

Please ask for: Lisa Reade

Direct dial:

(023) 9254 5651

Fax:

(023) 9254 5587

E-mail:

lisa.reade@gosport.gov.uk

11 January 2010

S U M M O N S

MEETING: Regulatory Board
DATE: 19 January 2010
TIME: 6.00pm
PLACE: Council Chamber, 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 Hylands
Councillor Mrs Bailey	Councillor Miss West
Councillor Dickson	Councillor Wright
Councillor Hicks	Vacancy

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. 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 8 DECEMBER 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, 15 January 2010. 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, 15 January 2010).

6. REPORTS OF THE DEVELOPMENT SERVICES MANAGER

*Schedule of planning applications with recommendations.
(grey sheets – pages 1 –29/1)*

PART II
Contact Officer:
Debbie Gore
Ext 5455

7. 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

19th January 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.	03-10	K17742	Rogers House Elmore Road Lee-On-The-Solent Hampshire PO13 9DX	Grant Permission
02.	11-17	K9356/2	116 - 118 Priory Road Gosport Hampshire PO12 4LQ	Grant Permission
03.	18-19	K9356/3	116 - 118 Priory Road Gosport Hampshire PO12 4LQ	Grant Conservation Area Consent
04.	20-22	K7934/2	1 Milvil Court Milvil Road Lee-On-The-Solent Hampshire PO13 9LY	Grant Permission
05.	23-25	K17379/1	Gosport Marina Mumby Road Gosport Hampshire PO12 1AH	Grant Permission
06.	26-27	K10020/4	Gloucester House Holly Street Gosport Hampshire PO12 1RP	Grant Permission
07.	28-29	K17765	Highway Verge Adjacent To Haslar Road Gosport PO12 2AJ	Grant Permission

ITEM NUMBER: 01.
APPLICATION NUMBER: K17742
APPLICANT: Hermitage Housing Association
DATE REGISTERED: 28.09.2009

DEMOLITION OF 24NO.OLDER PERSONS FLATS AND ERECTION OF 39NO.OLDER PERSONS FLATS WITH LANDSCAPED COURTYARD, ACCESS AND PARKING AND ASSOCIATED EXTERNAL WORKS (as amended by Ecological Report received 15.10.09, email dated 11.12.09 and plans received 14.12.09 & 11.01.10)
Rogers House Elmore Road Lee-On-The-Solent Hampshire PO13 9DX

The Site and the proposal

The application site is a rectangular parcel of land located on the western side of Elmore Road, opposite and between the junctions with Elmore Avenue and Cherry Close, within a pre-dominantly residential area. The site currently accommodates 23 older persons flats and one three bedroomed unit of staff accommodation within two linked, flat roofed, two storey blocks that run parallel with Elmore Road. Collectively the two storey blocks, together with some ancillary single storey buildings, comprise Roger's House. The development is currently unoccupied.

The buildings were constructed in the late 1960s from brickwork with an off-white render finish to parts of the main external walls. The front elevation of the northern block runs approximately parallel with the rear elevation of 31 Elmore Road. In front of this block, beyond an open grassed area, is a bus stop and lay by. To the south of the lay by is the access into the site which leads to a parking area containing 7 spaces. Also located in the south east corner of the site are two garages and an electricity substation. There are further, smaller, grassed areas to the rear of the northern building and between the southern block and the parking area. Brick walls form the northern and southern boundaries to the site. The western boundary, shared with the school playing field, is part brick wall and part chain link fence. There are a number of small ornamental trees within the application site, along with some mature hedging located inside the western boundary.

Immediately to the south is a large, two and a half storey residential development named Berkeley Court. Both main blocks of this development are constructed from yellow/brown brick and have pitched tiled roofs and are oriented parallel with Elmore Road. The maximum height of the front, larger block is 12m although it steps down in height at its northern end and finishes 3 metres from the application site boundary. Between the main front block and smaller rear block is a courtyard area providing private amenity space for the occupiers of the development. There are no windows in the northern elevations of Berkeley Court overlooking the application site.

To the west lie the playing fields of Lee-on-the-Solent Infant and Junior Schools. To the north are two linear terraces of two storey houses with enclosed rear gardens. The northern elevation of Rogers House is approximately 4.5 metres from the site boundary and 6.8 metres from the rear garden wall of 31 Elmore Road. The two terraces are separated by a central band of communal spaces and a footway which also runs between the application site and 31 Elmore Road. There are no windows in the southern, flank elevations of numbers 31 or 45 Elmore Road.

The opposite side of Elmore Road and Elmore Avenue is characterised by two storey semi-detached dwellings, many of which have driveways. There is also some new residential development slightly to the north and opposite the application site in Rowan Close. Some on-street parking is available in the vicinity although this is restricted due to the lay by, existing accesses and road junctions. Parking is prohibited on the west side of Elmore road south of the existing site access.

The existing buildings would require substantial modernisation to bring them up to current standards and meet the need of intended occupants, the majority of whom are likely to have restricted mobility. It is therefore proposed is to demolish all of the existing buildings and erect a new, purpose built, replacement facility providing 18no. one bedroom and 21no. two bedroom

apartments (39 in total) over two, two and a half and three stories arranged around an open communal landscaped area, with bin and electric scooter/cycle storage and 24 parking spaces (including 4 disabled spaces). The footprint of the development forms a horseshoe running parallel with Elmore Road with return wings to the north and south. The proposed building has a contemporary design with elevations composed from buff brick, off-white colour render and timber and metal boarding with reconstituted stone coping and aluminium clad windows and doors. The roof comprises a series of mono pitch and asymmetrical ridged elements using a mixture of artificial slate and metal. The building is set back from the road frontage behind garden forecourts enclosed by low walls and railings. The main resident and visitor entrance is located at the mid point along the east elevation with parking courts discretely located to the north and south of the building.

The part of the building facing Elmore Road is three stories high with projecting balconies. The southern wing is two and a half stories high with the second floor flats built within the roof space and the northern wing is two stories high and constructed partly over the parking courtyard. The existing walls on the northern and southern boundaries are to be retained with new and retained 1.8 metre high wall and fencing to be provided along the western boundary supplemented with dense planting. Some of the properties have balconies and access to patio areas and all residents will have access to the central landscaped amenity area. There will be low level, subdued, external lighting to the amenity areas, balconies, bin stores and parking areas.

To provide access to the northern parking area it will be necessary to relocate the existing bus shelter and layby south of its present position. It is proposed to replace the current shelter with one of a more modern design. A new access will also be provided to the southern parking courtyard with the existing access stopped up and kerb reinstated. Eleven of the existing small trees on the site will need to be removed, but two will be retained and incorporated within a new comprehensive landscape scheme.

The application is supported by a Tree Report, Ecology Report and Transport Assessment. Amended plans have been submitted to satisfy the Council's refuse collection requirements and demonstrate that it is possible to achieve a sustainable urban drainage system on the site and make suitable provision for Fire Brigade access. The amended plans also show additional long stay cycle parking facilities for 10 cycles external to the main building. The Ecological Report has also been amended to include full details of the proposed measures to mitigate the impact of the development on bats as one roost has been identified within the existing building.

Relevant Planning History

Nil

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/CF6
Provision of Educational Facilities
- R/H4
Housing Densities
- R/OS8
Recreational Space for New Residential Developments
- R/T2
New Development
- R/T4
Off-site Transport Infrastructure
- R/T10
Traffic Management

R/T11
Access and Parking
R/ENV4
Treatment of Foul Sewage and Disposal of Surface Water
R/ENV10
Noise Pollution
R/ENV12
Air Quality
R/ENV15
Renewable Energy
R/OS13
Protection of Habitats Supporting Protected Species
R/H5
Affordable Housing
R/H8
Accommodation for the elderly

Consultations

Natural England	No objection.
Southern Water	Southern Water can provide foul sewage disposal to service the development. Request informative to advise that formal application for connection to public sewer required. Inadequate capacity to provide surface water disposal. Alternatives to be investigated and dealt with by planning condition. Not currently clear how SUDS scheme could be implemented on the site.
County Education Office	Education contribution not required.
Building Control	No objection.
Environmental Health (Pollution & Environment)	Update to be provided.
Housing Services (Strategic)	Mix of unit sizes and proposed tenures effectively address the needs identified in the area.
Streetscene (Parks & Horticulture)	Communal garden contains small ornamental trees of poor or no significant value. All are mature but underdeveloped due to their position, some having been suppressed by adjacent planting.
Streetscene (Waste & Cleansing)	No objection. Adequate refuse storage space shown.
Local Highway Authority	Contribution towards highway infrastructure improvements required. Conditions required to deal with relocation of bus stop and layby and implementation of new access arrangements and parking.

Crime Prevention & Design

Various measures suggested to make site and dwellings secure, including increased height of boundary treatment and use of gates.

Response to Public Advertisement

4 letters of objection received

Issues raised:

- density of development
- siting, height and mass of building
- quality of building materials
- access arrangements and relocation of bus stop
- traffic congestion
- proposed treatment for western boundary and condition of existing wall
- overlooking of adjacent school site and neighbouring properties
- query re access through adjacent school during building works
- parking of contractor's vehicles during building works

1 letter of support received

Issues raised:

- development will be a big improvement on what is already there

Principal Issues

1. The principle of older persons housing in this location is established and the proposals will provide much larger, accessible, modern dwellings with increased internal storage and improved communal facilities. Internal space is also provided for the storage of mobility scooters and/or cycles and the design allows for over half the units to be two bedroomed giving more flexibility of occupation. The proposals also include provision for the use of renewable energy, in accordance with R/ENV15 of the Gosport Borough Local Plan Review, and the disposal of surface water and foul drainage and implementation of the required cycle and refuse storage facilities, landscape planting and ecological enhancement and mitigation measures, including bat tubes, can be dealt with by planning condition. The parking of contractor's vehicles on the highway during constructions works and any requirement for access through the adjacent school site are not planning issues. The main issues in this case are the density of the development, its design and the impact on the amenities of prospective and adjoining occupiers, highway safety conditions in the locality and the provision to be made for open space, transport infrastructure and affordable housing.

2. Whilst the site is not within 400m of a District Centre it is served by local bus services and is within walking and cycling distance of a number of shops and other facilities in Lee-on-the-Solent High Street. The residential density of 118 dwellings per hectare is comparable with the adjoining flatted development and is appropriate in this accessible location in accordance with Policies R/H4 and R/H8 of the Gosport Borough Local Plan Review.

3. The proposal incorporates a range of buildings that are well-articulated within their context. The height and mass of the main facade facing Elmore Road has been broken up to reduce its impact with emphasis on the two storey element achieved by the stepping forward of four bays and changes in the vertical and horizontal texture of the building. As a result, the development is read as a combination of smaller, individual units rather than a singular mass. The variety of materials used in its construction will also help to ensure that it is neither overbearing nor dominant in its form and will be controlled by planning condition. Both the front building and rear wings relate well to the neighbouring properties and the proposed soft landscape planting and low boundary walls to Elmore Road further enhance this sensitively considered design. Additional vegetation along the western boundary is proposed as part of the ecological enhancement and mitigation package for the site and details of this planting, along with all boundary treatment, will be the subject of further discussion with both Natural England and the Crime Prevention Design Advisor at Hampshire

County Council and, as such, will be dealt with by planning condition. The horseshoe layout allows occupants views through to the open area and natural daylight and ventilation to each flat and communal area and enables natural surveillance of the parking areas and entrances. Overall, the proposals will enhance the character and appearance of the area, whilst securing high quality, accessible accommodation for the elderly in accordance with Policies R/DP1 and R/H8 of the Gosport Borough Local Plan Review.

4. The access points and parking areas provide physical separation between the proposed building and adjoining residential development and the amount and scale of glazing has been reduced along the north and south elevations to minimise the potential for overlooking of the adjacent amenity areas. The development will not significantly increase the propensity to overlook the adjoining playing field over and above that which exists at present. The dwellings on the eastern side of Elmore Road and within Elmore Avenue are located over 15 metres away from the front elevation of the development, across a highway, and this relationship is not unusual in residential areas. The large, purpose designed, landscaped amenity area in the centre of the site will provide adequate usable space for perspective occupiers and sun angle studies have been undertaken to ensure that the garden and the adjoining properties receive a good amount of sunlight throughout the day. The amenity space has been left open to the west to maximise evening sun and retain a sense of openness with the playing field. The refuse store has been sited to facilitate ease of collection and given its enclosed design should not result in any nuisance to prospective or adjoining occupiers in terms of smell or noise disturbance. Given the proposed segregated parking areas, additional landscape planting and existing boundary treatment at the site, it is not considered that the comings and goings associated with this development will result in significant disturbance to the occupiers of adjoining properties over and above that associated with the existing use. For the above reasons the development complies with Policies R/DP1, R/H8 and R/ENV10 of the Gosport Borough Local Plan Review.

5. Locating the bus shelter outside the main entrance to the new development will minimise the distance residents have to walk. This also facilitates a high degree of surveillance of the shelter and maximises the distance from the nearest ground floor units therefore minimising potential disturbance. The level of car parking has been assessed in the light of the likely levels of car ownership for this type of development and is acceptable in this location. Similarly, given the intended nature of occupation and accessible location it is not considered that the level of traffic generated by the development will have a harmful impact on highway safety conditions in the locality. The implementation and retention of the car parking and service areas and the measures require to achieve satisfactory access to the site will be controlled by planning condition. As such the development accords with Policies R/T2, R/T10 and R/T11 of the Gosport Borough Local Plan Review.

6. The developer has agreed to make a contribution towards outdoor playing space and highway infrastructure improvements in the Borough in accordance with Policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan. Arrangements to make these contributions and ensure that the development makes satisfactory provision for affordable housing will be secured by condition. The highway infrastructure contribution will be used, in part, to fund the cost of the re provision of the bus shelter. Without these contributions the development would be unacceptable.

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 proposal is acceptable in this location and will enhance the variety and quality of housing accommodation for older persons within the Borough. The proposal will not have a harmful affect on the amenities of prospective or adjoining occupiers or highway safety conditions in the locality or the interests of nature conservation. The proposal also

includes measures to promote the use of renewable energy and makes adequate provision for cycle parking, refuse storage, open space, affordable housing and transport infrastructure. As such, the proposal complies with Policies R/DP1, R/DP3, R/H4, R/H5, R/H8, R/OS8, R/OS13, R/T2, R/T4, R/T10, R/T11, R/ENV4, R/ENV10, R/ENV12 and R/ENV15 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 commence until details of the access arrangements shown on plan reference 07-138 02 Rev I have been submitted to and approved, in writing, by the local planning authority. These details shall include the arrangements to be made to relocate the bus shelter and layby and associated works to the footway and the new two new accesses.

Reason - In the interests of highway safety and to comply with Policies R/T2 and R/T11 of the Gosport Borough Local Plan Review.

3. No part of the development shall be occupied until the access arrangements approved under condition 2 above have been completed in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Policies R/T2 and R/T11 of the Gosport Borough Local Plan Review.

4. No development shall commence until arrangements have been put in place to secure the provision of outdoor playing space within the Borough in compliance with Policy R/OS8 of the Gosport Borough Local Plan Review.

Reason - To ensure a contribution is made towards the provision of outdoor playing space within the Borough in compliance with Policy R/OS8 of the Gosport Borough Local Plan Review.

5. No development shall commence until arrangements have been put in place to secure the provision of highway infrastructure improvements within the Borough in compliance with Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

Reason - To ensure a contribution is made towards the provision of highway infrastructure improvements within the Borough and to comply with Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

6. No development shall commence until arrangements have been put in place to secure the provision of 40% affordable housing within the development in compliance with Policy R/H5 of the Gosport Borough Local Plan Review.

Reason - To ensure the provision of satisfactory affordable housing within the scheme and to comply with Policy R/H5 of the Gosport Borough Local Plan Review.

7. Details of all external materials and finishes, including the proposed balconies facing Elmore Road and the form and colour of the external renders, shall be submitted to and approved, in writing, by the Local Planning Authority before works above slab level are commenced. The development shall thereafter be carried out in accordance with the approved details.

Reason - In the interests of the visual appearance of the locality and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

8. Before the development hereby permitted is first brought into use cycle and scooter storage facilities shall be provided and thereafter retained in accordance with a detailed scheme submitted to and approved in writing 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.

9. The development hereby permitted shall not be brought into use until the areas shown on the approved plan for the parking, loading and unloading of vehicles shall have been made available, surfaced, and marked out, and these areas shall be retained for that purpose at all times.

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

10. Details of the external appearance and materials to be used in the construction of the refuse stores shall be submitted to and approved in writing by the Local Planning Authority before works above slab level are commenced. The refuse storage facilities shall be provided in accordance with the approved details 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.

11. Details of the hard landscape works shall be submitted to and approved in writing by the Local Planning Authority before works above slab level are commenced. These details shall include all hard surfacing materials, boundary treatment and gates and external lighting. The hard landscape works shall be carried out in accordance with the approved details before the development is first brought into use and retained thereafter.

Reason - In the interests of amenity and security and the appearance of the locality, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

12. Details of the soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority before works above slab level are commenced. These details should include a planting scheme showing species, numbers, densities, heights and a future maintenance scheme.

Reason - In the interests of amenity and the appearance of the locality, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

13. The landscape scheme approved under condition 12 above shall be completed within the next planting season following first occupation of the development, and any trees or plants which die are removed or become seriously damaged or diseased shall be replaced with others of identical species (or as may otherwise be agreed in writing with the Local Planning Authority) during the next planting season.

Reason - In the interests of amenity and the appearance of the locality, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

14. No development shall take place until details of surface water and foul 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, R/ENV2, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no walls, fences, gates or other means of enclosure (other than those approved pursuant to condition 11 above) shall be erected beyond the forward most elevation which fronts onto or flanks a highway without the prior consent in writing of the Local Planning Authority.

Reason - In the interests of highway safety and to protect the amenities of the area and to comply with Policies R/T11 and R/DP1 of the Gosport Borough Local Plan Review.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no additional windows shall be constructed in the north elevation of the northern wing or south elevation of the southern wing of the development 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 Local Plan Review.

17. The development shall not be occupied other than by persons of :

- 55 years of age

- persons living as part of a single household with such a person or persons;

- persons who were living as part of a single household until such a person or persons died.

Reason - In the interests of amenity and highway safety and to comply with Policies R/DP1 and R/T10 of the Gosport Borough Local Plan Review.

18. The development shall be carried out in accordance with the measures set out within the Ecological Report received on 15 October 2009 unless otherwise agreed in writing with the local planning authority. These measures shall include the provision of new bat tubes and the timing and method of the demolition works.

Reason - In the interests of nature conservation and to comply with Policy R/OS13 of the Gosport Borough Local Plan Review.

ITEM NUMBER: 02.
APPLICATION NUMBER: K9356/2
APPLICANT: MS Projects
DATE REGISTERED: 20.10.2009

DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT THREE STOREY BUILDING COMPRISING 6NO. ONE BEDROOMED FLATS WITH ASSOCIATED PARKING AND AMENITY SPACE (CONSERVATION AREA) (as amplified by ecological report received 24.11.09)
116 - 118 Priory Road Gosport Hampshire PO12 4LQ

The Site and the proposal

The application site is located on the southern side of Priory Road to the west of Green Lane and to the east of The Square. The site is within the Hardway Conservation Area and is approximately 11 metres wide at its frontage narrowing to approximately 5.5 metres at the rear of the plot. The application property is a two storey dwelling known as Clarence House. The property was originally constructed as a pair of semi detached dwellings but was converted in the 1980s into a single dwellinghouse. The property has been heavily altered and little of the original fabric remains visible. The building is approximately 8.4 metres high and has a rendered finish. There are windows in all elevations of the property and a large UPVC conservatory on the rear elevation. The area to the front of the site is laid to concrete and is used for vehicular parking. Due to the gradient of the road, the ground level at the application site is approximately 1 metre lower than the ground level at the neighbouring property to the west, number 112.

Immediately to the east of the site is a row of 3no. three storey terraced dwellings, built to the same height as the application property. To the west of the application site, and separated by a private driveway is number 112 Priory Road, a three storey neo Georgian property constructed from red facing brick. The property contains three ground floor windows and one obscure glazed first floor window in the eastern elevation facing the application site. The private driveway that runs between the two plots serves number 114 Priory Road, a two storey house positioned to the south-west of the application site. The dwelling is positioned at the rear of its plot and contains ground and first floor windows in the front elevation. There is a separation distance of approximately 18 metres between the principal elevation of this property and the rear elevation of Clarence House but these elevations are not directly opposing. The eastern end of number 114 is single storey only.

This application follows a previous refusal for the erection of a second floor, increasing the height of the front parapet to 8.8 metres and converting the resultant building into 6no. one bedroomed self contained flats. The application was dismissed at appeal.

The Inspector considered that with the exception of the front, the remaining elevations would be out of scale, bland, lack articulation and would have windows of unsympathetic sizes and proportions, thereby failing to preserve the character and appearance of the Conservation Area. This was considered particularly harmful when viewed from the west. The Inspector concluded that the windows in the western elevation would adversely affect the privacy of the occupiers of 112 Priory Road, but that there would be no loss of privacy to number 114. It was also considered that the waterfront location would compensate for the poor quality of the amenity space being provided at the rear of the site. The Inspector considered the site to be in an accessible location and found the proposed residential density to be acceptable. The Inspector also opined that the level of parking and the inability of vehicles to turn on the site would not have a harmful impact on highway safety. The Inspector noted generally that unsympathetic replacement windows and extensions had been added to some of the properties in the locality, particularly at the appeal site, and this, together with the loss of front boundary walls, detracted from the appearance of this particular part of the Conservation Area.

This latest proposal is for the demolition of the existing building and the erection of a three storey replacement building comprising 6no. one bed roomed flats. The building has been designed with a hipped slate roof set behind a front parapet wall measuring 8.8 metres in height. The ridge of the hipped roof would be set to a height of 10.2 metres, 1.8 metres higher than the highest part of the existing roof. The front elevation has a modern design with a strong vertical emphasis and contains full height inward opening Juliet balconies with glass balustrades. A glass canopy will extend 1 metre beyond a timber front door. The western elevation will include a tripartite split in the facade, with a central, full height recessed panel consisting of vertical zinc cladding. Towards the front of the western elevation, vertical zinc panels will be positioned either side a central glazed element. All six windows in the western elevation are to be obscure glazed and fixed shut. The eastern elevation will contain a total of six windows, two in each storey, together with a central section of zinc cladding. The rear elevation has a symmetrical design and will contain four windows in each floor serving kitchen and bedrooms. The building will be constructed using red facing brick with zinc lining to the brick reveals and aluminium rainwater goods.

The front elevation of the building has been sited to follow the existing building line. It will be 16.2 metres deep, the same as the existing dwelling and will be set back from the road frontage by approximately 6 metres. The eastern elevation will be set off the shared boundary with number 120 by 1.2 metres in order to provide pedestrian access to the rear of the site. The western elevation will be built onto the western boundary, adjacent to the driveway serving number 114 to the south.

Parking will be provided by way of 4 spaces at the front of the site, accessed via an existing dropped kerb. A low front boundary wall will enclose the parking area. Bin and bicycle storage is provided at the rear of the building together with 150 sq. metres of shared amenity space. A bin collection area is provided at the front of the site, adjacent to the public highway.

The application is supported by an ecological report which assesses badger activity at the site.

Relevant Planning History

K.9356/1 - Erection of second floor and conversion of existing dwelling into 6no. self contained flats refused 04.03.08. Appeal dismissed 09.12.08

K.9356/3 - Current planning application by the same applicant for Conservation Area consent for the demolition of existing two storey dwelling (Conservation Area)

Relevant Policies

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/BH1

Development in Conservation Areas

R/BH2

Demolition in Conservation Areas

R/H4

Housing Densities

R/T11

Access and Parking

R/OS13

Protection of Habitats Supporting Protected Species

R/DP3

Provision of Infrastructure, Services and Facilities

R/OS8

Recreational Space for New Residential Developments

R/T4

Off-site Transport Infrastructure

Planning Policy Guidance 15 (PPG15)

Planning and the Historic Environment

Consultations

Natural England	No objection
The Gosport Society	No objection
Environment Agency (Hants & IOW)	No objection
Building Control	No objection
Environmental Health (Pollution & Environment)	Update to be provided
Streetscene (Parks & Horticulture)	Update to be provided
Streetscene (Waste & Cleansing)	No objection
Local Highway Authority	No objection

Response to Public Advertisement

9 letters of objection;

Issues raised:-

- impact on property values
- damage to adjoining property during construction
- noise and disruption during construction
- the proposal will not contribute to affordable housing
- the development would neither preserve nor enhance the character and appearance of the Conservation Area
- the development is contrary to Policy R/BH1 of the Local Plan Review
- the design is too modern and the building should have a more traditional appearance
- the building is too high and too large
- the proposed materials are inappropriate
- the development is not significantly different from the previously refused scheme at the site
- there are more suitable alternatives to total demolition of the existing building
- there are no other balconies in the locality
- density
- there is no requirement for additional dwellings
- loss of privacy to number 114
- additional traffic
- inadequate level of on-site parking
- the proximity of the replacement building to the western boundary may harm the existing planting strip

Principal Issues

1. The impact of a development on property values is not a planning consideration. A certain level of noise and disruption during the construction period is inevitable, but if it becomes excessive it can be dealt with under the Environmental Health legislation. Potential damage to adjoining properties during construction is a private legal matter between the interested parties. The submitted drawings are accurate and provide sufficient detail for planning purposes. As the proposal is for less than 15 residential units, there is no requirement to provide affordable housing. The application property is located within the existing Urban Area Boundary and therefore the principle of residential development is acceptable provided that the details accord with the relevant Policies 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 character and appearance

of the Hardway Conservation Area, the amenities of prospective and adjacent occupiers and whether appropriate provisions have been made for car and cycle parking, refuse storage, open space and highway infrastructure improvements.

2. The locality is characterised by late eighteenth and early nineteenth century dwellings comprising a great variety sizes, designs and plot layouts. However, the application dwelling has been heavily altered over the years and this has diminished its historical and architectural integrity. Little of the original fabric remains visible and under the circumstances, the building does not make significant positive contribution to the character and appearance of the Conservation Area. Like the adjacent built form, the proposed replacement building will be three stories high. The front parapet will not extend above the height of the parapet at number 112 and will extend only 400mm above the parapet at number 120. Although the replacement building will be higher than the existing dwelling at the site, the main hipped roof form will be set back from the front elevation and this will help to ensure that the development does not create an overbearing or incongruous feature in the streetscene. The proposal will not jar with, or be unsympathetic to, the continuous parapet height of the adjacent terrace and the front elevation has been designed as a modern interpretation of common design themes in the locality. The size and positioning of the Juliet balconies helps to establish a symmetry and vertical emphasis to the front elevation which is reflective of the traditional built form in the locality while the use of glass balustrades, aluminium panels and zinc frames adds visual interest. The introduction of a tripartite split to the western elevation and the inclusion of zinc cladding helps to break up the overall mass of the side elevation and overcomes previous concerns that this elevation would appear bland and uninteresting. The size and positioning of the windows has been carefully considered so as to ensure that there is an appropriate proportionality to this elevation and unlike the previously refused scheme, this aspect of the proposal will not therefore appear bulky or oppressive when viewed from Priory Road. By erecting a new building therefore (rather than altering and converting the existing dwelling), the applicant has successfully overcome the inherent design concerns identified under the previous refusal.

3. The rear elevation has a simple symmetrical design and the inclusion of aluminium panels adds an appropriate level of detailing for the rear of the site. The proposed building has been sited to follow the established historic pattern of development and the bin and cycle storage facilities have been positioned towards the rear so as not to be visible from public view. Paragraph 4.17 of Planning Policy Guidance 15 Planning and the Historic Environment (PPG15), indicates that development in a Conservation Area does not need to directly imitate earlier styles, but should respect its context. In my opinion, the proposed replacement building is a modern interpretation of traditional themes within the locality and will not be out of context with the traditional built form in Priory Road. Under the circumstances, and taking into account the much altered state of the existing building, the proposed redevelopment will enhance the character and appearance of the Hardway Conservation Area, in accordance with the aims and objectives of Policies R/DP1, R/BH1 and R/BH2 of the Gosport Borough Local Plan Review and PPG15.

4. The Planning Inspector considered the site to be in an accessible location where a higher density of development is acceptable. It is within walking distance of a main road on which there is a bus service operating three times an hour and prospective residents would have access to 150 sq. metres of shared amenity space, in compliance with the guideline figures set out in Appendix B of the Local Plan Review. Furthermore, due to its waterfront location, prospective residents would have ready access to the adjacent foreshore which would further supplement the on-site amenity space. There are also local shops and services available within walking distance of the site. Under the circumstances, and in light of the Inspector's previous comments, the proposed residential density of 120 dwellings per hectare (dph) is acceptable and would not result in an unacceptable living environment for prospective residents. It therefore accords with Policies R/DP1 and R/H4 of the Gosport Borough Local Plan Review.

5. The plans show that the 6no. windows in the western elevation will be obscure glazed and fixed shut and this shall be controlled by condition. The occupiers of number 112 will therefore experience no loss of privacy overcoming a fundamental concern with the previous application. Similarly, as there are no windows in the western elevation of the adjacent dwelling number 120, the development will not result in a loss of privacy for the occupiers of this property. The proposed

development will result in the introduction of bedroom windows in the rear elevation and the potential loss of privacy to the occupiers of number 114 is therefore an important consideration. In this respect, it is noted that this dwelling is set right at the back of its plot and that the buildings are offset so that the front and rear elevations are not directly opposing. Furthermore, the layout of this property is such that the areas most likely to be overlooked by the proposed development are a garage, entrance lobby and hardstanding. Therefore, whilst the separation distance between the rear elevation of the proposed building and the front elevation of number 114 is slightly below the guidance separation distance outlined in Appendix B, in light of the above considerations and the Planning Inspector's previous comments, I do not consider that the proposal will result in an unacceptable loss of privacy to habitable windows or the private garden of this dwelling.

6. The proposed building is higher than the dwelling it is replacing. However, the hipped roof form reduces its overall mass and therefore it's potential to overshadow adjacent properties. The building will not extend any further into the site than the property it is replacing and given the orientation of the dwellings, the position of the existing windows and the separation distances between the properties, I do not consider that the development will have an unacceptable impact on the living conditions of any adjoining occupiers in terms of loss of light or outlook. The front of the site is already used for parking. The continued use of this area for parking is unlikely therefore to result in additional disturbance to adjacent occupiers. The proposal therefore complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

7. The plans show the provision of 4no. car parking spaces at the front of the site. The census data for the Hardway Ward shows that car ownership comprises an average of 1.22 cars per household which could suggest a need for more than 4 spaces. However, this figure is not disaggregated for household size. The proposed flats are one bedroomed units and there is ample on-site cycle parking facilities which will help to encourage a decreased use of the car for short journeys. The site is located in an accessible location in close proximity to a bus stop. The proposed level of parking is therefore considered to be sufficient and the development is unlikely to result in significant overspill parking in the surrounding road network, to the detriment of local amenity. Access to the spaces will remain via an existing dropped kerb at the front of the site and there is adequate space on the northern side of the building to allow vehicles to turn and exit in a forward gear. A condition will require the submission of details relating to the design of the proposed front boundary wall and this will ensure there is adequate intervisibility between vehicles exiting the site and all other users of the highway. In light of the above, I do not consider that the proposal will result in a significant change to local traffic conditions or be detrimental to highway or pedestrian safety. Appropriate provisions have been made for refuse storage and collection and bicycle storage and these facilities can be accessed in a safe and convenient manner. In light of the above, the development complies with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

8. The ecological report concludes there is no badger activity at the site and Natural England has confirmed it has no objection to the proposal. The development therefore complies with Policy R/OS13 of the Gosport Borough Local Plan Review.

9. The applicant has indicated 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 proposed development is acceptable in this location. Due to its appropriate design, density and layout, the proposed replacement building will enhance the character and appearance of the Hardway Conservation Area. It will not have a detrimental impact on the amenities of neighbouring or prospective occupiers and will not interfere with existing access arrangements. Adequate provision is made for car parking, cycle parking, refuse storage, open space and highway and infrastructure improvement and there will be no impact on protected species. As such, the development complies with Policies R/DP1, R/BH1, R/BH2, R/H4, R/T11, R/OS8, R/OS13, R/DP3 and R/T4 of the Gosport Borough Council 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. Samples of all external facing and roofing materials, including the zinc cladding and aluminium panels and rainwater goods, shall be submitted to and approved in writing 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 development is satisfactory, and to comply with Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

3. Details of all new windows, doors, glass balustrades and the glass canopy, including horizontal and vertical sections at a scale of 1:5 and elevations at a scale of 1:10, shall be submitted to and approved in writing by the Local Planning Authority before works related to that part of the development are commenced. The development shall thereafter be implemented in accordance with the approved details.

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

4. Details of the proposed front boundary wall shall be submitted to and approved in writing by the Local Planning Authority before works above slab level are commenced. The approved boundary wall shall be constructed before the development is first brought into use and retained thereafter.

Reason - Such details have yet to be submitted and in the interests of highway and pedestrian safety, the amenities of the area and to comply with Policies R/DP1, R/BH1 and R/T11 of the Gosport Borough Local Plan Review.

5. The development hereby permitted shall not be brought into use until the areas shown on the approved plan for the parking of vehicles have been made available, surfaced and marked out and these areas shall be retained for that purpose at all times.

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. 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.

7. Before the development hereby permitted is first brought into use bin storage and collection 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 bin storage is provided in compliance with Policy R/DP1 of the Gosport Borough Local Plan Review.

8. The windows in the western elevation of the building hereby approved shall be non-opening and glazed with obscure glass and shall be retained in that condition.

Reason - To preserve the amenity of the adjoining property, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

ITEM NUMBER: 03.
APPLICATION NUMBER: K9356/3
APPLICANT: MS Projects
DATE REGISTERED: 19.10.2009

CONSERVATION AREA APPLICATION - DEMOLITION OF EXISTING TWO STOREY DWELLING
116 - 118 Priory Road Gosport Hampshire PO12 4LQ

The Site and the proposal

The application site is located on the southern side of Priory Road to the west of Green Lane and to the east of The Square. The application property is a two storey dwelling known as Clarence House and is located within the Hardway Conservation Area. The property was originally constructed as a pair of semi detached dwellings but is currently used as a single dwellinghouse. The house has been significantly altered and extended and little of the original fabric is still visible. The building is approximately 8.4 metres high and has a rendered finish. There are windows in all elevations of the property and a large UPVC conservatory on the rear elevation. The area to the front of the site is laid to concrete.

Immediately to the east of the site is a row of 3no. three storey terraced dwellings, built to the same height as the application dwelling. To the west of the application site, and separated by a private driveway is number 112 Priory Road, a three storey neo Georgian property constructed from red facing brick. To the south west of the site is number 114 Priory Road, a two storey dwelling positioned at the rear of its plot. The locality is characterised by late eighteenth and early nineteenth century dwellings comprising a variety of sizes, designs and plot layouts.

It is proposed to demolish the existing building to facilitate the redevelopment of the site for a three storey hipped roof building with front parapet to accommodate 6 flats proposed under application K.9356/2.

Relevant Planning History

K.9356/1 - Erection of second floor and conversion of existing dwelling into 6no. self contained flats refused 04.03.08. Appeal dismissed 09.12.08
K.9356/2 - Current planning application by the same applicant for the demolition of existing dwelling and erection of replacement three storey building comprising 6no. one bedroomed flats with associated parking and amenity space (Conservation Area)

Relevant Policies

Gosport Borough Local Plan Review, 2006:
R/BH2
Demolition in Conservation Areas

Consultations

The Gosport Society	No objection.
Building Control	No objection. A Southern Water drain passes through the site.

Response to Public Advertisement

2 letters of objection;
Issues raised:-

- the front elevation of the replacement building is inappropriate and in contravention of Policy R/BH1
- the development occupies a prominent position within a particularly historic part of the Conservation Area and the proposed redevelopment would not be aesthetically pleasing
- damage to adjoining property

Principal Issues

1. Potential damage to adjoining properties is a private legal matter between the interested parties. Proposals for the redevelopment of the site are considered under planning application K.9356/2. The main issues in this case therefore are the contribution of the building to the character and appearance of the Conservation Area, its historical and architectural interest and if detailed proposals have been approved for the redevelopment of the site.
2. The original building has been significantly altered over the years which has diminished its historical and architectural integrity. Little of the original fabric remains visible and the building no longer makes a significant positive contribution to the character and appearance of the Conservation Area. For these reasons the principle of the demolition is acceptable. However, whilst the building has limited historic or architectural merit, it does occupy an important position in Priory Road and its demolition will create a significant gap in the streetscene. Therefore, a condition has been attached to ensure that the demolition would take place concurrently with the redevelopment of the site as proposed under application K.9356/2. On this basis it is considered that the proposal would preserve the character and appearance of the Conservation Area in compliance with Policy R/BH2 of the Gosport Borough Local Plan Review.

RECOMMENDATION: Grant Conservation Area Consent

Reasons for granting permission:

1. Having regard to Section 38(6) of the Planning and Compensation Act 2004 and all other material considerations, the building in its current condition does not make a positive contribution to the character of the area. Detailed proposals have been approved for the redevelopment of the site and conditions will ensure the redevelopment will take place concurrently with the demolition. As such the proposal complies with Policy R/BH2 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 demolition hereby permitted shall be carried out concurrently with the development approved under reference K.16506/3.
Reason - To ensure that premature demolition does not take place and leave an empty gap in the street scene, and to comply with Policy R/BH2 of the Gosport Borough Local Plan Review.
3. Within 7 days of completion of the demolition operation, all debris shall have been removed from the site, which shall be finished to a level surface.
Reason - In the interests of visual amenity and to comply with Policy R/BH2 of the Gosport Borough Local Plan Review.

ITEM NUMBER: 04.
APPLICATION NUMBER: K7934/2
APPLICANT:
DATE REGISTERED: 09.11.2009

**CHANGE OF USE FROM SHOP (CLASS A1) TO TEA ROOM (CLASS A3) AND
INSTALLATION OF INTERNAL EXTRACTION DUCTS WITH 2NO.EXTERNAL EXHAUST
LOUVRE VENTS ON SIDE ELEVATION**

1 Milvil Court Milvil Road Lee-On-The-Solent Hampshire PO13 9LY

The Site and the proposal

The application site is located within the Lee-on-the-Solent Town Centre District Shopping Centre and Marine Parade Area of Special Character on the eastern side of Milvil Road. Milvil Court comprises a three storey flat roofed building containing 6 commercial units at ground floor level with a total of 12 flats on the upper two floors. 1 Milvil Court is located at the northern end of the building. It is a vacant retail shop formerly trading as Ambience Lighting having a floor area of approximately 64 square metres. At the front of the building there is a black aluminium shop front with recessed double entrance doors providing level access to the premises. At the rear of the building there is a service area and communal storage area for refuse bins. The northern end of the building is a three storey blank brick wall to the north of which is an electricity sub station screened by a brick wall and fence. Beyond this there is an unmade vehicular and pedestrian access to the service area and garages located at the rear of the building. This access also serves the units located to the north in Milvil Road and those fronting High Street. Four of the other existing commercial units at ground floor level in Milvil Court are shops with the fifth unit being a dental surgery. There is a bus stop in a lay-by on the west side of Milvil Road opposite the application site and on street parking on the east side of the road and within the High Street.

The applicant proposes to change the use of these ground floor premises from a retail shop to a tea room, operating under Use Class A3. The tea room would open from 9am – 5pm Monday to Saturday and 10am – 4pm on Sundays and Bank Holidays. The business would employ 1 full time and 1 part time member of staff.

The internal layout will comprise a seating area, an open plan kitchen/wash up area with a sales counter in front. There will also be a WC suitable for use by the disabled. An internal ventilation and extract system is to be installed from the cooker hood and WC to discharge via two simple 150 x 150mm square exhaust louvers attached to the ground floor north facing wall to the building. The vents will be fitted approximately 2.5 and 3 metres above ground level discharging over the sub station enclosure.

Relevant Planning History

K7934 - Change of use from residential to a hairdresser's salon - permitted 19.04.73
K7934/1 - Installation of new shop front - permitted 05.03.98

Relevant Policies

Gosport Borough Local Plan Review, 2006:

- R/DP1
- General Standards of Development within the Urban Area
- R/DP10
- Marine Parade Area of Special Character
- R/S3
- Principal & District Shopping Centres
- R/T11
- Access and Parking

R/ENV10
Noise Pollution

Consultations

Environmental Health (Commercial)

Due to the limited nature of the business regarding hot food preparation the proposed mechanical extract system is sufficient. No objection.

Response to Public Advertisement

1 letter of objection

Issues raised:-

- shops in Milvil Court are not able to sell food
- there are several cafes and take-aways in the area and another will not be popular with residents

Principal Issues

1. Any restrictions within the property deeds relating to the sale of food from the premises is a private legal matter and not an issue for the Local Planning Authority. Therefore the main issues in this case are the impact of the proposed A3 use on the vitality and viability of the Lee-on-the-Solent Town Centre District Shopping Centre, whether it will impact on the character of the Marine Parade Area of Special Character, 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 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 as 79% of the total frontage within the District Centre is occupied by A1 and A2 uses. Moreover, the application site is currently vacant and the introduction of a tea room will bring it back into economic use and therefore help to enhance the vitality and viability of the District Shopping Centre, generating the equivalent of 1.5 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 existing shop front is to be retained and this will preserve the character and appearance of the Marine Parade Area of Special Character. The introduction of two simple louvre vents on the north elevation will not have a detrimental impact on the appearance of the building. Therefore the proposal complies with Policies R/DP1 and R/DP10 of the Gosport Borough Local Plan Review.

4. The application site is located in a District 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 in the area, the proposed change of use will not have a detrimental impact on traffic or parking conditions in the locality. Refuse from the tea room will be stored at the rear of the site as previously. The premises will continue to be serviced as at present. 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 is similar to many other establishments within Milvil Road and the High Street and is acceptable in a District 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 located in the north

elevation of the property distant from any windows serving upper floor residential accommodation. The Head of Environmental Health has confirmed that the proposed mechanical extract system is sufficient for the limited nature of the business regarding hot food preparation and is appropriate to preserve the amenities of the adjoining residents. As such the proposal will not be detrimental to the amenities of adjoining occupiers and therefore 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 Town Centre District Shopping Centre and will generate additional employment opportunities. It will not have any detrimental impact on the design of the building or the character of the Marine Parade Area of Special Character. 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/DP10, 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 ventilation/extract system and external exhaust louvre vents shall be installed before the use hereby approved is commenced. The ventilation system shall thereafter be 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.

ITEM NUMBER: 05.
APPLICATION NUMBER: K17379/1
APPLICANT: Mr Rupert Broissier
DATE REGISTERED: 06.11.2009

CONTINUED USE OF LAND AS ANCILLARY CAR PARK AND BOAT STORAGE AREA
Gosport Marina Mumby Road Gosport Hampshire PO12 1AH

The Site and the proposal

The application site is within Coldharbour, situated on the northern side of Mumby Road. On the north west boundary is a two storey industrial building currently occupied by Evans Brush Machines Ltd. On the south east boundary is a three storey industrial building occupied by STS Defence Ltd. To the north is the existing Gosport Marina car park, and to the north east The Quarterdeck, a residential development containing 46 flats. On the southern side of Mumby Road is Wises Court, a four storey flatted development, a chandlery and to the east of this a staggered terrace of 8 three storey townhouses.

The application site is 0.5 hectares in area and is approximately 1metre lower than the footpath which adjoins Mumby Road. The site was previously occupied by industrial buildings. However, these buildings, which had stood vacant for more than 5 years, were demolished early in 2007 for health and safety reasons. The site is currently used on an informal basis for boat storage and car parking associated with Gosport Marina following the grant of a temporary planning consent in June 2007. There is a 2 metre high chain link fence with concrete and metal supporting posts around the site. Double gates have been installed adjacent to the existing entrance gates in Harbour Road to provide independent access to the site. There are also further double gates accessing the site from the existing Gosport Marina car park. The existing concrete hardstand and floor slabs of the former buildings have been made good and provide an even and well-drained surface. The use of this land for car parking and boat storage ancillary to the Gosport Marina operations has lead to the employment of 5 further members of staff. The applicant, Premier Marinas, are seeking a further consent to continue this use whilst they continue working in partnership with Gosport Borough Council to develop the Masterplan for the redevelopment of the area.

Relevant Planning History

K17379 - Use of land as ancillary car park and boat storage with replacement 2 metre high boundary fence - permitted 25.06.07 for a limited period expiring on the 30.06.09

Relevant Policies

Gosport Borough Local Plan Review, 2006:

- R/DP4
- Mixed-use Developments
- R/T2
- New Development
- R/T10
- Traffic Management
- R/T11
- Access and Parking
- R/EMP2
- Land Allocated for Employment Use as Part of Mixed-Use Development
- R/EMP4
- Marine Related Employment
- R/EMP7
- Low Employment Generating Uses
- R/CH1

Development within the Coastal Zone
R/DP1
General Standards of Development within the Urban Area
R/OS11
Protection of Areas of National Nature Conservation Importance
R/ENV2
River and Groundwater Protection
R/ENV10
Noise Pollution

Consultations

Natural England	No objection. The proposal is unlikely to have a significant effect on the Portsmouth Harbour SPA/Ramsar site or any of the features of interest of the Portsmouth Harbour SSSI.
Environment Agency (Hants & IOW)	No objection.
Economic Prosperity	Temporary permission has been granted for this use before. It is a key waterfront site and it is of concern that it is only supporting up to 7 jobs. It is a key town centre site ideal for supporting employment creation in the marine, business services and leisure sectors.
Local Highway Authority	No objection to renewal of temporary consent subject to a condition that the parking facilities are used as ancillary to the existing marina operation.

Response to Public Advertisement

1 letter of support

Issues raised:-

- no objection to the land being used as described in the application
- there have been no problems with traffic and privacy is not affected
- storing boats in this space is appropriate and in keeping with the area

Principal Issues

1. The application site is located within the Urban Area Boundary, Coastal Zone and an area designated for mixed use development under Policy R/DP4 of the Gosport Borough Local Plan Review. The main issues in this case are therefore the acceptability of the continued use in this location with regard to the impacts on the character and appearance of the coast and wider locality, the amenities of adjoining residents, nature conservation, pollution of controlled waters and traffic/parking conditions in the locality.

2. It is expected that comprehensive redevelopment of this key town centre waterfront location will provide significant opportunities for marine and commercial related employment uses. The applicant is a partner with the Borough Council in discussions over a Waterfront Masterplan for the area. The use of the site by Gosport Marina for car parking and boat storage is marine related and therefore, in principle, is an appropriate use in this location, in compliance with Policies R/DP4 and R/EMP4 of the Gosport Borough Local Plan Review. Whilst the employment generation from this particular use is limited, the reason why a temporary planning consent was granted in 2007, its continued use for

this purpose will not prejudice the future comprehensive redevelopment of the area. Government guidance states that it is inappropriate to grant repeated temporary consents for extended periods of time and in this instance it is considered that a full permission is appropriate in accordance with Policies R/EMP2 and R/EMP7 of the Gosport Borough Local Plan Review.

3. The site is within an established industrial area, dominated by marine related uses. The proposals are in keeping with these existing uses and therefore will not have a detrimental effect on the amenities of residents within The Quarterdeck, or those opposite the site in Mumby Road and Wises Court. The proposal will not impede the flow of floodwater, or increase the number of people or properties at risk of flooding, or reduce the capacity of the floodplain to store water, or affect the quality of surface, ground or coastal water quality, and is a sufficient distance from the waterside so as not to prejudice the interests of nature conservation. Therefore the proposal complies with Policies R/DP1, R/CH1, R/ENV2, R/ENV10 and R/OS11 of the Gosport Borough Local Plan Review.

4. It is not proposed to increase the number of berths and therefore the proposals will maintain the existing parking and boat storage facilities available to the existing marina. The access is adjacent to the existing access points from Harbour Road and the proposals will have no impact on highway safety conditions in the locality. As such, the proposal complies with Policies R/T2, R/T10 and R/T11 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 continued use is acceptable in this location and will enhance the existing marina facility. It will not prejudice the future comprehensive redevelopment of the area. The proposals will not be harmful to the character or appearance of the designated coastal zone, or wider area, or the amenities of nearby residents, or nature conservation interests, or result in the pollution of controlled waters or adversely affect traffic/parking conditions in the locality. As such, the proposal complies with Policies R/DP1, R/DP4, R/EMP2, R/EMP4, R/EMP7, R/CH1, R/OS11, R/ENV2, R/ENV10, R/T2, R/T10 and R/T11 of the Gosport Borough Local Plan Review.

Subject to the following conditions:-

1. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any replacement or re-enactment thereof), the land shall be used only for purposes of car parking and boat storage ancillary to the existing marina operation and for no other purpose whatsoever.

Reason - To protect the amenities of neighbouring occupiers and the character and appearance of the area and to comply with Policies R/DP1 and R/CH1 of the Gosport Borough Local Plan Review.

2. The ramp and steps are purpose designed and will provide safe and convenient access for all users of the building. 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 safe and convenient 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).

Principal Issues

1. The Local Highway Authority has confirmed that there will be no impact on highway safety therefore the only issue is the impact on visual amenity and the street scene.
2. The visual context of the site is that of existing street furniture, the appearance of which is partially screened and softened by the existing grass mound and vegetation, particularly when viewed from the south. The high red brick walls around QinetiQ and Haslar Hospital also restrict perspective views of the site when travelling south along Haslar Road. Whilst the pole will exceed the height of the existing street furniture it has been simply designed to reflect the existing context and will not appear overly intrusive. The equipment cabinet is relatively small and set against the pavement edge and is similar to many structures which are commonly found in these roadside locations. For these reasons the proposal will not have a harmful affect on the appearance of the locality or the street scene.
3. Although there are residential properties nearby, these mainly face onto Clayhall Road and the grassed area and vegetation in between provides effective visual separation. For these reasons, and given the context of the existing street furniture, the proposal will not have a detrimental impact on the visual amenities of nearby residential properties.
4. In support of this submission radio coverage plot maps have been provided to demonstrate the 'need' for the installation. An ICNIRP certificate (confirmation by the International Commission on Non-Ionising Radiation Protection that the installation would comply with their guidelines) has been provided. Planning Policy Guidance 8: Telecommunications advises that in these circumstances impact on health need not be considered by the Local Planning Authority.
5. As such, I consider the siting and design appropriate and in compliance with Policies R/DP1 and R/ENV13 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 siting and appearance are acceptable in this location in compliance with Policies R/DP1 and R/ENV13 of the Gosport Borough Local Plan Review.