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21 April 2010

S U M M O N S

MEETING: Regulatory Board
DATE: 29 April 2010
TIME: 5.30pm
PLACE: Committee Room 1, Town Hall,
Gosport
Democratic Services contact: Lisa Reade

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

Councillor Carter (Chairman)
Councillor Geddes (Vice Chairman)

Councillor Allen	Councillor Hicks
Councillor Mrs Bailey	Councillor Hylands
Councillor Ms Ballard	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**

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. Councillors are requested to note that, if any Councillor who is not a member of the Board 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. 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 Tuesday, 27 April 2010. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).

4. 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 Tuesday, 27 April 2010).

5. REPORTS OF THE DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT SERVICES

*Schedule of planning applications with recommendations.
(grey sheets – pages 1 –10/1)*

PART II
Contact Officer:
Debbie Gore
Ext 5455

6. ANY OTHER ITEMS

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

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

29th April 2010

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.

INDEX				
<u>Item</u>	<u>Page No</u>	<u>Appl. No.</u>	<u>Address</u>	<u>Recommendation</u>
01.	03-06	K12609/3	South Jetty Forton Lake Portsmouth Harbour	Grant Permission
02.	07-10	K2877/5	The Wych Way Inn 163 Wych Lane Gosport Hampshire PO13 0NW	Grant Permission

ITEM NUMBER: 01.
APPLICATION NUMBER: K12609/3
APPLICANT: Portsmouth Naval Base Property Trust
DATE REGISTERED: 14.04.2010

**INSTALLATION OF FLOATING BERTHING PONTOON AND ACCESS BROW
(CONSERVATION AREA)
South Jetty Forton Lake Portsmouth Harbour**

The Site and the proposal

The South Jetty is located on the north side of Forton Lake and adjacent to the southern most tip of Heritage Way. The Millennium Bridge is situated to the west and the Priddy's Hard Heritage Area is situated to the north which is allocated in the Gosport Borough Local Plan Review for mixed use development and planning permission has already been granted for a series of developments in accordance with this allocation. The existing jetty extends 45m into Forton Lake and is secured at its northern end by a secure 2.2m high gate. There are a series of Listed buildings situated along the coast to the north east of the jetty. The application site is within a SSSI, SPA and Ramsar site.

The application proposes the installation of a floating berthing pontoon and access brow attached to the existing jetty. The pontoon and brow would be situated to the north east side of the jetty and would be secured either side with guard rails. In combination the brow and pontoon would be 25m in length with the access brow being 1.5m in width and the pontoon being 3m in width. The brow and pontoon would be secured by two 600mm tubular steel piles.

Relevant Planning History

12609/2 - Installation of floating berthing pontoon and access brow. Application withdrawn (26/03/2010) following an objection from Natural England relating to the absence of an Eelgrass survey.

Relevant Policies

Gosport Borough Local Plan Review, 2006:

- R/CH1
Development within the Coastal Zone
- R/CH2
Pedestrian Access Along the Coast
- R/OS11
Protection of Areas of National Nature Conservation Importance
- R/OS13
Protection of Habitats Supporting Protected Species
- R/BH1
Development in Conservation Areas
- R/DP1
General Standards of Development within the Urban Area

Consultations

The Gosport Society	Update to be provided.
DEFRA	Update to be provided.
Queen's Harbour Master	No objection.
Defence Estates	No objection.

Natural England	Natural England objected to the previous application because there was insufficient evidence to determine whether the proposal would have a negative impact on sensitive Eelgrass beds, which may have been in vicinity. Further survey work has now been conducted and Natural England is satisfied that the proposal will not affect Eelgrass habitats within the Portsmouth Harbour SSSI and SPA/Ramsar site. A series of conditions are, however, recommended.
Environment Agency (Hants & IOW)	Update to be provided.
Wildlife Trust (Hants & IOW)	Update to be provided.

Response to Public Advertisement

Publicity expires 11 May 2010. No representations received, to date.

Principal Issues

1. The site is located in the coastal zone where this type of development is acceptable under policy R/CH1 of the Gosport Borough Local Plan Review. Access to existing moorings is not a material planning issue however, the applicant has confirmed that no vessels will be permanently moored at the pontoon. The more intense use of the Priddy's Hard Heritage Area is established by the allocation of the site for mixed use development and Forton Lake is established as an area of active coastline by the presence of the existing jetty and a high number of moorings. The main issues relating to this proposal are therefore the effect on the character and appearance of the coast, the effect on the character and appearance of the Conservation Area, the effect on sensitive areas, and the effect on flood risk.
2. The proposal has been sensitively designed in terms of size, scale and proportion with the existing jetty. It will not extend into Forton Lake beyond the jetty and in terms of height, even at mean high water the guard rails will not extend above the existing railing around the jetty. Details of materials have been provided with the application and are conditioned below. The proposal will facilitate increased levels of activity at this part of the coast which will alter its character. However, in designating Priddy's Hard as a mixed use allocation an increased intensity of use in this area was anticipated. The current proposal sits comfortably with this and is therefore in accordance with Policies R/DP1 and R/CH1.
3. In respect of the Priddy's Hard Conservation Area, the pontoon and brow are minor works, would not have any adverse impact and would therefore preserve its special character and appearance. The existing jetty is of 20th Century construction and of limited architectural or historic interest. As set out above, to ensure materials are appropriate in this context they are proposed to be conditioned. The proposal is therefore in accordance with Policy R/BH1.
4. The site is located in a SSSI, SPA and Ramsar site and therefore has a high ecological value. Natural England have been consulted on the proposal and have not objected subject to a series of conditions relating to the method and timing of piling works that have been included.
5. The installation of the jetty requires some dredging works to be undertaken in the existing access channel. However, these works do not form part of this application as they do not require planning permission. Notwithstanding this, the application is accompanied by a Nature Conservation Assessment which considers the effects of this dredging exercise, the conclusion being that the dredging will not have an adverse impact on the nature designations in the area. The relevant

licenses required for the dredging have also now been obtained. The works relating to the installation of the pontoon will not impact on the features of nature conservation interest. The previously withdrawn scheme resulted in an objection from Natural England on the ground that Eelgrass had not been satisfactorily considered in the report. The revised application and associated assessment does address this element concluding that no adverse impact will result. It is therefore concluded that in combination, the pontoon and dredging necessary to accommodate it are mutually compatible with the ecological value of the area. The proposal is therefore compatible with Policies R/OS11 and R/OS13.

6. The site is located adjacent to an area of land at high risk from flooding and therefore a flood risk assessment has been completed in respect of the development. This concludes that in an extreme flood event the structure would be restrained by the piles and the pontoon would not be used. This ensures that users are not at risk. The proposal is therefore consistent with Policies R/DP1 and R/CH1.

RECOMMENDATION: Grant Permission

Subject to the response to the public consultation the application is approved subject to the following conditions and authority is delegated to the Head of Development Control to determine the application after the date for public consultation has expired

Reasons for granting permission:

1. The pontoon will support the wider redevelopment objectives of Priddy's Hard and is acceptable in terms of design, the Conservation Area, the coastal zone and flood risk. The development can be completed without impacting harmfully on nature conservation designations. As such, the proposal complies with Policies R/CH1, R/CH2, R/OS11, R/OS13, R/BH1 and 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 used in the construction of the development hereby approved shall comply with the following specification:

Pontoon - galvanised steel frame and natural timber deck on concrete cased floats

Bridge - steel painted white with natural timber deck

Bridge landing - galvanised steel frame with natural timber decking

Piles - tubular steel with black protective coat

Reason - To ensure that the external appearance of the development is satisfactory and compatible with the character of the Conservation Area, and to comply with Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

3. All pile driving associated with the development shall be carried out using a non-percussive method of vibro-piling.

Reason: In order to minimise the disturbance to over-wintering waders and waterfowl, and migrating fish species and having due regard to Policy R/OS11 and R/OS13 of the Gosport Borough Local Plan Review.

4. All piling operations should occur at high water and must not be undertaken between the beginning of November and the end of February in any year.

Reason: In order to minimise the disturbance to over-wintering waders and waterfowl, and migrating fish species and having due regard to Policy R/OS11 and R/OS13 of the Gosport Borough Local Plan Review.

ITEM NUMBER: 02.
APPLICATION NUMBER: K2877/5
APPLICANT: Brightbeech Investments LLP
DATE REGISTERED: 22.12.2009

**ERECTION OF REPLACEMENT SINGLE STOREY SIDE/REAR EXTENSION;
INSTALLATION OF ATM; AND EXTERNAL ALTERATIONS AND REPLACEMENT OF
WINDOWS AND DOORS (as amended by plans received 08.02.10 and amplified by
letter dated 19.03.10)**

The Wych Way Inn 163 Wych Lane Gosport Hampshire PO13 0NW

The Site and the proposal

This application was considered by the Regulatory Board on 20 April 2010 when Members resolved to defer the item in order that further consideration could be given to the provision of boundary treatment along the Brewer's Lane frontage to prevent pedestrians walking northwards through the existing parking area.

The application site is located at the junction of Brewers Lane, Wych Lane, Rowner Lane and Brading Avenue. The site consists of a 2-storey brick building which is currently vacant, but was previously used as a Public House (The Wych Way Inn), along with its associated car parking and garden areas. There is an existing 'L' shaped single storey extension to the north and east elevation of largely timber construction, which incorporates double doors to the Brewers Lane frontage. There are windows to the ground and first floor on the north, east and west elevations, with existing dropped kerbs to both the Brewers Lane and Wych Lane frontages.

The applicants have indicated within their Design and Access Statement that it is the intention to change the existing vacant public house (Class A4) into a shop (Class A1). Such a change is 'permitted development' by virtue of Class A of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The use of the property as a shop could be commenced without the need for any external alterations and therefore any activities associated with a shop use are not material to the consideration of this application.

Having regard to the above this application seeks permission for the installation of new windows at ground floor level, which would be floor to ceiling height and located within the south and west elevations. A sliding entrance door is also proposed within the west elevation alongside the ATM. It is also proposed to replace the existing extension to the east and north elevations with an 'L' shaped 3.3 metre high flat roof extension, with doors to the Brewers Lane frontage, in line with existing. The extension would be on a similar footprint to the existing extensions, but would project 200mm further to the east. Amended plans have been received relocating the ATM to the west elevation facing onto Wych Lane and the existing car park.

Following the March meeting of the Regulatory Board, the applicant was requested to provide additional information in respect of vehicle movements related to the proposed ATM. The applicant advised that it is their view that the ATM would only be used by customers accessing the store and will not be a significant traffic generator and as such de minimus to the site's main commercial use. Additional comments from the Highway Authority were also received which confirmed that the provision of the ATM on the west frontage of the store is acceptable in highway terms. The applicant has provided an indicative plan indicating the position of the parking associated with the shop use; and advised that in their view it is unlikely that users of the ATM visiting by car will choose to park on the road and walk across the car park, rather than the more convenient option of parking in the car park. The applicant has also drawn attention to the application for the further education college on the adjacent school site, noting that there was no highways objection to that application, which was then refused on highway grounds and subsequently allowed at appeal with full costs awarded to the appellants.

In response to Members' concerns, the applicant has confirmed a willingness to provide visually permeable boundary fencing along the Brewers Lane frontage to act as a deterrent to children continuing on from the crossing and walking northwards across the existing parking area.

Relevant Planning History

Nil

Relevant Policies

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/T11

Access and Parking

Consultations

Building Control

Access for Fire Brigade is acceptable.
Southern Water drains to front and side of building but may not be close enough to affect extension.

Local Highway Authority

The location of the ATM on the western frontage is acceptable in highway terms.

Previous comments made regarding servicing from Brewers Lane withdrawn as this does not form part of planning application.

No objection to boundary fencing along the Brewers Lane frontage provided it is visually permeable.

Response to Public Advertisement

10 letters of objection and 1 petition of objection containing 240 signatures

Issues raised:-

- located on a dangerous junction where there have been at least 2 fatalities in the last 3 years
- should not be allowed, as support for existing local shops is needed
- deliveries will cause problems at all hours
- too close to routes to school, which may cause a danger to pedestrians
- additional traffic, noise levels and nuisance
- may result in vehicles parking on highway
- will CCTV be installed?
- affect on house prices
- no need for an additional store given others in locality
- youths will loiter around store

1 letter of comment

Issues raised:-

- confirms no objection to proposal

1 letter of support

Issues raised:-

- will create employment to the area

- will be a positive addition to the community
- issues of noise are irrelevant as it was a public house
- road safety will always be an issue until the road junction includes a pedestrian crossing

Principal Issues

1. As noted above the possible use of the premises as a shop does not require planning permission and the associated activities are not material to the determination of this application. Therefore the issues raised in the representations in respect of additional traffic, service arrangements, noise and disturbance and other activities associated with the use, competition to local shops, cannot be considered as part of the determination of this application. Similarly, impact on house prices is not a relevant planning consideration. No CCTV is proposed as part of this application. The main issues for consideration are whether the proposed changes are appropriate to the appearance of the existing building and whether they would result in a detrimental impact on the neighbouring properties.

2. The proposed extension is on a similar footprint to that which exists on the site at present, and would incorporate double doors replicating the existing building arrangement. The proposal would be an improvement over the existing extension to the property in visual terms, would be subservient to the main building and provided it was constructed in matching materials would be an appropriate replacement building in this location. Similarly the proposed replacement windows and other changes to the fenestration are considered to be appropriate to this existing commercial building. The existing site is bounded by the school and the proposed extension and external alterations would not result in a detrimental impact on the neighbouring properties in terms of light, privacy or outlook.

3. The proposal includes the provision of an ATM and its location has been revised to address concerns from the Highways Authority. Its position on the Wych Lane frontage means that it is adjacent to the revised pedestrian access to the building, the existing car parking area, and this position is considered to be acceptable and does not raise any objections from the Highways Authority.

4. Whilst cycle storage is indicated, there is no policy requirement for it to be provided for an application relating to the material alterations to an existing building and therefore a condition requiring its provision and retention is not considered to be appropriate.

5. The erection of visually permeable boundary fencing along the Brewers Lane frontage will not have a detrimental impact on the visual amenities of the locality and will deter pedestrians moving northwards through the existing car parking area, subject to a condition to control its detailed specification. The erection of the boundary fencing and its continued retention can also be controlled by planning condition.

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 external alterations and side extension are considered to be appropriate for the existing building and would not have a detrimental impact on the appearance of the area or neighbouring properties. The provision of an ATM on the west elevation would not give rise to unacceptable levels of activities to the detriment of highway safety. As such the proposal complies with Policies R/DP1 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).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1290_09_45_04; HP09074/002; HP09074/003; HP09074/004 Rev B; HP09074/005.

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

3. The materials to be used shall match in type, colour and texture, those on the existing building 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.

4. Details of the permeable boundary fencing to be erected between points 'A' - 'A' - 'A' on the approved plan, including materials and colour finish, shall be submitted to and approved, in writing, by the Local Planning Authority before the development hereby permitted is commenced. The approved boundary fencing shall be carried out before the ATM is first brought into use and retained thereafter.

Reason - In the interests of amenity and highway safety and to comply with Policies R/DP1 and R/T2 of the Gosport Borough Local Plan Review.