue Gosport Hampshire PO13 0SF**

Miss Bowles was invited to address the Board. She advised that the aerial was used to enable her to participate in amateur radio broadcasting.

The Board was advised that there were a number of other larger aerials within the vicinity of the property and that these had been in place for a number of years.

Miss Bowles said that she had sought the opinion of her neighbours and felt that there were no objections to the mast remaining.

Councillor Cully, Ward Councillor for Bridgemary North, advised the Board that he had never received a complaint concerning the aerial. He acknowledged that an objection had been made, but reiterated that in the previous 23 years it had not been identified as an issue on other sites in the area.

It was proposed that the planning application be approved, as the mast was not considered to be an incongruous feature.

Members unanimously agreed this proposal.

RESOLVED: That application K17685 – 58 Tukes Avenue, Gosport, Hampshire be approved as the mast was not identified to be an incongruous feature and that the Head of Development Control be authorised to attach the appropriate conditions to the application.

The meeting commenced at 6.00pm and concluded at 7.38 pm

CHAIRMAN

## AGENDA ITEM NO. 06

<b>Board/Committee:</b>	<b>Regulatory Board</b>
<b>Date of Meeting:</b>	<b>8 September 2009</b>
<b>Title:</b>	<b>Revised Landscape Scheme at Cherque Farm</b>
<b>Author:</b>	<b>Development Services Manager</b>
<b>Status:</b>	<b>For Decision</b>

### **Purpose**

To consider a revised Landscape Scheme in the southern part of Cherque Farm adjoining Wootton Road, Lancaster Close, Warwick Close, Westland Drive, Magister Drive and Proctor Drive as part of the Details Approved for the final phase of the Cherque Farm development under Planning Permission K16750 for the erection of 222 dwellings at Cherque Farm, Lee-on-the-Solent.

### **Recommendation**

That the revised landscape scheme be approved.

#### **1.0 Background**

- 1.1 At the meeting of the Regulatory Board on 16 June 2009 Members considered proposals to revise the landscape bunds at the south east corner of the Cherque Farm Estate. The Board resolved to defer consideration of the proposal pending a site visit, and, in response to a suggestion by the Ward Councillor, to request amendments to the shape of the LEAP (Locally Equipped Area for Play) in this area and the LAP (Local Area for Play) behind Lancaster Close so that the bund could be retained on the south/south east side of them.
- 1.2 Persimmon submitted amended plans as requested on 13 July 2009. Copies of the amended plans were sent to all those who had made representations either by e mail or in hard copy and all other occupiers of properties adjacent to the bund were advised by letter that amended plans had been received and were available to view at the Town Hall.

#### **2.0 Revised proposal**

- 2.1 There are 4 main changes to the original proposal: an alteration to the shape, position and size of the LEAP; an alteration to the shape, position and size of the LAP; the continuation of the bund behind both the LAP and the LEAP; and re-profiling of the bund west from the LAP so there will be no flat area on the top for cyclists and pedestrians to use and so that it is at a relatively uniform height. As before no changes are proposed to the existing profile of the bund at the rear of Warwick Close and Lancaster Close up to the LAP.

- 2.2 The LEAP is to be a more elongated oval shape with a length increased from 29 metres to 40 metres and the width reduced from 18 metres to 13 metres and it is to be moved 3 metres further north so that the northern edge is immediately adjacent to the cycleway.
- 2.3 The LAP is to be turned on its axis through 90 degrees and reduced slightly in length (from 20 to 17 metres) and width (from 13 to 11 metres).
- 2.4 At the site of the LEAP the existing bund will be reduced in width to accommodate the LEAP, re-profiled so that it no longer has a flat top, and reduced in height by approximately 1.5 metres.
- 2.5 At the site of the LAP, where there is currently no bund and the ground is open and flat, the bund will be extended round it at its current height.
- 2.6 Immediately to the west of the LAP it is now proposed to retain the bund at a height of approximately 2.5 metres (instead of reducing it by up to a metre in places as originally proposed). In addition it is to be re-profiled to remove the potential for cycling and walking along the top. (As originally proposed it was to have had a flat top along this part of its length.)

### **3.0 Response to Second Consultation**

- 3.1 6 further letters of representation have been received as a result of this re-consultation and a letter was also received requesting that no further drawings were sent unless they showed that the residents of Warwick/Lancaster Close had their privacy restored. 3 letters from residents of Cherque Farm ask for the bund to be reduced or removed altogether; 2 letters ask for it to be raised/restored to improve privacy for Wootton Road residents; 1 letter refers only to the need for a defined barrier cycleway and a requirement for the Council to take action to require Persimmon to erect such a barrier. In addition a resident of Lancaster Close has pointed out that paragraph 2.2 of the report to the Regulatory Board on 16 June 2009 should have referred to 6, not 4, Warwick Close.
- 3.2 In summary the points made in the letters are as follows:
  - If the bund is to be re-instated in some areas why not at the same height as it is?
  - The height of the bund shown on the drawings at section H-H is incorrect – it is well over 4 metres not 2 metres as shown – the proposed reduction to 3.5 metres is insufficient
  - The slope of the bund as existing at sections JJ and E-E is steeper than the 30 degrees shown – assurance required that it will be 30 degrees – request this is considered at the site visit.
  - Why is a bund required at all as the tree line provides

screening – it is not good for social cohesion – it impedes outlook of Cherque Farm residents and affects their privacy – if it is to be retained it should be no higher than 1.5m

- The bund encourages and facilitates anti-social behaviour (evidence provided in the form of Minutes of a Police update meeting 24.03.09).- lowering of the bund would reduce the potential as the area would be visible from adjoining houses
- Perception that the views of residents of Wootton Road are preferred over the Cherque Farm residents.
- If the height is maintained as shown it is likely to cause an accident
- The angle of the slope is too steep for the landscaping to establish – there is very little difference from existing therefore in terms of maintenance there is likely to still be a problem if the Council adopt the land.
- Why is an equipped play area required when there is an existing one at Megson Drive which is not well used?
- If the LEAP goes ahead it will attract youngsters from outside who are already a nuisance
- The amendments to the proposal to extend the bund around the LEAP and LAPs will make them cramped and unfit for purpose and not aesthetically pleasing as originally proposed
- The distance to the houses from the bund to the properties in Wootton Road is incorrect
- There is insufficient space between the cycle path and the rear boundaries to implement the bund as proposed

#### **4.0 Assessment of the Revised Proposal and Second Consultation Responses**

- 4.1 The provision of the play areas is a requirement of planning permission K16750 and the location has been agreed therefore this is not a matter for consideration as a part of these proposals. The request for a barrier to be erected alongside the cycle path is outside the scope of these proposals and the Council as local planning authority cannot require such a barrier to be provided by Persimmon. The opinions of residents on either side of the bund remain in conflict as to whether the bund should remain/be raised or reduced in height or removed.
- 4.2 The only concern raised which directly relates to the amended proposal is that the extension of the bund around the LEAP and LAPs will make them cramped and unfit for purpose and not as aesthetically pleasing as originally proposed. As the addition of a 1 metre high bund does not make a significant difference to the overall size and shape of the size of the LAPs and LEAPs it will not make them unfit for purpose or affect the appearance of the area as a whole. It will however increase the feeling of separation between the play areas and the residents of properties in the roads outside the Cherque Farm Estate.

## 6.0 Conclusion

In view of the conflicting opinions held by residents I am of the opinion that the revised Landscape Scheme both as originally proposed and as now amended offers an acceptable compromise which addresses the privacy issues raised by occupiers of properties on both sides of the bunds and the anti-social behaviour issues raised by both residents and the police, whilst meeting the planning requirements to provide play areas on the Cherque Farm Estate.

<b>Financial Services comments:</b>	N/A
<b>Legal Services comments:</b>	None
<b>Service Improvement Plan implications:</b>	None
<b>Corporate Plan:</b>	None
<b>Risk Assessment:</b>	N/A
<b>Background papers:</b>	Application K16750; Regulatory Board Report Agenda item 6 16.06.09; Regulatory Board Minutes 16.06.09
<b>Appendices/Enclosures:</b>	None
<b>Report author/ Lead Officer:</b>	Pat Aird

## AGENDA ITEM NO. 07

<b>Board/Committee:</b>	<b>Regulatory Board</b>
<b>Date of Meeting:</b>	<b>8 September 2009</b>
<b>Title:</b>	<b>Appeal by Cemex against the refusal of planning application K17387 for the erection of plant for the production and supply of ready mixed concrete at Plot 2, Lederle Lane, Gosport</b>
<b>Author:</b>	<b>Development Services Manager</b>
<b>Status:</b>	<b>For Decision</b>

### **Purpose**

To update the Regulatory Board on the progress of the appeal by Cemex against the Council's refusal of planning application K17387, including the negotiations that have been taking place to resolve the potential impact on the adjoining business, Selden Masts.

### **Recommendation**

That authority is delegated to the Development Services Manager in liaison with the Borough Solicitor to withdraw the Council's objections to the erection of plant for the production and supply of ready mixed concrete at Plot 2 Lederle Lane Gosport provided Selden Masts confirm that their objections have been overcome.

### **1.0 Background**

- 1.1 At the meeting of the Regulatory Board on 11 December 2007 Members resolved to refuse application K17387 for the following reason:

1. The development, by reason of the nature of the operation, dust arising from the open storage and transport of materials to the site, and the potential release of cementitious dust, will have a detrimental impact on the character, appearance and environment of the area which is likely to have a significant harmful effect on other business operations in the vicinity. As such the proposal is contrary to Policy R/EMP5 and R/DP1 of the Gosport Borough Local Plan Review.

The decision was issued on 19 December 2007.

- 1.2 An appeal was lodged against the refusal with a start date of 27 June 2008. The appeal was to be determined by way of a Hearing. The Hearing commenced 6 January 2009 but was aborted by the Inspector because of the technical nature of the evidence which was in dispute. The Inspectorate changed the appeal process to a Public Inquiry so that technical evidence could be subject to cross examination. The Public Inquiry is due to take place on 27 and 28

October 2009.

- 1.3 Appeals involve costs for all parties and these can be particularly high when appeals are determined by way of Public Inquiries. Therefore throughout the appeal process the parties are encouraged by the Planning Inspectorate to negotiate to find a resolution to the issues in dispute.

## **2.0 The Issue**

- 2.1 The main issue in this case is the impact on adjacent businesses from the release of cementitious dust. The business closest to the appeal site is Selden Masts. Moreover, the impact on Selden Masts is potentially greater than on any of the other surrounding businesses for the following reasons:

- It uses unanodised aluminium which is known to be affected by cement dust
- It uses anodised aluminium which is potentially affected by cement dust
- It is within 100 metres of the proposed cement silos
- The prevailing wind blows in the general direction of the Selden Mast Site.

- 2.2 The evidence produced by the appellant and the Council in the course of the Inquiry has now clarified the degree of risk to Selden Masts and the parties are discussing ways of mitigating the impact. Measures under consideration include the installation of an air curtain and a cover for the outside storage areas within the Selden masts site.

- 2.3 The other businesses in the area are much further away and not in the path of the prevailing wind. Moreover the amount of dust emitted from the plant is controlled by Environmental Health legislation through a permit issued by the Council so that it does not have a detrimental impact on human health. The appellant has confirmed that the maximum amount of dust which the permit allows to be emitted will be 717 gms per year and that the filters to be installed will actually allow the emission of only 190 gms per year.

## **3.0 Conclusion**

- 3.1 If the proposed mitigation measures are found to be satisfactory by Selden Masts there would be no sustainable objection to the proposal by the Council. Therefore delegated authority is sought to convey this position to the Planning Inspectorate should the mitigation measures address the issues set out in section 2 of this report. Third parties other than Selden Masts would still have the opportunity to put forward their views to the Inspector at the Inquiry but the proceedings would be considerably shortened and as such the costs would be reduced.

<b>Financial Services comments:</b>	N/A
<b>Legal Services comments:</b>	None
<b>Service Improvement Plan implications:</b>	None
<b>Corporate Plan:</b>	None
<b>Risk Assessment:</b>	N/A
<b>Background papers:</b>	Application K17387; Regulatory Board Report 17.12.07; Regulatory Board Minutes 17.12.07; Appeal papers ref APP/J1725/A/08/2078736/NWF
<b>Appendices/Enclosures:</b>	None
<b>Report author/ Lead Officer:</b>	Pat Aird

## **GOSPORT BOROUGH COUNCIL – REGULATORY BOARD**

**8th September 2009**

### **ITEMS WITH RECOMMENDATIONS**

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

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02.	09-12	K14302/5	47 Monckton Road Gosport Hampshire PO12 2BG	Grant Outline Consent
03.	13-14	K9750/3	Woodlands House Chestnut Walk Gosport Hampshire PO12 4BE	Grant Permission
04.	15-16	K9750/2	Woodlands House Chestnut Walk Gosport Hampshire PO12 4BE	Grant Permission
05.	17-21	K16265/3	Land Adjacent To 36 Cavanna Close Gosport Hampshire PO13 0PE	Grant Permission
06.	22-24	K15384/2	3 Smeeton Road Lee-On-The-Solent Hampshire PO13 8JJ	Grant Permission
07.	25-27	K17683	Unit 1 83 - 93 High Street Lee-On-The-Solent Hampshire PO13 9BU	Grant Permission
08.	28-29	K10519/2	13 Molesworth Road Gosport Hampshire PO12 1QT	Grant Permission
09.	30-32	K12813/7	99 High Street Gosport Hampshire PO12 1DS	Grant Permission
10.	33-34	K12813/8	99 High Street Gosport Hampshire PO12 1DS	Grant Listed Building Consent
11.	35-36	K7992/3	Brockhurst Allotments Military Road Gosport Hampshire	Grant Permission

**ITEM NUMBER: 01.**  
**APPLICATION NUMBER: K6814/12**  
**APPLICANT: Mr K Erridge**  
**DATE REGISTERED: 05.08.2009**

**OUTLINE APPLICATION - PART DEMOLITION OF EXISTING BUILDING AND ERECTION OF 2 STOREY BUILDING TO PROVIDE 1NO. THREE BEDROOMED DWELLING AND 2NO. FLATS**  
**108 Queens Road Gosport Hampshire PO12 1LH**

***The Site and the proposal***

The application site is located on a prominent corner plot on the eastern side of Queens Road at the junction with Battenburg Road. The site is currently occupied by a large 2.5 storey building which extends the entire length of the plot. The building has a rendered finish with a brown tiled pitched roof and large gable fronting Queens Road. It is primarily used as martial arts club with ancillary living accommodation at its eastern end in the form of a one bedroomed dwelling. The front elevation contains an entrance door, with two windows at ground floor level and one first floor window. The side elevation fronting Battenburg Road contains a total of eight windows, with two personal doors and a set of garage doors. The rear elevation contains three ground floor and two first floor windows, all of which are obscure glazed. There are no windows in the northern elevation facing the rear garden of number 110 Queens Road. A narrow footpath at the rear of the site provides access to the back gardens of the dwellings on Queens Road and Avenue Road.

The area is characterised by two storey terraced dwellings set on rectangular plots with rear gardens approximately 15 metres long. The adjoining property to the north, number 110, is a two storey dwelling with two storey and single storey elements at the rear. The property has a flat roof rear dormer window and first floor windows in the rear elevation. To the south of the site and on the opposite side of Battenburg Road is 106 Queens Road, a two storey hipped roof dwelling constructed from red brick. There is a single storey lean-to structure on the rear elevation. Parking restrictions are in place on the corners of Queens Road, at the junctions with Battenburg Road and Avenue Road.

The application is in outline form with all matters reserved. It is for the partial demolition of the martial arts building, retaining the two storey residential unit at the eastern end of the site. The resultant vacant land is to be redeveloped through the erection of a two storey building attached to the southern elevation of number 110 Queens Road to provide 1no. three bedroom dwelling and 2no. three bedroom flats. The retained unit would be increased from one to two bedrooms. An indicative layout, showing car and cycle parking, refuse storage and amenity space as well as elevational drawings showing the design of the proposed building and amendments to the retained building have been submitted.

The application follows a previous proposal at the site for outline planning permission which was refused on the grounds that the development, by reason of its inappropriate design and layout would have resulted in an undesirable form of development, out of keeping with the established pattern of development in the locality, to the detriment of the character and appearance of the area. It was also considered that the proposed amenity space would be unacceptably overshadowed for long periods of the day creating an unsatisfactory and undesirable environment for the users of this space. An inappropriate level of on site parking was provided and one of the proposed spaces afforded inadequate intervisibility between vehicles exiting the site and all other users of the public highway. Inadequate provisions were made for bin and bicycle storage and an insufficient level of information was submitted to justify the loss of the existing community facility.

In an attempt to overcome these previous reasons for refusal, the indicative plans show a revised layout, amended elevations and an increased provision for amenity space and on site parking. Information has been submitted to justify for the loss of the martial arts club.

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### **Relevant Planning History**

K6814 use of premises as a warehouse refused 20.04.70  
K6814/1 use of premises as a bingo hall refused 08.06.70  
K6814/2 use of premises as a studio for deportment, dancing, photography temporary consent permitted 08.06.70 (expired 31.12.73)  
K6814/3 Outline Application demolition of building and erection of 2no. terraced houses permitted 21.04.71  
K6814/4 use of premises for storage (first approved 22.06.72 and expired 31.12.74) permitted 11.02.74  
K6814/5 use of premises as snooker hall refused 17.06.74  
K6814/6 change of use from store to place of worship permitted 20.12.74  
K6814/7 Outline Application erection of 2 storey block of four flats refused 27.06.89 (Appeal dismissed T/APP/J1725/A/89/131479/P.4 - 12.02.90)  
K6814/8 Outline Application erection of 4 flats together with car parking facilities permitted 11.01.91  
K6814/9 change of use/conversion of existing hall (D1) to martial arts club (D2) and ancillary living accommodation permitted 02.04.96  
K6814/10 Outline Application demolition of existing building and erection of 3 storey building to provide 5no. 1 bedroom flats, 3no. 2 bedroom flats including double integral garage and cycle storage withdrawn 26.11.08  
K6814/11 Outline Application part demolition of existing building and erection of 2 storey building to provide 1no. 3 bedroomed dwelling and 2no. flats (as amended by plan received 30.01.09) refused 03.03.09

### **Relevant Policies**

Gosport Borough Local Plan Review, 2006:

- R/DP1  
General Standards of Development within the Urban Area
- R/CF2  
Protection of Existing Health and Community Facilities
- R/H4  
Housing Densities
- R/T11  
Access and Parking
- R/OS8  
Recreational Space for New Residential Developments

### **Consultations**

Building Control	Access for the fire brigade is acceptable. There is a 2.5 metre deep Southern Water drain in Batternburg Road.
Environmental Health (Pollution & Environment)	to be updated
Streetscene (Waste & Cleansing)	Adequate bin storage provided. The bins would require placing out adjacent to the footway on collection days.
Local Highway Authority	Due to the trips associated with the existing use at the site, Transport Contributions are not required. No objection.

### **Response to Public Advertisement**

2 letters of objection;

Issues raised:-

- overdevelopment of the plot
- excessive density
- parking problems
- inadequate intervisibility between vehicles exiting the site and all other users of the public highway
- highway and pedestrian safety
- closure of Batternburg Road during construction
- overshadowing caused by retained dwelling
- alternative schemes would be more appropriate
- loss of privacy to rear garden of 101 Avenue Road

### ***Principal Issues***

1. The closure of roads during construction would require a licence issued by Hampshire County Council and is not a matter that can be controlled through the planning legislation. The site is located within the Urban Area Boundary where the principle of residential development is acceptable provided that the details accord with Policy R/DP1 of the Gosport Borough Local Plan Review. The main issues in this case therefore are whether the development is acceptable in principle, having regard to the loss of a community facility, whether the amount and scale of the development proposed can be accommodated on the site without having an adverse impact on the character and visual amenity of the locality and the amenities of adjacent and prospective occupiers, and whether adequate provision can be made for car and cycle parking, refuse storage and open space.

2. The indicative design of the units fronting Queens Road demonstrates that a building at the front of the site could integrate well with the general streetscene, reintroducing a residential appearance on what is a prominent corner plot. A building of the scale proposed in this position would not appear incongruous in relation to the adjacent built form, particularly if it was sited to follow the existing building line and appear as a natural extension of the terrace. The indicative drawings show that the design of the retained dwelling at the rear of the plot can be amended so as to reduce its overall mass and its prominence in the streetscene. The plans show that the principal elevation fronting Batternburg Road can be designed to reflect the appearance of the side elevations of numbers 106 Queens Road and 101 Avenue Road. Moreover, due to its location at the rear of two long terraces, the dwelling would only be readily visible when travelling along Batternburg Road, a short section of highway with low traffic flows. As such, the retention of the detached dwelling would not have a detrimental impact on the character or visual amenity of the locality. The indicative layout demonstrates that there is adequate space to provide the proposed dwelling with its own area of private amenity space and that this would meet the guideline dimensions contained within Appendix B of the Local Plan Review. The garden can be appropriately positioned at the rear of the property to reflect the established pattern of development in the locality. The proposed flats would have no amenity space. However, the site is located a short distance from Walpole Park and future occupants would therefore have convenient access to a suitable area for informal recreation. The indicative drawings demonstrate that the plot is capable of accommodating the proposed development without the resultant layout appearing cramped, contrived or overdeveloped. The proposed scheme would result in a density of 100 dwellings per hectare (dph). Whilst this exceeds the density range of 30-50 dph set out in Policy R/H4 of the Local Plan Review it is a similar density to much of the surrounding area.

3. The indicative plans demonstrate that as a whole, the proposed scheme would enhance the overall appearance of this prominent corner plot. It would result in the partial demolition of an unsightly and incongruous building that is out of keeping with the residential character of the area. A development of the scale proposed would integrate well with the surrounding built form and improve the overall appearance of the streetscene. Provision has also been made for the payment of a commuted sum towards the provision and/ or improvement of the existing outdoor playing space in the Borough which will help to ensure that both existing and prospective residents will have future

access to open space and play equipment. In light of the above, the proposed redevelopment accords with the aims and objectives of Policy R/DP1 of the Gosport Borough Local Plan Review

4. The indicative drawings demonstrate that the rear elevations of the proposed properties fronting Queens Road would not have to extend a significant distance beyond the two storey rear elevation of number 110 Queens Road. In light of this and given the height of the proposed building, this aspect of the proposal will not have a detrimental impact on the amenities of the occupiers of this residence in terms of loss of light or outlook. Although windows will be required in the rear elevation at first floor level, and potentially in the roof space, this will not increase the propensity to overlook adjacent gardens over and above that which currently exists from neighbouring dwellings. The part demolition of the existing building would open up the central element of the site, increasing the amount of sunlight reaching the rear garden of number 110 and improving the outlook for the occupants of this and adjacent dwellings. As the retained building could be designed with no windows in the northern or western elevations and there are already first floor windows in the eastern elevation, I do not consider that the proposal will have a detrimental impact on the living conditions of existing or prospective occupiers in terms of loss of privacy. The retained dwelling can be amended to ensure the proposed garden receives a sufficient level of sunlight. The development therefore accords with Policy R/DP1 of the Local Plan Review.

5. The site can accommodate three adequately sized parking spaces. According to the 2001 Census information, car ownership within the Christchurch ward is 0.98 cars per household, with 21% of households owning two or more cars. It is likely therefore that the provision of three car parking spaces to serve three units is sufficient, particularly given the site's proximity to Gosport Town Centre. The development is unlikely therefore to result in overspill parking in the surrounding road network, to the detriment of local amenity. The indicative layout shows that it will be possible to achieve adequate intervisibility between vehicles exiting the site and all other users of the public highway. Consequently the proposal would not have a detrimental impact on highway or pedestrian safety. There is adequate space at the site to accommodate the requisite facilities for refuse and bicycle storage and the development therefore complies with Policies R/DP1 and R/T11 of the Local Plan Review.

6. Policy R/CF2 of the Local Plan Review is concerned with the protection of existing health and community facilities which can provide important social and recreational functions for local residents. The applicant has confirmed that the existing building is used exclusively by members of a private karate club and is not available for hire by members of the general public. There is also a new purpose built community building that has recently opened in Avenue Road, within walking distance of the application site. Consequently, there is no conflict with Policy R/CF2 of the Local Plan Review.

7. The applicant has confirmed a willingness to enter into a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/ or improvement of outdoor playing space, in accordance with Policy R/OS8 of the Gosport Borough Local Plan Review. Without this obligation the proposal is unacceptable.

**RECOMMENDATION: Grant Outline Consent**

Subject to Section 106 agreement relating to

1. The payment of a commuted sum towards the provision and/or improvement of outdoor playing space.

**Reasons for granting permission:**

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposal is at an acceptable density in this location and will not harm the character or appearance of the area, or highway safety conditions in the locality, or the amenities of the occupiers of neighbouring dwellings, or the interests of nature

conservation. Adequate provision is made for access, car parking, cycle parking, refuse storage and open space. As such, the proposal complies with Policies R/DP1, R/T11, R/CF2 and R/OS8 of the Gosport Borough Local Plan Review and Policies BE1 and CC6 of the South East Plan.

**Subject to the following conditions:-**

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

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

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

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

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

Reason - Such details have yet to be submitted, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. Details of the facilities for the parking of cars shall be submitted to, and approved by, the Local Planning Authority, and the approved facilities shall be made available for that purpose before the development hereby permitted is first brought into use. The parking area shall be retained in accordance with the approved details thereafter.

Reason - To ensure that adequate facilities are made available for car parking, and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.

5. Details of facilities to be provided for long-stay and visitor cycle parking shall be submitted to, and approved by, the Local Planning Authority, and these facilities shall be made available for that purpose before the development hereby permitted is first brought into use. The facilities shall be retained in accordance with the approved details thereafter.

Reason - To ensure that adequate facilities are made available for secure and visitor cycle parking, and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.

6. Details of facilities to be provided for the storage and removal of refuse from the site shall be submitted to, and approved by, the Local Planning Authority, and these facilities shall be made available for that purpose before the development hereby permitted is first brought into use. The facilities shall be retained in accordance with the approved details thereafter.

Reason - In order to protect the amenities of the area, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or and Order revoking or re-enacting that Order), no windows shall be constructed in the first floor of the northern and western elevations of the retained dwelling, without the prior consent in writing of the Local Planning Authority.

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

8. Notwithstanding the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order), no development permitted by Schedule 2, Part 1, Class B or C shall be carried out at the retained dwelling without the prior consent in writing of the Local Planning Authority.

Reason - In order to protect the amenities of the area and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

9. Notwithstanding the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order), no development permitted by Schedule 2, Part 1, Class A shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason - In order to protect the amenities of the area and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

10. The integral garage shall be used only for the accommodation of a private vehicle and for no other purpose whatsoever without the prior consent in writing of the Local Planning Authority.

Reason - In the interests of highway safety and to ensure adequate parking is provided and retained, and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.

**ITEM NUMBER: 02.**  
**APPLICATION NUMBER: K14302/5**  
**APPLICANT: Mr & Mrs W.C. Hares**  
**DATE REGISTERED: 17.07.2009**

**OUTLINE APPLICATION - ERECTION OF 3NO. DETACHED HOUSES WITH INTEGRAL GARAGES (as amended by plans received 11.08.09)**  
**47 Monckton Road Gosport Hampshire PO12 2BG**

### ***The Site and the proposal***

The application site is located on the eastern side of Monckton Road towards its southern end in a residential area within the Urban Area Boundary. It forms the northern part of the extensive garden to 47 Monckton Road. This part of Monckton Road is characterised by two storey detached dwellings located in large plots with long back gardens. To the north of the site there are two detached dwellings of similar design constructed in the mid 1960's. 45 Monckton Road has no windows in its gabled side elevation facing the application site and is positioned approximately 2 metres away from the site boundary. To the south of the site there is 47 Monckton Road and the rear garden serving 1 Fort Road, otherwise known as Merlin Park, which is a large residential care home. To the east there is an open military sports field accessed from Fort Road.

The site is approximately 33 metres wide and 60 metres deep. It is mainly grassed and contains various semi mature fruit and ornamental trees and shrub borders. A swimming pool is located in the centre of the site with a fenced hard surfaced tennis court in the north-west corner. The site is enclosed by high brick walls and fencing. There are three trees situated in the pavement along the western boundary to the site. These trees have a 9 metre spread with a minimum canopy height of 2.5 metres above the pavement.

The proposal is an outline application, with means of access and layout to be considered, for three detached houses with integral garages. The proposal as amended indicates three access points from Monckton Road, thus avoiding the trees located within the pavement, with driveways and turning areas. The houses will be positioned on a stagger set back between 12.5 and 14.5 metres from the road. They will be located approximately 1 metre from the side site boundaries with a 2 metres wide gap between them. A number of trees are also indicated to be retained within the development site to the rear of the proposed houses.

### ***Relevant Planning History***

K14302 outline erection of 3no. detached houses with garages outline consent permitted 20.04.94  
K14302/1 outline erection of 3no. detached houses with garages outline consent permitted 13.10.99  
K14302/2 outline erection of 3no. detached houses with integral garages outline consent permitted 09.04.03

K14302/3 erection of 4no. detached houses with integral garages refused 14.02.05

Subsequent Appeal ref: APP/J1725/A/05/1179407 dismissed 10.08.05. The Inspector concluded such a tandem development with two houses fronting onto the highway and two houses set behind them would not reflect the general pattern of development in the area. It would constitute an uncharacteristic arrangement readily apparent in views from both Monckton Road and Fort Road. The Inspector concluded the proposal would be harmful to the character and appearance of the surrounding area. Furthermore the relationship of the dwelling on plot 3 to the rear of the site relative to 45 Monckton Road would result in overshadowing and visual intrusion resulting in a harmful effect on the living conditions of the occupiers of 45 Monckton Road.

K16823 demolition of existing dwelling (47 Monckton Road) and erection of three storey block of 7no. flats and associated car parking and double garage and stores permitted 27.01.05

K14302/4 outline erection of 3no. detached houses with integral garages outline consent permitted 21.07.06

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## **Relevant Policies**

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/DP3

Provision of Infrastructure, Services and Facilities

R/H4

Housing Densities

R/T4

Off-site Transport Infrastructure

R/T11

Access and Parking

R/BH8

Archaeology and Ancient Monuments

R/OS8

Recreational Space for New Residential Developments

## **Consultations**

Building Control	Access for Fire Brigade satisfactory.
Streetscene (Waste & Cleansing)	Each property would require 1x240 litre recycling bin and 1x240 litre domestic bin which would require placing out adjacent to footway for collection.
Local Highway Authority	No objection subject to conditions regarding on site parking, turning and cycle storage provision to the relevant standards. Transport contributions required for the three dwellings.
HCC Landscape, Planning & Heritage	The site lies in an area of archaeological potential. A condition should be attached requiring a watching brief to be undertaken to monitor and record any archaeological evidence.

## **Response to Public Advertisement**

1 letter of observation

Issues raised:-

- concern regarding potential impact on trees

## **Principal Issues**

1. The application site is an area of private garden located within the urban area boundary and consequently the principle of residential development is acceptable provided that the details accord with the criteria in Policy R/DP1 of the Gosport Borough Local Plan Review. The fir trees located close to 45 Monckton Road are not shown to be retained on the submitted plans. These trees are not located within a Conservation Area nor are they worthy of being afforded protection by the making of a Tree Preservation Order. As the site lies in an area of archaeological potential a condition is proposed requiring a watching brief to be undertaken to monitor and record any archaeological evidence so as to comply with Policy R/BH8 of the Gosport Borough Local Plan Review. Therefore the main issues in this case are the acceptability of the proposed density, the effect of the proposal on the character and visual amenities of the area, the impact on the amenities

of adjoining and prospective residents, the provision of transport infrastructure, car and cycle parking, refuse storage facilities and open space provision.

2. The site is located within an existing residential area within the Urban Area Boundary and the acceptability of residential development in this form has been established with the previous grant of outline planning consent for 3 dwellings in approximately the same positions as currently proposed. Whilst the development will be at a density of 15 dwellings per hectare this is appropriate to the established pattern and character of development in the immediate area as recognised and accepted by the Inspector in considering the previous appeal. The three plots are commensurate in terms of size with other plots located in Monckton Road and they can adequately accommodate relatively large dwellings in keeping with the character of the area. As such the proposal complies with Policies R/DP1 and R/H4 of the Gosport Borough Local Plan Review and will have no greater impact than the scheme previously approved. The proposal to retain some of the existing trees located in the rear gardens of the proposed properties will also assist to maintain the character of the area.

3. The size of the plots and their relationship to adjoining properties and each other on a slight stagger are such that the dwellings can be designed in such a way as not to detrimentally affect the amenities of neighbouring properties. They will all have sizeable gardens and therefore adequate private amenity space for use by future occupiers. Areas are identified within the rear gardens to provide storage facilities for refuse and recycling bins

4. The size of the site is such that satisfactory access and on site parking provision can be made for each of the three detached houses in accordance with Policy R/T11. As each dwelling will have an integral garage this will provide adequate space for long stay cycle storage provision. Furthermore visitor cycle parking provision at the standard of one stand/hoop for each unit will be provided at the front of the properties.

5. The applicant has confirmed a willingness to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space, in accordance with Policy R/OS8 and payment of a sum towards transport infrastructure, in accordance with Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review for the proposed 3 dwellings. Without this obligation the proposal is unacceptable.

**RECOMMENDATION: Grant Outline Consent**

Subject to Section 106 agreement relating to

1. The payment of a commuted sum towards the provision and/or improvement of outdoor playing space.
2. The payment of a commuted sum towards the provision of transport infrastructure

**Reasons for granting permission:**

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location and will not have any detrimental impact on the character or visual amenities of the area, adjoining and prospective residents or highway safety. Any archaeological evidence will be monitored and recorded. Adequate provision is made for open space, transport infrastructure, car and cycle parking and refuse storage. As such the proposal complies with Policies R/DP1, R/DP3, R/H4, R/T4, R/T11, R/BH8 and R/OS8 of the Gosport Borough Local Plan Review.

**Subject to the following conditions:-**

1. The development hereby permitted must be begun either before the expiration of three years from the date of the grant of this outline permission, or the expiration of two years from the final

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approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved whichever is the later date.

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

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

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

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

Reason - Such details have yet to be submitted, and to comply with Policies R/DP1, R/T10, R/T11 and R/ENV14 of the Gosport Borough Local Plan Review.

4. No excavation works whatsoever shall take place on the site unless in the presence of an Archaeologist nominated by the developer and approved in writing by the Local Planning Authority.

Reason - To ensure that archaeological evidence is observed and recorded and to comply with Policy R/BH8 of the Gosport Borough Local Plan Review.

5. The development hereby permitted shall not be brought into use until areas for the turning and parking of vehicles shall have been provided and the areas shall be surfaced and subsequently retained and kept available at all times for these purposes in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety and to ensure adequate car parking is provided and retained, and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.

6. The trees on the site which are to be retained shall be protected during building operations by strict compliance with the Local Planning Authority's "Code of Practice relating to the Protection of Trees on Building Sites" (copy enclosed).

Reason - To ensure the enhancement of the development by the retention of natural features, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

**ITEM NUMBER: 03.**  
**APPLICATION NUMBER: K9750/3**  
**APPLICANT: Gosport Borough Council**  
**DATE REGISTERED: 10.08.2009**

**REGULATION 3 - CONVERSION OF 2NO. FLATS INTO 1NO. SELF CONTAINED FLAT**  
**Woodlands House Chestnut Walk Gosport Hampshire PO12 4BE**

***The Site and the proposal***

Woodlands House is a T-shaped three storey residential care home comprising twenty seven rooms of sheltered housing accommodation and two warden flats. The building has been constructed from brick with vertical tile hanging to the second storey. There are areas of shared amenity space to the side and rear of the building and a formal car parking area on the eastern side of the site.

The application is for internal alterations to convert 2no. first floor flats into a single two bed roomed unit of sheltered living accommodation. In addition to the two bedrooms, the newly formed flat would comprise a bathroom, kitchen and lounge/diner. No external alterations are required.

***Relevant Planning History***

K9750 erection of 21no. aged persons flats and 2no. warden flats in three-storied block with parking and landscaping permitted 01.08.78  
K9750/1 three storey extension to building to accommodate 6no. flats together with parking area and landscaping  
K9750/2 construction of access ramp and steps to main entrance pending decision

***Relevant Policies***

Gosport Borough Local Plan Review, 2006:  
R/DP1  
General Standards of Development within the Urban Area  
R/H8  
Accommodation for the elderly  
R/T11  
Access and Parking

***Consultations***

Building Control	no objection
Local Highway Authority	to be updated

***Response to Public Advertisement***

nil

***Principal Issues***

1. The building, both as existing and as proposed, makes provision for purpose designed elderly persons sheltered accommodation. As such there is no material change in the residential use of the property. Whilst the development will result in a reduction in unit numbers, the proposal will provide an upgraded standard of living accommodation and will increase the variety of accommodation available for prospective occupiers. Residents of the new flat will have access to the existing amenity areas and the proposed development will have no impact on the amenities of adjoining

occupiers. It therefore complies with Policies R/DP1 and R/H8 of the Gosport Borough Local Plan Review.

2. The car parking arrangements at the site will not change as a result of the development and as there is a reduction in the number of units of accommodation, the existing provision will be adequate. The proposal therefore complies with Policy R/T11 of the Local Plan Review.

**RECOMMENDATION: Grant Permission**

**Reasons for granting permission:**

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposed development is acceptable. It will result in an upgraded standard of accommodation and will not have a detrimental impact on existing parking arrangements, local traffic conditions or the amenities of adjoining residents. The proposal therefore complies with Policies R/DP1, R/H8 and R/T11 of the Gosport Borough Local Plan Review.

**Subject to the following conditions:-**

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).

**ITEM NUMBER: 04.**  
**APPLICATION NUMBER: K9750/2**  
**APPLICANT: Gosport Borough Council**  
**DATE REGISTERED: 06.08.2009**

**REGULATION 3 - CONSTRUCTION OF ACCESS RAMP AND STEPS TO MAIN ENTRANCE**  
**Woodlands House Chestnut Walk Gosport Hampshire PO12 4BE**

***The Site and the proposal***

The application site is located to the east of Ham Lane. Woodlands House is a T-shaped three storey building containing twenty seven flats providing sheltered housing accommodation and two warden flats. The building is constructed in brick with a tiled mansard roof. There are areas of shared amenity space to the side and rear of the building with a parking area to the eastern side of the site. There is a lay-by at the front of the building in Chestnut Walk. There is a single storey entrance area containing automatic doors accessed via a ramp from the footpath adjoining the lay-by. The existing external ramp has a tarmac surface, is too steep and only has a handrail to one side and does not comply with current standards.

It is proposed to remove the ramp and replace it with both a ramp that complies with current standards and a stepped entrance. The proposed ramp will have a concrete finish and will be at a gradient of approximately 1:15 with an intermediate landing area. The brick side walls will be 100mm high with metal handrails 900mm and 1000mm above the pitch of the ramp and landing areas respectively. A new run of three steps are to be provided. These will incorporate hazard warning paving at the top and bottom with handrails to either side. The ramp and steps will both lead to a small new patio area in front of the main entrance doors. The works will allow both wheelchair bound and ambulant disabled persons to access the property without the need to use the rear entrance.

***Relevant Planning History***

K9750 erection of 21 no. aged persons flats and 2 no. wardens flats in three storied block with parking and landscaping permitted 01.08.78  
K9750/1 three storey extension to building to accommodate 6 no. flats together with parking area and landscaping permitted 19.05.81  
K9750/3 conversion of 2no. flats into 1no. self contained flat pending decision

***Relevant Policies***

Gosport Borough Local Plan Review, 2006:  
R/DP1  
General Standards of Development within the Urban Area

***Consultations***

Building Control to be updated

***Response to Public Advertisement***

nil

***Principal Issues***

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1. The main issues in this case are the acceptability of the design of the alterations, the provision of safer access for all and the impact on the visual amenities of the area.

2. The ramp and steps are purpose designed and will provide better access to the building for all the residents and visitors as they are safer and more convenient to use. The works are of an appropriate and acceptable design and will not have a detrimental impact on the visual amenities of the area. The proposal therefore complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

**RECOMMENDATION: Grant Permission**

**Reasons for granting permission:**

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposed development is acceptable in this location. It is of an appropriate design and will provide safer access to the building and will not have a detrimental impact on the visual amenities of the area. As such, the proposal complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

**Subject to the following conditions:-**

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).

**ITEM NUMBER: 05.**  
**APPLICATION NUMBER: K16265/3**  
**APPLICANT: Mrs Young**  
**DATE REGISTERED: 07.07.2009**

**ERECTION OF DETACHED CHALET BUNGALOW**  
**Land Adjacent To 36 Cavanna Close Gosport Hampshire PO13 0PE**

***The Site and the proposal***

The application site is an irregularly shaped plot located at the south-western corner of the Cavanna Close cul-de-sac. The land formerly comprised the domestic garden of number 36 Cavanna Close, the southern half of a pair of pitched roofed chalet bungalows. However, the plot has since been subdivided through the erection of a close boarded fence. Number 36 now occupies a rectangular plot at the northern end of the application site and has a rear garden approximately 20 metres long. The remaining land to the south of this dwelling is triangular in shape and is currently vacant. It is bordered on all sides by a combination of 1.5 metre and 2.1 metre high fencing. Beyond the south eastern boundary is number 36A Cavanna Close, a detached pitched roofed chalet bungalow. Beyond the south western boundary is number 36 The Curve, a detached, two storey, pitched roof dwelling. Cavanna Close is characterised by detached and semi detached chalet bungalows. The majority are set on rectangular plots. However, number 36A occupies a triangular plot, and is orientated at a 45 degree angle to the highway.

It is proposed to erect a 3 bedroomed chalet bungalow on the vacant land to the south of number 36 Cavanna Close. The bungalow has a V-shaped design with pitched roof gable ends and will be 6.5 metres high to the ridge tile. Both the front and rear roofslopes will contain velux and dormer windows, providing light to first floor bedrooms and bathrooms. The ground floor will comprise an integral garage, lounge, kitchen, breakfast room and toilet. There will be ground floor windows in both the front and rear elevations. However, there will be no windows in either side elevation.

The dwelling is sited behind the front elevations of both numbers 36 and 36A and will be set off the shared boundaries with these dwellings by 7 metres and 1 metre respectively. A large area of amenity space is provided at the rear of the dwelling. Parking at the site will be within the integral garage, with two further spaces allocated adjacent to the northern boundary. A turning area is provided at the front of the chalet bungalow to allow vehicles to manoeuvre and exit the site in a forward gear. Access to the property will be via the existing shared driveway at the front of the site, which also serves numbers 36 and 36A.

A new pitched roof garage is proposed at number 36. The garage will be accessed via an existing driveway on the southern side of the property. A lean-to porch on the southern elevation is to be demolished in order to facilitate a more suitable access arrangement. Provisions have been made for both long stay and visitor cycle parking and for bin storage. In the interests of preserving the amenities of the occupiers of number 36A, amended plans have been submitted showing a revised location for the storage of refuse bins. Soft landscaping has been included at the front of the dwelling and a small apple tree in the southern corner of the plot is to be retained.

This proposal follows a previous application for the erection of 2no. chalet bungalows with associated garages. The application was refused on the grounds that the development by reason of its inappropriate layout would result in a congested form of development that would be out of keeping with the existing pattern of residential development in the area. The layout was dominated by a hardstanding and one of the dwellings was afforded inadequate amenity space. It was also considered that the development would result in unacceptable living conditions for both existing and prospective occupiers due to an unreasonable loss of outlook and privacy.

***Relevant Planning History***

K16265 outline application - erection of detached dwelling and garage withdrawn 01.02.06

K16265/1 erection of detached dwelling and garage withdrawn 05.09.05

K16265/2 erection of 2no detached chalet bungalows with associated garages refused 19.06.08

### **Relevant Policies**

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/H4

Housing Densities

R/T11

Access and Parking

R/OS8

Recreational Space for New Residential Developments

R/DP3

Provision of Infrastructure, Services and Facilities

R/T4

Off-site Transport Infrastructure

R/ENV14

Energy Conservation

R/ENV15

Renewable Energy

R/ENV4

Treatment of Foul Sewage and Disposal of Surface Water

### **Consultations**

Building Control

Access for fire brigade is acceptable.

Soakaways may not be acceptable for storm water drainage. However, storm water drains are available in The Curve.

Local Highway Authority

no objection

### **Response to Public Advertisement**

3 letters of objection;

Issues raised:-

- loss of privacy, which could be overcome by replacing the dormer windows with velux windows
- the southern end of the site is prone to flooding and the proposed development is likely to worsen this problem
- remedial works to prevent flooding should not impact on adjoining properties
- the shared driveway will be used for overspill parking which would obstruct access
- a clear division is required between the shared driveway and the remaining tarmac areas in order to ensure unrestricted access
- the development would result in additional on-street parking and congestion
- road markings and signage are required therefore at the front of numbers 36, 36A and 38 to prevent on road parking
- the bin store area should be re-sited in the interest of the amenities of the occupiers of number 36A

### **Principal Issues**

1. The provision for surface water and foul drainage for the development will be controlled by a planning condition which will include a requirement to assess the potential for disposing surface

water by means of a sustainable drainage system. The site is located within the urban area where the principle of residential development is acceptable provided that the details accord with Policy R/DP1 of the Gosport Borough Local Plan Review. The main issues in this case therefore are the acceptability of the proposed development in terms of design and density, the impact on the visual amenity of the locality and the amenities of adjoining and prospective occupiers, the adequacy of servicing and parking arrangements and the provision for cycle parking, refuse storage, open space and transport contributions.

2. The proposed chalet bungalow has been designed to reflect the style and scale of the adjacent built form. The use of brick soldier and cill courses adds detail to the principal elevation and the inclusion of pitched roof dormer windows adds visual interest to the roof form. As with the other properties in Cavanna Close, the proposed dwelling has been set back from the highway and the resultant plot layout is reflective of the adjoining dwelling, number 36A. A large area of amenity space is available at the rear of the property which accords with the guideline dimensions contained within Appendix B of the Local Plan Review. The proposed garage at number 36 has a simple pitched roof design and will be built using matching materials. It is similar to many others in the locality and is therefore appropriate in this location. The proposed soft landscaping will help to ensure the area at the front of the property is not dominated by hard surfacing. In considering the above, the proposed development will not appear cramped or congested when compared with the adjacent plot layouts and will not have a detrimental impact on the character and visual amenity of the locality. The development is therefore appropriate to its context and accords with the aims and objectives of Policy R/DP1 of the Gosport Borough Local Plan Review.

3. The proposed development will result in a residential density of 21 dwellings per hectare (dph). Whilst this is below the guideline figures of 30-50 dph as outlined in Policy R/H4, it is characteristic of the locality and is acceptable in this location. The proposal therefore complies with Policy R/H4 of the Gosport Borough Local Plan Review.

4. The chalet bungalow will be sited approximately 13.5 metres from the rear elevation of number 36 The Curve. This is below the guideline separation distances between opposing elevations as outlined in Appendix B of the Local Plan Review. However, the rear elevations are not directly opposing. As a result, the proposed dormer windows will not allow an unacceptable level of mutual overlooking between habitable rooms. Similarly, in considering the position of the windows at the adjacent dwellings, the chalet bungalow will not significantly increase the propensity to overlook the rear garden over and above that which currently exists. No windows are proposed in either side elevation and given the siting of the proposed dwelling in relation to numbers 36 and 36A Cavanna Close and the height of the boundary fencing, the occupiers of these dwellings will not experience any loss of privacy.

5. The proposed dwelling will be set off the boundary with number 36A by 1 metre and will only extend approximately 0.5 metres beyond the rear elevation of this dwelling. In considering this and the orientation of the properties, the development will have no impact on the living conditions of the occupiers of this dwelling in terms of loss of light or outlook. The north western elevation is sited more than 7 metres from the side elevation of number 36 Cavanna Close and more than 13 metres from the rear elevation of 36 The Curve. In light of this, and given the position of the existing windows at these dwellings, there will be no impact on the living conditions of adjoining occupiers in terms of loss of light or outlook. The new garage at number 36 is of limited dimensions and due to its siting will not have a detrimental impact on the living conditions of existing or prospective occupiers. In the interests of amenity, the bin storage area has been re-sited to the northern side of the site, away from the kitchen door at number 36a. The development therefore complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

6. Car ownership within the Peel Common ward averages 1.19 cars per household. The development provides both the proposed and existing dwelling with space to park three vehicles. This provision is therefore adequate to meet both resident and visitor demands. As such, the development is unlikely to result in overspill parking on the shared driveway, or in the local road network to the detriment of local amenity. Under the circumstances, it is not necessary to attach conditions restricting on road parking on the adjoining highway. Adequate turning space has been

provided at the front of the proposed dwelling and this will allow vehicles to manoeuvre and exit the site in a forward gear. The low brick walls at the front of the application site provide adequate intervisibility between users of the shared driveway and the adjacent public highway. As such, the intensified use of the drive will not compromise highway or pedestrian safety. The demolition of the existing side extension at number 36 will ensure the new garage at number 36 can be accessed in a safe and convenient manner. Adequate and conveniently located facilities for the secure storage of bicycles and refuse bins have been provided. In light of the above, the development accords with Policies R/DP1 and R/T11 of the Local Plan Review.

7. The proposed building will incorporate a number of features designed to promote energy efficiency, reduce water consumption and make best use of renewable energy. The proposal therefore complies with the aims and objectives of Policies R/ENV14 and R/ENV15 of the Gosport Borough Local Plan Review.

8. The applicant has confirmed a willingness to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/ or improvement of outdoor playing space and transport and highway improvements, in accordance with Policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review. Without this obligation the proposal is unacceptable.

**RECOMMENDATION: Grant Permission**

Subject to Section 106 agreement relating to

1. The payment of a commuted sum towards the provision and/or improvement of outdoor playing space.
2. The payment of a commuted sum towards transport infrastructure, services and facilities.

**Reasons for granting permission:**

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location. Due to its design, siting and orientation, it will not have a detrimental impact on the character of the area, the visual amenity of the locality, the amenities of existing or prospective residents or highway and pedestrian safety. Adequate provision is made for access, car parking, cycle parking, refuse storage, open space and highway and infrastructure improvements. As such, the proposal complies with Policies R/DP1, R/H4, R/T11, R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

**Subject to the following conditions:-**

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. No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SuDS) in accordance with the principles of sustainable drainage systems set out in Appendix E of PPG 25, and the results of the assessment provided to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:

(i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

(ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

(iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details.

Reason - In the interests of the safety and amenity of future occupants, to prevent pollution of the water environment and to reduce the risk of erosion, flooding and ecological damage in compliance with Policies R/DP1 and R/ENV4 of the Gosport Borough Local Plan Review.

3. Samples of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before works above slab level are commenced and the development shall thereafter be constructed in accordance with the approved details.

Reason - To ensure that the external appearance of the buildings is satisfactory, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. The development hereby permitted shall not be brought into use until the driveway, single garage, parking and turning areas have been provided and these areas shall be surfaced and subsequently retained and kept available at all times for these purposes in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety and to ensure adequate car parking is provided and retained, and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.

5. Before the development hereby permitted is first brought into use cycle storage facilities shall be provided and thereafter retained in accordance with a detailed scheme submitted to and approved by the Local Planning Authority.

Reason - In order to ensure that adequate cycle storage is provided in compliance with Policy R/T11 of the Gosport Borough Local Plan Review.

6. Facilities for the storage of refuse for removal from the premises including a bin collection area shall be provided before the development is first brought into use and thereafter retained.

Reason - In order to protect the amenities of the area, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

**ITEM NUMBER: 06.**  
**APPLICATION NUMBER: K15384/2**  
**APPLICANT: Mr & Mrs Beverley Watts**  
**DATE REGISTERED: 12.06.2009**

**ERECTION OF SECOND FLOOR REAR EXTENSION AND ROOF ALTERATIONS TO INCLUDE INCREASE RIDGE HEIGHT OF MAIN ROOF**  
**3 Smeeton Road Lee-On-The-Solent Hampshire PO13 8JJ**

### ***The Site and the proposal***

The application site is located on the north side of Smeeton Road, east of its junction with Fell Drive. It is a two-storey, south facing detached property, with a 7.1 metre high pitched roof and east and west facing gable ends. The property has been extended on a number of occasions on both its front and rear elevations. On the front elevation there is a two-storey hipped projection, with a single storey lean-to extension to its east. On the rear elevation there is a 2.4 metre deep two-storey hipped projection, that is 6 metres high, and to the west of this there is a single storey lean-to extension of the same depth. To the rear of these extensions there is a 2.5 metre deep single storey conservatory that extends across the entire width of the dwelling. The dwelling is set off the western side boundary by 1 metre and off the eastern side boundary by 0.8 metres. The rear garden is enclosed by a 1.8 metre high fence.

Directly to the west and east of the application are 1 and 5 Smeeton Road. Both properties are similar in design to the application site property, and have both been extended on their front elevation at two-storey level. To the rear of number 1 there is an L-shaped conservatory, which extends across the width of the dwelling and is approximately 3 metres at its deepest point and to the rear of number 5 is a 3 metre deep conservatory, which extends across half the width of the rear elevation. To the north is 36 Fell Drive, which is a west-facing, two-storey end of terrace property, with a pitched roof. It has a 3 metre deep single storey rear conservatory and a first floor window in its southern side elevation.

The application is for the erection of a second floor rear extension and roof alterations to increase the ridge height of the main roof. In order to convert the roof to living accommodation, it is proposed to raise the ridge height of the main roof by 0.7 metres and increase the angle of its pitch. Additionally, it is proposed to erect a second floor extension above the existing two-storey rear projection. The second floor extension will be 3.6 metres wide and will project from the raised roof slope. It will be 7.4 metres high, with a pitched roof, north facing gable end and an eaves height of 5.7 metres. In its gable end will be a large triangular shaped window.

### ***Relevant Planning History***

K15384 erection of ground floor and first floor front and rear extensions permitted 20.08.99  
K15384/1 single storey rear extension and conservatory permitted 05.08.02

### ***Relevant Policies***

Gosport Borough Local Plan Review, 2006:  
R/DP1  
General Standards of Development within the Urban Area

### ***Consultations***

Building Control

Fire doors need to be fitted to all openings onto stairwell and in opening between hall and living room

## **Response to Public Advertisement**

1 letter of objection

Issues raised:-

- loss of light to neighbouring properties
- loss of outlook to neighbouring properties
- extension will have inappropriate mass
- loss of privacy to neighbouring properties
- raised ridge height is out of keeping with other houses in area.
- loss of value to neighbouring properties

## **Principal Issues**

1. The effect of the development on the value of neighbouring properties is not a planning issue. Therefore, the main issues are the acceptability of the design of the second floor rear extension and roof alterations to include increased ridge height to the main roof, the impact these will have on the visual amenity of the local area, and the impact on the amenities of neighbouring properties.

2. The increase in the height of the ridge by 0.7 metres and the design of the second floor rear extension is appropriate to the scale of the dwellinghouse. The materials used will be controlled by condition. Although the works will be publicly visible, they are in keeping with the design of the dwelling and as such will have no significant impact on the visual amenity of the local area. For these reasons, the proposal complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

3. As the application property faces south and given the position of the existing two-storey rear extension and the height of the existing dwelling, the proposed second floor extension and raised roof ridge will only result in a small loss of light to and outlook from numbers 1 and 5 Smeeton Road and no loss of light to or outlook from 36 Fell Drive. The new window at roof level to the rear will not result in any greater degree of overlooking than from the existing first floor windows on this elevation. Additionally, no side elevation windows are proposed. Consequently, the works will not result in loss of privacy to the occupiers of neighbouring properties. As such, the proposal complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

## **RECOMMENDATION: Grant Permission**

### **Reasons for granting permission:**

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed, by reason of its design and location will not have a detrimental impact upon the appearance of the property or the visual appearance of the area or the amenities of the occupiers of neighbouring properties. As such, the proposal complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

### **Subject to the following conditions:-**

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 materials to be used shall match in type, colour and texture, those on the existing dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory visual relationship of the new development to the existing, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

**ITEM NUMBER: 07.**  
**APPLICATION NUMBER: K17683**  
**APPLICANT: Mr A Kahraman**  
**DATE REGISTERED: 14.04.2009**

**CHANGE OF USE FROM RETAIL SHOP (USE CLASS A1) TO COFFEE SHOP (USE CLASS A3) AND INSTALLATION OF EXTRACTION SYSTEM (as amended by plans received 05.06.09 and amplified by e-mails received 05.06.09, 25.06.09 and 27.07.09)**  
**Unit 1 83 - 93 High Street Lee-On-The-Solent Hampshire PO13 9BU**

### ***The Site and the proposal***

The application site is located within the Lee-on-the-Solent District Shopping Centre on the south western side of the High Street. The site is occupied by a 4 storey building that has recently been constructed under planning approval K.16850/1. The building comprises 3 retail shops on the ground floor with 7no. one bedroom and 7no. two bedroom flats occupying the first, second and third floors. The principal access to the shops and flats is from the High Street. However, secondary access is available from the service area at the rear of the site. The three shops have been allocated a total of six parking spaces, accessed via the rear service road. Refuse storage and cycle parking facilities have also been provided under the original planning permission. The planning consent does not provide details of the proposed shopfronts as it was considered that this would be largely dependent on the individual requirements of future occupants. The High Street frontages are therefore currently boarded up awaiting occupation.

The applicant proposes to change the use of Unit 1 from a retail shop to a coffee shop, operating under Use Class A3. The coffee shop would be open from 8am-8pm Monday-Saturday and 10am-4pm on Sundays and would employ 3-4 full time members of staff. Refuse will be stored in the existing facilities at the rear of the site.

Amended plans have been submitted showing the proposed internal layout, which includes an open plan kitchen area, staff changing room and a toilet. The plans show a total of fourteen tables, each seating four people. Additional plans have also been provided showing the position of two extraction ducts which will be used to ventilate the kitchen. The extraction ducts will be sited on the side elevation of the building and positioned 2.7 metres above ground level. Details of the method of extraction and filtration have also been provided.

### ***Relevant Planning History***

K16850 erection of 3 storey block of 4 ground floor retail shops and 14 residential flats permitted 14.04.05

K16580/1 erection of 4 storey block comprising 3 ground floor retail shops and 14 residential flats (including land to the rear of 75-81 High Street) permitted 10.11.06

### ***Relevant Policies***

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/S3

Principal & District Shopping Centres

R/T11

Access and Parking

R/ENV10

Noise Pollution

### ***Consultations***

Environmental Health (Commercial)

A suitable extraction must be provided in accordance with the requirements of the Environmental Health legislation.

### ***Response to Public Advertisement***

2 letters of objection;  
Issues raised:-

- the proposed hours of opening are likely to result in noise disturbance and encourage anti social behaviour to the detriment of the amenities of local residents.
- disposal of foul sewage
- quality of planning application

### ***Principal Issues***

1. The applicant has submitted revised plans showing the proposed internal layout of the coffee shop. Additional plans and information have also been submitted in relation to a proposed extraction system. Members of the public who have made representations to the Council have been notified of these revisions and the receipt of these additional details has been publicly advertised. The revised plans and supporting documentation provide sufficient detail to allow an accurate assessment of the proposal. Issues relating to the disposal of foul sewage will be dealt with under Building Regulations. Amendments to the proposed kitchen and the provision of an additional toilet will be dealt with under the Environmental Health legislation. The main issues in this case therefore are the impact of the proposed A3 use on the vitality and viability of the Lee-on-the-Solent District Shopping Centre, the impact on servicing arrangements, the provision for parking and refuse storage facilities and the impact of the proposal on the amenities of adjoining occupiers.
2. Policy R/S3 of the Gosport Borough Local Plan Review permits all Class A uses at ground floor level within the District Shopping Centre provided that not more than 33% of the commercial establishments comprise uses falling outside of Classes A1 and A2. The proposed change of use will not result in this threshold being exceeded. Moreover, the application site is currently vacant and the introduction of a coffee shop will therefore help to enhance the vitality and viability of the District Shopping Centre, generating 3-4 full time employment opportunities. The principle of the proposed change of use is therefore acceptable in this location and complies with Policies R/DP1 and R/S3 of the Gosport Borough Local Plan Review.
3. The application site is located in a District Centre with good links to public transport and is close to a number of public car parks. Notwithstanding this, the proposed A3 use will not result in an increased demand for parking over and above that which would be expected from the approved retail use. In light of the above, and in considering the availability of parking at the rear of the site, the proposed change of use will not have a detrimental impact on traffic or parking conditions in the locality. Refuse from the coffee shop will be stored in the existing bin store at the rear of the site and this has sufficient capacity to serve all three of the commercial units fronting the High Street. The premises will continue to be serviced from the rear of the site. The development will not therefore have a negative impact on the servicing arrangements of any adjoining uses. As such, it complies with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.
4. There are no planning conditions restricting the opening hours of the neighbouring commercial establishments. As such, the proposed opening times are acceptable, particularly given the town centre location. The level of activity associated with an A3 use is similar to many other establishments within the High Street and is appropriate in a District Centre. The comings and goings of customers will not therefore result in additional disturbance to the occupiers of the adjoining properties, including the first, second and third floor flats, over and above that of the existing approved use. The kitchen is to be ventilated by a low level extraction system which will discharge via two small vents in the side elevation. As there are windows in the rear elevation of the adjoining property, it is essential that the proposed extraction system is capable of reducing cooking

odours to an acceptable level. The applicant has therefore submitted details of the system to be installed, including the precise method of filtration and the Head of Environmental Health has confirmed that the proposed arrangement is appropriate to preserve the amenities of the adjoining residents. Whilst the level of cooking associated with coffee shops tends to be low, there is adequate room on the side of the building to accommodate a full extraction flue should it be required for other uses within the A3 Use Class which would be the subject of a separate planning application. As such, the proposal complies with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

**RECOMMENDATION: Grant Permission**

**Reasons for granting permission:**

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposed change of use is acceptable in this location. The development will enhance the vitality and viability of the Lee-on-the-Solent District Centre and will generate additional employment opportunities. It will not have a detrimental impact on the traffic or parking conditions in the locality, the amenities of nearby residents through noise or smell generation, or the everyday operations of adjacent uses. As such, the proposal complies with Policies R/DP1, R/S3, R/T11 and R/ENV10 of the Gosport Borough Local Plan Review.

**Subject to the following conditions:-**

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 approved extraction system shall be installed, retained and maintained in accordance with the submitted details.

Reason - To protect the amenities of the surrounding properties and to comply with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

**ITEM NUMBER: 08.**  
**APPLICATION NUMBER: K10519/2**  
**APPLICANT: Mr & Mrs McNair**  
**DATE REGISTERED: 03.08.2009**

**ERECTION OF REPLACEMENT REAR CONSERVATORY**  
**13 Molesworth Road Gosport Hampshire PO12 1QT**

***The Site and the proposal***

Number 13 is the northern half of a pair of two storey semi detached properties located on the eastern side of Molesworth Road. The property has been constructed from a combination of red brick and pebble dash rendering under a red tiled hipped roof. The rear garden is approximately 15 metres long and is bordered on its northern side by a 1.8 metre high wooden fence and on its southern side by a 1.4 metre high fence. There is a small pitched roof garage adjacent to the shared boundary with the adjoining property to the north, number 11. The garage is accessed via a concrete driveway at the side of the property. The dwelling has a 3.9 metre deep, timber lean-to conservatory across part of the rear elevation.

Number 11 to the north is a two storey hipped roof dwelling with a large hipped roof conservatory on the rear elevation. The conservatory has been constructed from white UPVC and contains windows in the side elevation facing onto the application site. To the south, number 15 is also a two storey property. It has a large lean-to extension on the rear elevation which extends approximately 1.5 metres beyond the rear elevation of the lean-to structure at the application site. Immediately to the east of the site are the rear gardens of numbers 8, 10 and 10a Kensington Road. There is a separation distance of approximately 20 metres between the two storey rear elevations of these properties and the opposing rear elevation of the application house.

It is proposed to demolish the existing rear addition and erect a replacement conservatory which will extend across the entire width of the rear elevation. The conservatory has a hipped roof and would be 4.2 metres deep. It will be 2.2 metres high to the eaves and 3.1 metres to the ridge. The rear elevation will contain a set of double patio doors with windows on either side. The northern elevation will contain two high level windows and a bathroom window and the southern elevation will contain two high level windows. The applicant has indicated the use of matching materials.

The Local Planning Authority are currently also considering a planning application for the erection of a hipped roofed rear conservatory at number 15. Like the proposed conservatory at number 13, the addition would extend 4.2 metres beyond the property's original rear elevation. The plans show that there would be no windows in the northern elevation facing onto the application site.

***Relevant Planning History***

K10519 erection of conservatory permitted 21.07.80  
K10519 erection of front porch permitted 19.03.82  
K16034/1 erection of rear conservatory at number 15 Molesworth Road pending decision

***Relevant Policies***

Gosport Borough Local Plan Review, 2006:  
R/DP1  
General Standards of Development within the Urban Area

***Consultations***

Nil

## **Response to Public Advertisement**

nil

### **Principal Issues**

1. The main issues in this case are the acceptability of the design of the conservatory and the impact it will have on the visual amenity of the locality and the amenities of the occupiers of the adjoining dwellings.
2. The proposed conservatory has a simple hipped roof design which is compatible with the main roof form. It is similar to many others in the locality and is not significantly larger than the structure it is replacing. Due to its location on the rear elevation, the addition will not be visible from public view. Therefore, subject to the use of matching materials, the development will not have a detrimental impact on the appearance of the dwelling or the visual amenity of the locality. It therefore complies with Policy R/DP1 of the Gosport Borough Local Plan Review.
3. The use of a hipped roof reduces the overall mass of the conservatory and therefore its potential to overshadow the adjoining properties. It is only 0.3 metres deeper than the addition it is replacing and will be set off the shared boundary with number 11 by 2 metres. In considering this, and the 1.8 metre high wooden fencing on northern side of the site, there will be no impact on the amenities of the occupiers of number 11 in terms of loss of light, outlook or privacy, in accordance with Policy R/DP1 of the Gosport Borough Local Plan Review.
4. The replacement conservatory would not extend beyond the rear elevation of the existing conservatory at number 15 and due to the orientation of the dwellings and the use of high level windows in the southern elevation, the development would have no impact on the living conditions of the occupiers of this dwelling in terms of loss of light, outlook or privacy.

### **RECOMMENDATION: Grant Permission**

#### **Reasons for granting permission:**

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location. It is of an appropriate design and will not have a detrimental impact on the visual amenity of the locality or the amenities of the occupiers of the adjoining properties. As such, the proposal complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

#### **Subject to the following conditions:-**

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 materials to be used shall match in type, colour and texture, those on the existing dwelling unless otherwise agreed in writing with the Local Planning Authority.  
Reason - To ensure satisfactory visual relationship of the new development to the existing, and to comply with Policies R/DP1 and R/DP7 of the Gosport Borough Local Plan Review.

**ITEM NUMBER: 09.**  
**APPLICATION NUMBER: K12813/7**  
**APPLICANT: Mr Fikret Yorulmaz**  
**DATE REGISTERED: 07.07.2009**

**CHANGE OF USE FROM SHOP (USE CLASS A1) TO RESTAURANT (USE CLASS A3)  
AND INSTALLATION OF INTERNAL EXTRACTION DUCT WITH EXTERNAL LOUVRE  
VENT ON REAR ELEVATION (LISTED BUILDING IN CONSERVATION AREA) (as  
amended by letter dated 17.08.09 and by plans received 18.08.09)  
99 High Street Gosport Hampshire PO12 1DS**

### ***The Site and the proposal***

The application site is located within the Gosport Town Centre Principal Shopping Centre and High Street Conservation Area on the southern side of the High Street. The building comprises a vacant 18th Century three storey Grade II Listed Building. It is constructed in brickwork under a plain clay tiled hipped roof stepping down to two storeys and then to a single storey element at the rear. This single storey element contains two timber doors. One provides access to the ground floor the other to the accommodation on the upper floors. At the rear of the site is a hardstand with space to park two cars and store refuse bins. There is a narrow walkway under the three storey element of the building along its eastern side which leads to the rear service road and public car park situated to the south of the site. The buildings to either side of the application site are also of three storey height. The building to the east contains a Cancer Research charity shop, to the west is Three Cooks bakery. On the north side of the pedestrian High Street are Superdrug and the Card Factory.

The front of the building has a white painted timber shop front with central recessed double doors dating from the early 20th Century. It also has a black marble stall riser and small obscure glazed leaded windows at the top of the shop front. At first floor there is a semi-circular timber bay window. On the second floor there is a central triple width timber sliding sash window. At ground floor level any internal historic features were removed when the premises was fitted out as a shop. There are stud partitions subdividing the rear of the premises where there are changing rooms, a small kitchen and WC.

The applicant proposes to change the use of the ground floor from a retail shop to a restaurant, operating under Use Class A3. The restaurant would open from 8am - 6pm Monday - Saturday and 10am - 4pm on Sundays and Bank Holidays. The applicant has similar premises in Alton, Petersfield, Eastleigh and Havant and would employ 4 full time and 4 part time members of staff. An internal ventilation and filtration system is to be installed with anti vibration mountings with air being discharged via an acoustic silencer through a simple square louvre vent to be attached to the ground floor rear wall to the building. The vent will be black or brown and fitted approximately 2 metres above ground level on the rear brick wall.

When originally submitted it was proposed to replace the existing shop front. However following discussion and negotiations with the applicant this aspect of the proposal was withdrawn. The amended plans submitted show the existing shop front to be retained. The internal layout will comprise a seating area, an open plan kitchen, wash up area, store and 2 WC's, one suitable for use by the disabled.

### ***Relevant Planning History***

K12813/8 Listed Building application for the same works pending consideration

### ***Relevant Policies***

Gosport Borough Local Plan Review, 2006:

R/T11  
Access and Parking  
R/ENV10  
Noise Pollution  
R/DP1  
General Standards of Development within the Urban Area  
R/BH1  
Development in Conservation Areas  
R/BH3  
Development Affecting Listed Buildings  
R/S3  
Principal & District Shopping Centres

### **Consultations**

Crime Prevention & Design	no comments received
The Gosport Society	Existing shop front should be retained and restored. No objection to the proposed change of use.
Environment Agency (Hants & IOW)	No objection.
Environmental Health (Commercial)	Internal ventilation/exhaust system acceptable; details should be conditioned.

### **Response to Public Advertisement**

nil

### **Principal Issues**

1. The main issues in this case are the impact of the proposed A3 use on the vitality and viability of the Gosport Town Centre Principal Shopping Centre, whether it will preserve or enhance the character and appearance of the Conservation Area, the impact on the Listed Building and its setting, the adequacy of parking, refuse and servicing arrangements and the impact of the proposal on adjoining occupiers.
2. Policy R/S3 of the Gosport Borough Local Plan Review permits all Class A uses at ground floor level within the Principal Shopping Centre provided that not more than 33% of the commercial establishments comprise uses falling outside of Classes A1 and A2. The proposed change of use will not result in this threshold being exceeded. Moreover, the application site is currently vacant and the introduction of a restaurant will therefore help to enhance the vitality and viability of the Principal Shopping Centre, generating the equivalent of 6 full time staff employment opportunities. The principle of the proposed change of use is therefore acceptable in this location and complies with Policies R/DP1 and R/S3 of the Gosport Borough Local Plan Review.
3. The proposal will also bring back into economic use an important Listed Building which will ensure it is maintained. The existing shop front will be retained, repaired and repainted and this will preserve the character and appearance of the High Street Conservation Area. The minor internal alterations will not harm the historic and architectural character of the Listed Building or its setting. The introduction of a simple louvre vent on the rear elevation will not have a detrimental impact on the appearance of the building. Therefore the proposal complies with Policies R/BH1 and R/BH3 of the Gosport Borough Local Plan Review.
4. The application site is located in a Principal Shopping Centre with good links to public transport and is close to a number of public car parks. Notwithstanding this, the proposed A3 use will not result in an increased demand for parking over and above that which would be expected from the

approved retail use. In light of the above, and in considering the availability of parking at the rear of the site, the proposed change of use will not have a detrimental impact on traffic or parking conditions in the locality. Refuse from the restaurant will be stored at the rear of the site as previously. The premises will continue to be serviced from the rear of the site. The development will not therefore have a negative impact on the servicing arrangements of any adjoining uses. As such, it complies with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

5. The level of activity associated with an A3 use are similar to many other establishments within the High Street and are acceptable in a Principal Shopping Centre location. The comings and goings of customers will not therefore result in additional disturbance to the occupiers of the adjoining properties over and above that of the existing approved use. The kitchen is to be ventilated by a low level extraction system which will discharge via a small vent at the rear of the property distant from any windows serving upper floor residential accommodation. The Head of Environmental Health has confirmed that the proposed ventilation/filtration is appropriate to preserve the amenities of the adjoining residents subject to submission of full details. As such, the proposal complies with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

**RECOMMENDATION: Grant Permission**

**Reasons for granting permission:**

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposed change of use is acceptable in this location. The development will enhance the vitality and viability of the Gosport Town Centre Principal Shopping Centre and will generate additional employment opportunities. It will preserve the character and appearance of the Conservation Area and will not have any detrimental impact on this Listed Building or its setting. It will not have a detrimental impact on the traffic or parking conditions in the locality, the amenities of nearby residents through noise or smell generation, or adjacent uses. As such, the proposal complies with Policies R/DP1, R/S3, R/BH1, R/BH3, R/T11 and R/ENV10 of the Gosport Borough Local Plan Review.

**Subject to the following conditions:-**

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. Details of the method of ventilation/filtration and subsequent maintenance shall be submitted to, and approved by, the Local Planning Authority before the use hereby approved is commenced. The ventilation system shall thereafter be installed and maintained in accordance with the details approved.

Reason - To protect the amenities of surrounding properties, and to comply with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.



Council For British Archaeology	no response
Society For The Protection Of Ancient Buildings	no response
Twentieth Century Society	no response
The Georgian Group	no response
The Gosport Society	Existing shop front should be retained and restored. No objection to the proposed change of use.
The Victorian Society	no response

### ***Response to Public Advertisement***

nil

### ***Principal Issues***

1. The issues in this case are finding a suitable use to enable the building to brought back into use and the acceptability of the alteration to the rear elevation on the architectural and historic character and appearance of this Grade II Listed Building and its setting.
2. The proposal will bring back into economic use an important Listed Building which will ensure it is maintained. The existing shop front will be retained and repainted thereby improving the appearance of the building. The introduction of a simple louvre vent on the rear elevation will not have a detrimental impact on the architectural and historic character and appearance of this Grade II Listed Building and its setting. Therefore the proposal complies with Policy R/BH3 of the Gosport Borough Local Plan Review.

### **RECOMMENDATION: Grant Listed Building Consent**

#### **Reasons for granting permission:**

1. Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations the development is acceptable in this location. It will bring a vacant property back into use with a minor appropriate external alteration and does not have any detrimental impact on this Listed Building or its setting. As such the development complies with Policy R/BH3 of the Gosport Borough Local Plan Review.

#### **Subject to the following conditions:-**

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).

**ITEM NUMBER: 11.**  
**APPLICATION NUMBER: K7992/3**  
**APPLICANT: G.B.C**  
**DATE REGISTERED: 23.07.2009**

**REGULATION 3 - ERECTION OF REPLACEMENT 1.8 METRE HIGH GALVANISED BOW  
TOP RAILINGS WITH SUPPORT POSTS AND ACCESS GATES**  
**Brockhurst Allotments Military Road Gosport Hampshire**

***The Site and the proposal***

The application site is located to the east of Military Road opposite Brune Park Community College and to the rear of properties fronting Brockhurst Road and Norfolk Road. It is also bounded by properties in Station Road, Greenlea Grove and Thamesmead Close. The site comprises allotment gardens currently bounded by 1.8 metres high wire mesh fencing with concrete support posts. There are 3 vehicular access gates into the site from Military and Station Road as well as 2 pedestrian gates. There are further pedestrian access gates from Greenlea Grove and Norfolk Road. Behind the existing fencing there are a number of trees and mature shrubs along some of its length.

It is proposed to replace approximately 700 metres of perimeter fencing around the site with 1.8 metre high galvanised bow top railings with RST posts. New matching gates will be provided at the existing vehicular and pedestrian access points which will be retained. Existing planting along the perimeter will be retained with additional planting to increase security at the site.

It is known that there is a badger sett on the site to the rear of Captains Close but no works are to be undertaken in this area. The advice of Haven Wildlife has been taken and the works will be carried out in a way to ensure badgers are not disturbed nor their routes to feeding areas.

***Relevant Planning History***

nil

***Relevant Policies***

Gosport Borough Local Plan Review, 2006:

- R/DP1
- General Standards of Development within the Urban Area
- R/OS9
- Allotment Gardens
- R/OS13
- Protection of Habitats Supporting Protected Species

***Consultations***

Natural England

No objection to this application with regard to badgers, subject to works being undertaken under licence where necessary. Badger routes/corridors to foraging/feeding habitats should remain intact and unobstructed during and after works.

***Response to Public Advertisement***

nil

### ***Principal Issues***

1. The main issues in this case are the acceptability of the design of the fencing and the impact it will have on the visual amenities of the area, the allotments themselves and the habitat supporting the badgers, a protected species.
2. The type of fencing proposed has been used extensively by the Council in other areas of the Borough and particularly in parks and around open spaces. It is of an appropriate and acceptable design for its purpose and will not have a detrimental impact on the visual amenities of the area. The proposal therefore complies with Policy R/DP1 of the Gosport Borough Local Plan Review.
3. The allotments provide a valuable recreational resource for local residents and play an important social and health role, as well as being a source for local food production. The proposed improved security fencing will protect the allotments from unlawful access and vandalism and therefore complies with Policy R/OS9 of the Gosport Borough Local Plan Review.
4. The works will be undertaken to ensure habitats will be protected during construction and additional planting is proposed. The development will therefore have no detrimental impact on the badgers located in the area in compliance with Policy R/OS13 of the Gosport Borough Local Plan Review.

### **RECOMMENDATION: Grant Permission**

#### **Reasons for granting permission:**

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location. It is of an appropriate design and will improve the visual amenities of the locality and not have a detrimental impact on protected species. As such, the proposal complies with Policies R/DP1, R/OS9 and R/OS13 of the Gosport Borough Local Plan Review.

#### **Subject to the following conditions:-**

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).