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10 January 2011

S U M M O N S

MEETING: Regulatory Board
DATE: 18 January 2011
TIME: 6.00pm
PLACE: Council Chamber
Democratic Services contact: Lisa Young

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

Councillor CR Carter (Chairman)
Councillor Edwards (Vice Chairman)

Councillor Ms Ballard	Councillor Ronayne
Councillor Henshaw	Councillor Scard
Councillor Hylands	Councillor Miss West
Councillor Langdon	Councillor Wright

The Mayor (Councillor Allen) (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 and Planning Services: 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. MINUTES OF THE MEETING OF THE BOARD HELD ON 7 DECEMBER 2010.

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, 14 January 2011. 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, 14 January 2011).

6. HISTORIC BUILDINGS GRANT OFFER – 3 FERROL ROAD, GOSPORT

To advise the Board of an application for grant aid under Section 57 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the repair and restoration of a slate roof.

PART II
Contact Officer:
Alex Rowse
Ext 5414

7. REPORTS OF THE BOROUGH SOLICITOR

*Schedule of planning applications with recommendations.
(grey sheets – pages 1 –42/1)*

PART II
Contact Officer:
Debbie Gore
Ext 5455

8. ANY OTHER ITEMS

Regulatory Board
18 January 2011

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

Board/Committee:	REGULATORY BOARD
Date of Meeting:	18 JANUARY 2011
Title:	HISTORIC BUILDINGS GRANT OFFER – 3 FERROL ROAD, GOSPORT
Author:	BOROUGH SOLICITOR
Status:	FOR APPROVAL

Purpose

To advise the Board of an application for grant aid under Section 57 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the repair and restoration of a slate roof.

Recommendation

The Board approves a grant offer of £1,035.00 or 15% of the final cost, (whichever is the lesser sum) for the repair and restoration of a slate roof.

1.0 Background

- 1.1 The Historic Buildings Grant budget is a discretionary budget towards which owners of historic buildings may apply for grant assistance for repair or restoration works. Eligible properties include Listed Buildings, historic buildings in Conservation Areas and Locally Listed Buildings. The level of potential grant assistance varies depending on the status of the building. A Grade II Listed Building, such as 3 Ferrol Road, would be eligible for a grant of up to 15% of the total cost of repair and restoration works.
- 1.2 An application has been made by the owner 3 Ferrol Road for grant assistance towards the cost of repairing and restoring a traditional slate roof. The current roof is old concrete tiles and is leaking badly.
- 1.3 3 Ferrol Road forms part of a range of mid 19th century cottages that are believed to have been built for boat builders. The buildings were originally built with slate roofs. This is a unique group of original weather boarded buildings, which is a building tradition that used to be more common in the Borough. 3 Ferrol Road is Grade II Listed and located within the Forton Road Conservation Area.

2.0 Report

- 2.1 The works comprise the repair and restoration of traditional slate roof. Based on eligible items the lowest quotation submitted for these works is £6, 900.00 (including VAT).
- 2.2. The repair and restoration of slate roof would be eligible for grant assistance as the works would ensure that the special character of the

Listed Building and its contribution to the Forton Road Conservation Area is preserved.

2.3 The current application is for general restoration of a Listed Building. Consequently, the proposed works would be eligible for a grant of 15%.

2.4 Based on the figures detailed in paragraph 2.1, this would result in a grant of £1,035.00.

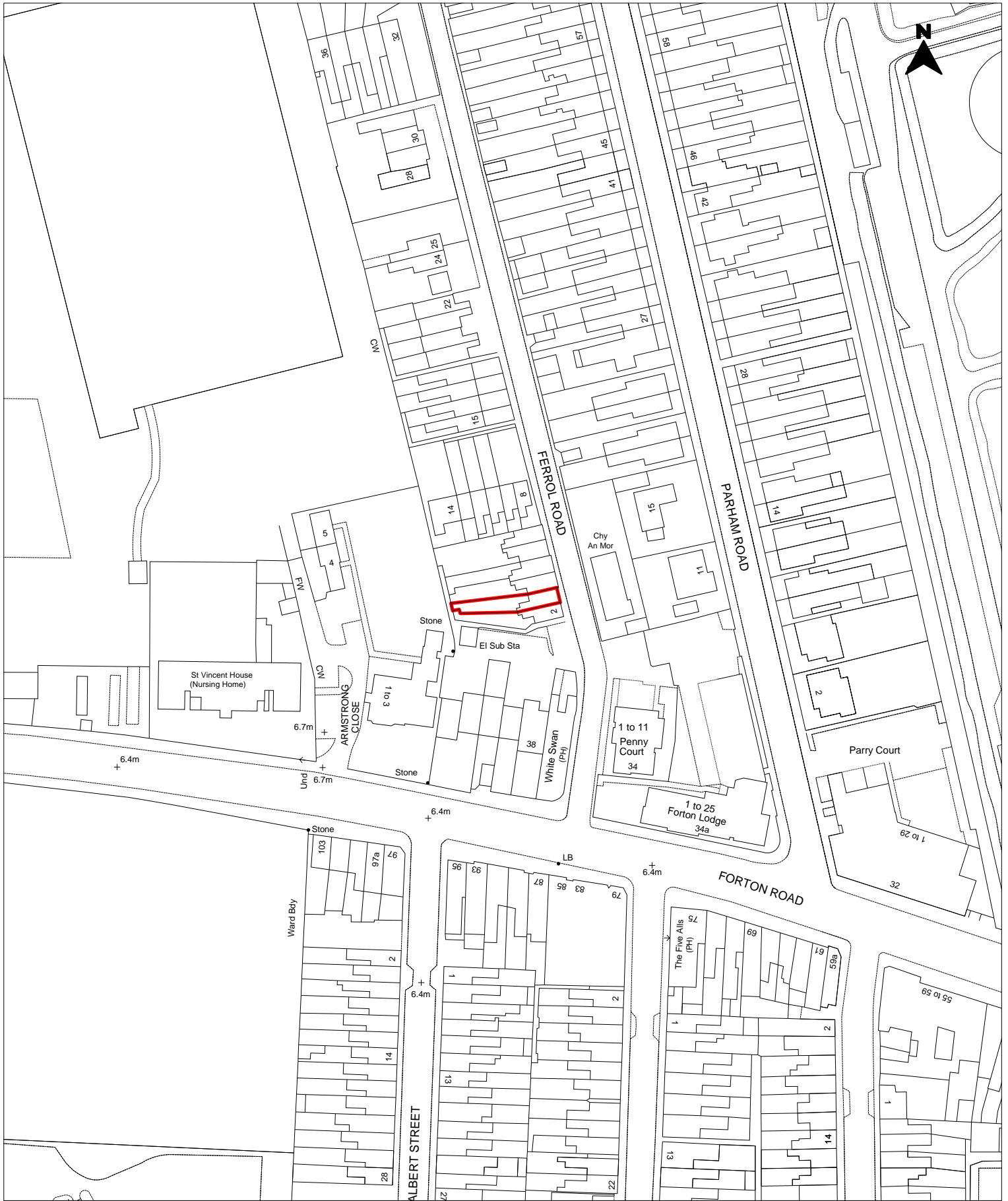
3.0 Risk Assessment

3.1 There are sufficient funds within the current Historic Buildings Grant budget to support this application.

4.0 Conclusion

That the application is approved on the basis that it fulfils the criteria for Historic Buildings Grant assistance and the works are in accordance with the Gosport Borough Council's objectives for protecting Listed Buildings in the Local Plan Area.

Financial implications:	Paragraph 3.1 refers.
Legal implications:	None.
Service Improvement Plan:	The service plays a key role in the restoration of the historic environment which positively contributes to the preservation of the special character of Gosport.
Corporate Plan:	The works contribute to the conservation and enhancement of a Listed Building and the Forton Road Conservation Area: part of Gosport's unique character.
Risk assessment:	No risks have been identified.
Background papers:	None.
Appendices/enclosures:	Copy of grant application and location plan.
Report author/Lead Officer:	Alexandra Rowse, Conservation & Design Officer



Historic Building Grant
Location Plan
3 Ferrol Road

MAP REFERENCE : SU6100SW
SCALE : 1:1250
DATE : 07/12/2010

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

18th January 2011

ITEMS WITH RECOMMENDATIONS

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

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<u>Item</u>	<u>Page No</u>	<u>Appl. No.</u>	<u>Address</u>	<u>Recommendation</u>
01.	03-05	K16086/2	7 Ellachie Mews Gosport Hampshire PO12 2DR	Grant Permission
02.	06-12	K464/2	91 Oval Gardens Gosport Hampshire PO12 2RD	Refuse
03.	13-15	K16416/38	Royal Clarence Yard Weevil Lane Gosport Hampshire	Grant Permission
04.	16-19	K2826/1	149 Rowner Lane Gosport Hampshire PO13 9SP	Grant Permission
05.	20-25	K17160/2	Land Rear Of 121 - 127 Stoke Road Gosport Hampshire	Grant Permission
06.	26-29	K6907/1	53 Anglesey Arms Road Gosport Hampshire PO12 2DG	Grant Permission
07.	30-32	K17892	63A & B The Avenue Gosport Hampshire PO12 2JX	Grant Permission
08.	33-39	K14302/7	Land North Of 47 Monckton Road Gosport Hampshire PO12 2BG	Grant Permission
09.	40-42	K5941/4	9 Stokesway Stoke Road Gosport Hampshire	Grant Permission

ITEM NUMBER: 01.
APPLICATION NUMBER: K16086/2
APPLICANT: Mr Ross Wincott
DATE REGISTERED: 02.11.2010

**APPLICATION TO REMOVE CONDITION 9 OF K16086/1 RELATING TO OBSCURE
GLAZING OF WINDOW ON THE NORTH WEST ELEVATION (CONSERVATION AREA)
7 Ellachie Mews Gosport Hampshire PO12 2DR**

The Site and the proposal

This application was considered by the Regulatory Board on 7 December 2010 when Members resolved to defer the item for a site visit.

The application site is located at the end of Ellachie Mews and has boundaries with St Peter's Cottage, 1-4 Ellachie Road, the Institute of Naval Medicine and Monckton Cottage. St Peter's Cottage is a two storey property, which forms the southern boundary. The properties on Ellachie Road, to the west, are three storeys high and have rear gardens approximately 30 metres in length. No.7 Ellachie Mews, the subject of this application, is located on the north west side of the site with Monckton Cottage to the east both of which are served by an access onto Ellachie Mews. The site is located within the Anglesey Conservation Area.

This application seeks to remove condition 9 of the original planning permission (K16086/1) for the construction of the dwelling. Condition 9 requires the two-storey high window serving the hall, stairs and landing area, sited centrally on the west elevation, to be obscure glazed. The window has been installed with clear glass and the applicant is seeking to retain it in that condition.

Relevant Planning History

K16086/1 - Erection of detached dwelling - permitted 18.08.04

Condition 9 states:

"The windows on the north west elevation outlined in green on the approved plan shall be glazed with obscure glass and shall be retained in that condition.

Reason - To preserve the amenity of the adjoining property, and to comply with Policies BE1 and BE3 of the Gosport Borough Local Plan."

ENF/031/08 - Non-compliance with condition 9 of application K.16086/1 - received 01.05.08

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/T11
- Access and Parking
- R/OS8
- Recreational Space for New Residential Developments

Consultations

The Gosport Society	No objection.
Building Control	No comment.

Response to Public Advertisement

2 letters of objection

Issues raised:-

- nothing has changed since the condition was imposed by the Committee in approving the dwelling
- the window is only a few feet from the garden of 3 Ellachie Road and occupies a vantage point 12-15 feet in height
- the three paned, large upper hall window (virtually ceiling to floor) in the middle of the wall lines up with the centre of the garden (of No.3) overlooking its lawn
- privacy screens erected by the occupants of no.3 have failed to address the issue of privacy due to the height and position of the window
- willing to compromise if just the upper floor window was obscure glazed
- exasperated that the condition remains unenforced some years after the building was erected

Principal Issues

1. The principle of a house, the level of parking and other issues associated with the new dwelling, were considered acceptable in this location and to preserve the character and appearance of the Conservation Area, and were approved under application K16086/1. Contributions towards open space were also paid on commencement of the dwelling. Whilst in the event this application is approved it would constitute a new full permission for development, this application is specifically seeking the removal of condition 9 attached to the original permission. The main issue in this case is the effect of not having obscure glazing in this window and the impact on the living conditions of the adjacent residential properties in Ellachie Road.

2. The original application for the dwelling was reported to the Regulatory Board on 25 May 2004. It was noted within the Officer report at the time that there were a number of windows proposed facing onto the gardens of Ellachie Road, however, the dwellings were some 30 metres from the side elevation and this separation distance exceeded the residential design guidelines contained within the Local Plan Review by more than 9 metres. The window itself serves a non-habitable area and although views are possible when using the stairs or landing area, it overlooks the end of the neighbours' garden rather than the more private areas associated with that directly adjacent to the house. It was concluded that this and the other proposed windows on this elevation would not result in a harmful loss of privacy. The Minutes of the meeting confirm that a deputation was made by Dr North of 3 Ellachie Road, expressing concern regarding privacy and that the applicant, Mr Collins, who is no longer the owner of the property, was invited to address the Board. In response to the concerns regarding privacy, the Chairman asked if the applicant would agree to the imposition of a condition requiring this window to be obscure glazed, and, following his agreement, planning permission was granted subject to the additional condition 9.

3. The material planning considerations have not changed since the granting of planning permission K16086/2 and the guidelines relating to residential separation distances remain within the Local Plan Review. Having regard to the separation distances, which exceed the guidelines by approximately 9 metres, it is considered that the removal of the condition and requirement to obscure glaze the window, would not have a detrimental impact on the privacy of the neighbouring properties and the proposal accords with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. As a new planning permission it is appropriate to renew and update all of the conditions attached to the original permission. As the property has been built, the only conditions that remain of relevance are those that require continued compliance. Therefore it is considered appropriate to impose amended versions of conditions 5, 7 and 8 previously attached to planning permission K16086/1, relating to the retention of car parking, the obscure glazing of the first floor window in the southeast elevation (a bathroom window facing onto Monckton Cottage) and retention of the cycle storage. The other conditions attached to the original permission have either been satisfied, or new legislation relating to permitted development now provides additional controls to protect privacy and the conditions are no longer required.

5. The length of time it has taken to deal with this matter is extremely unfortunate but enforcement powers are discretionary and due to staffing shortages over the last few years, priority has had to be given to the determination of planning applications, being the main statutory function of the planning service. Regrettably this has resulted in unavoidable delays in investigating and dealing with breaches of planning control. Contact has been made with the current owner in order to secure compliance with the condition, however, these attempts have been unsuccessful and the applicant has exercised their right to seek removal of the condition in the first instance.

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 as such complies with Policies Plan and Policies R/DP1, R/BH1, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

Subject to the following conditions:-

1. The existing parking areas, approved under application K16086/1, shall be retained for that purpose at all times.

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

2. The obscure glazed windows at first floor level on the southeast elevation 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.

3. The existing cycle storage facilities, approved under application K16086/1, shall be retained at all times.

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

ITEM NUMBER: 02.
APPLICATION NUMBER: K464/2
APPLICANT: Mr C. Caswell
DATE REGISTERED: 29.09.2010

OUTLINE APPLICATION - DEMOLITION OF EXISTING DWELLING AND ERECTION OF RESIDENTIAL CARE HOME (18NO. RESIDENTS) (as amended by plans received 08.11.10)

91 Oval Gardens Gosport Hampshire PO12 2RD

The Site and the proposal

The application site is approximately 0.10 hectares in area and is located in an established residential area on the western side of Oval Gardens at its northern end, on its junction with the eastern arm of Oval Gardens, to the south of its junction with Privett Road. The site comprises the land currently occupied by 91 Oval Gardens, a detached five bedroom chalet bungalow and a detached garage positioned to the rear located adjacent to the southern boundary, and an approximately 12 metre wide, 10 metre deep section of the rear garden serving 111 Privett Road. The gabled side elevation to 91 Oval Gardens with its single storey gabled front bay windows are readily visible within the overall street scene when approaching the site from the south and it has a soft landscaped front garden with a low boundary wall. There are two dropped kerbs to the frontage providing access to the site. There is existing onsite parking space within the garage and on the driveway and in front of the property. The rear garden is approximately 26 metres deep and mainly laid to lawn with some shrubs to the boundaries. The southern boundary to the site with 90 Oval Gardens comprises boundary walls between 1 and 2.2 metres in height. The western boundary comprises 1.8 metre high fencing with trellis above and shrubs beyond. The northern boundary is a 1.2 metre high rendered wall which will need to be breached so the site can extend into the rear garden of 111 Privett Road.

The neighbouring houses and bungalows are mostly of the inter war era and provide a diverse mix of individually designed dwellings of distinct styles and forms. Additionally, despite their individual designs, the properties sit well in the area and respect their context. The property located to the south, 90 Oval Gardens, is a detached house with a gabled roof with the ridge running from north to south. It has twin two storey bays on the front elevation and a two storey flat roofed extension at the rear. It is constructed in brick at ground floor level with pebble dash render above under a concrete tiled roof. It contains no windows in its north side elevation facing the application site. Numbers 88/89 are a pair of semi-detached houses with hipped roofs and number 87 is a detached house with a hipped roof and gabled frontage element. On the opposite side of the road, to the southeast, number 32 is a detached bungalow and numbers 33/34 are a pair of semi-detached bungalows with hipped roofs. To the west of the application site are the rear gardens to properties fronting Charlesbury Avenue. Numbers 1/3 and 5/7 are pairs of semi-detached houses with hipped roofs that adjoin the application site. On the rear of these properties number 1 has a conservatory, number 3 a single storey extension, number 5 a two storey extension with bedroom windows at first floor level under a hipped roof and number 7 a single storey rear extension. The rear elevations to these properties are approximately 25 metres away from the application site boundary. There are four properties located to the north of the application site that front onto Privett Road. Number 107 is located on the corner and has a vehicular access from Oval Gardens located adjacent to the application site boundary. This access serves a flat roofed double garage. The property is a detached bungalow with a gabled roof and a subservient hipped element to the rear. There is a velux roof light in the rear slope to the main roof. A single storey annexe is currently under construction on the rear of the property positioned towards the eastern boundary. Number 109 is a detached house with a gabled roof with the ridge running from north to south. It has a bedroom and obscure glazed window in its first floor rear elevation. Number 111 is a detached two storey house, the applicant's own residence, and has a gabled roof with the ridge running from west to east with a two storey projecting hipped element at the rear. There are two windows at first floor level in the rear elevation. Number 115 is a chalet bungalow with the ridge running from west to east and has three dormer windows in its rear elevation. It also has a conservatory and flat roofed single storey

extension on the rear. There is a large rendered shed in the back garden adjacent to the northwest corner of the application site boundary. These four properties are located in plots which are 40 metres deep which is the same depth as the plots containing other properties fronting Privett Road located to the east of the junction with Oval Gardens. There is a minimum rear garden depth of 21 metres between the two storey elements on the rear of these four properties at present.

The application site is situated within 400 metres of the Queen's Parade Neighbourhood Shopping Centre and just over 400 metres from the Bury Cross Neighbourhood Shopping Centre and is within walking distance of Privett Park Recreation Ground. Privett Road forms part of the route followed by two 'First' bus services, numbers 34 and 72, that take passengers east to the Town Centre via the War Memorial Hospital and Stoke Road or west to Lee-on-the-Solent and then onto Stubbington and north to Fareham Town Centre.

This is an outline application for the erection of a residential care home for 18 residents with approval being sought for access, appearance, layout and scale. Landscaping is not for consideration at this stage. It is proposed that the chalet bungalow and garage located at 91 Oval Gardens be demolished and part of the back garden to 111 Privett Road be incorporated into the site so that a new purpose designed 18 bedroom care home can be built. This would in the main be a three storey building approximately 8.4 metres high to the top of a mansard style roof. The front elevation to the building would be 12 metres wide widening to 14.5 metres as it steps back into the site to a depth of approximately 16.5 metres, beyond which will be a 10 metre deep single storey element with a hipped roof containing the sitting room and a further 5 metre deep single storey dining room under a hipped roof projecting 1.5 metres out beyond the southern side elevation. The front elevation would be symmetrical with 1 metre deep two storey flat roofed square bay windows positioned either side of a central 1.8 metre deep single storey flat roofed entrance porch. There would be three flat roofed dormer windows to the second floor of this elevation. The resultant building would have a total depth of over 28 metres with a retained garden area to the rear between 8 and 12 metres in depth. The main front elevation of the building will be set back a further 3 metres from the pavement compared to the existing front elevation of the chalet bungalow. In addition, a 10 metre deep section of the rear garden currently serving 111 Privett Road would be used to accommodate the widest part of the building and provide additional amenity space for the residents. It is proposed that the building would be constructed in red multi facing brick with contrasting string courses in buff coloured brick at plinth level, window head level and between ground and first floor levels. The roof would be covered in grey slate with lead sides to the dormer windows. The windows would be white pvcu sash style with stone heads and sills. Roof lights to the side elevations and those to be positioned on top of the main flat roof would also be in white pvcu. The double doors to the entrance porch on the front elevation would be six panel constructed in hardwood. Additional dormer windows would be proposed in the side and rear elevations. There would be 6 en-suite bedrooms on each floor and in addition to the sitting and dining rooms on the ground floor there would be a wheelchair accessible bathroom, a kitchen and utility room, and a store room as well as a lift and staircase to all three floors. The first floor would contain a laundry room and the second floor an office. In order to overcome unacceptable overlooking and loss of privacy, amended plans have been submitted that show the windows in the south and north side elevations at first and second floor level to be obscure glazed and fixed shut below 1.7 metres above finished floor level but with clear glazed top hung opening lights above.

The existing drive is to be widened and an in/out arrangement would operate via the existing dropped kerb access points. A total of 7 car parking spaces would be provided, with 2 being suitable for use by disabled drivers, with an aisle width of 6 metres occupying the total frontage area of the site. Beyond the parking area, to the southern side of the building, an enclosure is indicated for refuse storage and a secure store for 5 cycles. Space is also available to provide visitor cycle hoops. The useable amenity space situated at the rear and to the north of the building would provide approximately 310 square metres for use by residents. The applicant has indicated that he will continue to live at 111 Privett Road and deliveries will be undertaken by him and his wife. Management of the care home will also be carried out by him, as will the general maintenance of the site, the proposed building and its grounds. The development will generate jobs for 1 full time and 2 part time employees.

The application is supported by a report on highway issues.

Relevant Planning History

Pre-application enquiry P.103/05/10 for 20 bedroom residential care home - concerns as to the scale and design of the proposal and its impact on the character of the area, loss of garden to 111 Privett Road, inadequate access arrangements and car parking provision, inappropriate to have obscure glazed windows to residents bedrooms and inadequate amenity space on site further suggesting an unacceptable overdevelopment, financial contributions required towards transport infrastructure and the making of a Traffic Regulation Order to prevent parking on the bend/junction fronting the property - comments provided 05.05.10

Pre-application enquiry P.103/058/10 for 20 bedroom residential care home - revised design and car parking provision - comments not provided as planning application received

Relevant Policies

Planning Policy Statement 3 (PPS3): Housing

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/H8

Accommodation for the elderly

R/T2

New Development

R/T4

Off-site Transport Infrastructure

R/T10

Traffic Management

R/T11

Access and Parking

R/ENV10

Noise Pollution

Consultations

Streetscene (Parks & Horticulture)

No objection. There are no trees worthy of retention on the site.

Local Highway Authority

The proposed 7 car parking spaces are acceptable for a care home of this size and the cycle parking provision is to the standard required. A financial contribution towards transport infrastructure improvements is required. The contribution will be spent improving the bus shelter infrastructure on Privett Road that best serves the proposed development. These could include improvements to bus shelters, seating, bus flags and raised kerbs. They will make the use of the bus services that use Privett Road more attractive to staff and residents visitors thereby offering a viable alternative to the use of the private car for these journeys. In addition, in order to prevent on street parking to protect visibility at the entrance and exit to the site it is required that the applicant fund a

Traffic Regulation Order.

National Care Standards Commission

The Adult Services Department have no comments to make on the application.

Environmental Health (Commercial)

The kitchen will need to be fitted with an exhaust system and extractor fan that is appropriately sized, and precautions to minimise noise, vibrations and smells taken. The system shall be maintained and effectively operated during the use of the premises.

Response to Public Advertisement

93 letters of objection

1 petition of objection containing 140 signatures

Issues raised:-

- inappropriate commercial use in a family residential road
- such a large 3 storey property is out of character with Oval Gardens and surrounding properties
- density too high and building is overbearing in relation to existing residential properties
- not in keeping with the character of the area in terms of scale, mass, siting, density and layout
- by virtue of its siting, design and layout it does not provide adequate amenity space around the building in terms of quantity and quality for prospective residents
- proposal fails to provide a pleasant and interesting aspect for residents particularly those who have bedrooms with obscure glazed windows
- increased noise generated by such a use in a building of the size proposed
- unacceptable catering smells/cooking fumes
- loss of privacy/overlooking of neighbouring gardens
- loss of light/overshadowing due to the scale of the building
- loss of outlook from neighbouring properties
- increased vehicular traffic from staff, deliveries, doctors, hairdressers, relatives visiting etc.
- existing traffic/parking problems in the area, particularly when there is a football match at Privett Park
- the road is used as a rat run
- dangerous for children who use route to and from school
- dangerous access points to the site on a bend in the road
- inadequate on site parking/turning provision
- there will be a noticeable increase in traffic movements due to this development
- whilst staff may be encouraged to cycle or car share, this is often not the case
- size of development should be scaled down to allow more parking and reduce traffic generation
- will result in 'garden grabbing' as it requires the majority of the garden space at 91 Oval Gardens together with a large proportion of the adjoining garden at 111 Privett Road contrary to PPS 3
- proposal will have a detrimental impact on wildlife
- increased demand on water, sewage, and waste disposal all at commercial level
- design and access statement comments differ from details shown on the submitted plans
- possible impact on property values
- should the venture fail use could change to half way house or hostel
- plans may not meet the standards set by the Care Quality Commission, there is no staff room, sluice room or external fire escape
- noise and disturbance during building works

29 letters of support

Issues raised:-

- shortage of new retirement home accommodation in the area
- will provide a much needed care home for the elderly
- the elderly should have the right to live out their last years in modern well run caring homes

- located in residential areas they know
- local facilities and bus routes are good in this part of Gosport
- well thought out proposal
- from my visits to similar homes over the years the activity and movement will be no different to a large family house
- traffic generation will be minimal
- building is of an attractive design and sympathetic to the area
- it will create more needed jobs in the area

Principal Issues

1. The application site is located within the Urban Area Boundary where the principle of this type of institutional residential development is accepted provided that the details accord with Planning Policy Statement 3 (PPS 3): Housing and Policy R/DP1 of the Gosport Borough Local Plan Review. Possible cooking fumes and noise generated by the kitchen can be controlled by the installation of a suitable extraction system and appropriate maintenance and this matter can be dealt with by condition. The applicant has confirmed there is no evidence of any activity by protected species on the application site and there are no badgers present on the site. The cost of additional water consumption and issues of waste disposal are matters for the applicant to consider. The Design and Access Statement is prepared by the applicant in support of their proposal but the Regulatory Board is considering the details as shown on the submitted plans. The possible impact on property values is not a material consideration for the Local Planning Authority. Each planning application has to be considered on its merits and any future proposals for a different use of the site would need to be considered in the light of relevant policies at the time. The requirements of the Care Quality Commission are matters for them to consider under the relevant legislation and not for the Local Planning Authority. It is inevitable that there will be some noise during building works but should this create a statutory noise nuisance then action could be taken under the Environmental Protection Act. Therefore the main issues for consideration in this case are the acceptability of this site for this type of development, the appropriateness of the design, the impact on the residential amenity for occupiers, the effects on neighbouring properties, and highway issues.

2. The site is located in an established residential area and any new development should respect the context in which it is set and the character of the area and its domestic scale. The current dwelling is a bungalow in a prominent location and has a largely soft landscaped front garden, whereas the proposal shows a predominantly hard landscaped front garden. The massing is too large and bulky for the specific site location as well as its context. The massing and depth of the proposed development significantly exceeds that of other dwellings in the area. It will be dominant in the street scene and clearly visible when entering Oval Gardens from the north and turning the corner on which it is located. It will also be overly incongruous with its Mansard style roof form and projecting dormer windows at full three storey height when viewed from the south, positioned to the north of the lower roofed and set back house, 90 Oval Gardens. The Government has recently amended the definition of previously developed land within Appendix B of Planning Policy Statement 3: (PPS 3) Housing to exclude private residential gardens and as such there is no, in principle, acceptance that this type of land should be utilised for this type of development particularly taking into account the cramped and congested arrangement of the proposal. It has a footprint over double that of the relatively large chalet bungalow it is to replace and needs to also occupy part of the rear garden serving 111 Privett Road and incorporate half of the rear garden to provide additional amenity space thereby resulting in the significant erosion of garden land currently serving this property. The proposal would therefore be contrary to the aims and objectives of PPS 3 and Policy R/DP1 of the Gosport Borough Local Plan Review.

3. The scale, mass, setting, design and landscaping of the building is completely out of keeping with that of the existing residential buildings in the immediate area. At a height of 8.4 metres it is over a metre taller than the neighbouring property, 90 Oval Gardens, and the width of the frontage is excessive when compared to any other residential properties in the vicinity. The symmetry of the building and unbroken ridgeline and frontage dormer windows within a Mansard roof emphasise the excessive width and height of the building. This is also emphasised by the proximity of the building to the highway and the hard landscaped frontage, lack of space around it and therefore limited

opportunity to adequately landscape, and therefore, soften the building. The contrived design with the need to obscure windows to the side elevations and scale of the single storey rear elements significantly detract from the appearance of the building. This is not an appropriate location for a building of this size and massing and as such it causes significant harm to the appearance of the surrounding area due to its inappropriate and unacceptable design. The proposal therefore conflicts with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. Whilst there is a requirement for this type of development in the Borough due to the expected increase in the ageing population, consideration should be given to the suitability of siting in terms of the environment that is created for residents including views from habitable rooms. It is acknowledged that this site is accessible from a transport perspective, and there are shops and open space within easy walking distance to serve residents. However, the level of useable onsite amenity space of 310 square metres falls short of the guidance provided in Appendix B of the Gosport Borough Local Plan Review of 360 square metres for a care home containing 18 residents. The limited garden space around the building is segmented and not attractive for residents' use. The home will only contain a single sitting room and dining room for use by residents. Whilst the individual bedrooms have en-suite facilities, two of the bedrooms above ground floor level on the southern side elevation will have obscure glazed windows with only clear opening top lights above head height, this will not provide an acceptable outlook from these habitable rooms for occupiers. At ground floor level in this elevation there are two bedrooms with outward opening double doors with side windows but these will face a 1.8 to 2.2 metre high boundary wall situated only 3 metres away with the blank side elevation of 90 Oval Gardens beyond, again this is not considered to be a satisfactory outlook for future residents. The two bedrooms above ground floor level on the northern side elevation that will have obscure glazed windows do have a second window that overlooks the rear garden but this will not provide a particularly good outlook for any one sat down, in particular, the second floor room as it only has a dormer window. It is accepted that each room would have access to en-suite facilities and a sitting room would be provided, however, on balance, it is considered that a poor level of residential amenity would be achieved by this development, contrary to Policies R/DP1 and R/H8 of the Gosport Borough Local Plan Review.

5. The detailed design of the building, the use of obscure glazed windows and the separation distances between it and neighbouring properties ensures there will be no harmful loss of privacy between habitable rooms. The windows in the three storey rear elevation would be positioned approximately 17 metres away from the end of the rear gardens to properties fronting Charlesbury Avenue which are 25 metres deep, these separation distances ensure that no harmful overlooking would result. The building would be visible from the rear of the adjoining Privett Road properties, however, the separation from the rear elevations of 20 metres or more ensures that the development will not have an overbearing impact or significant impact on outlook. The position of the building means there will be no harmful overshadowing of any of the neighbouring properties or significant overshadowing of garden areas. The proposal would create additional activity at the front of the site within the car park but given this adjoins the double garage and driveway serving 107 Privett Road and only the corner of the front garden serving 90 Oval Gardens this additional activity would not impact on the amenity of the occupiers of these properties in a harmful manner. The proposal will not be detrimental to the amenities of neighbouring residents and therefore complies with Policy R/DP1 of the Gosport Borough Local Plan Review in this respect.

6. The site would utilise the existing widened accesses to the front of the property which is acceptable. The proposal will provide 7 onsite parking spaces with the ability to turn on site and enter and leave the highway in a forward gear. This proposed level of onsite parking provision is considered to be acceptable in this accessible location. Secure cycle parking is to be provided to the necessary minimum standard for this development and there is space where visitor cycle parking in the form hoops can be provided. Therefore the proposal complies with Policy R/T11 of the Gosport Borough Local Plan Review. Given the parking problems in the area and in order to ensure that parking on the highway will not adversely impact on highway safety, to protect visibility on the bend adjoining the site, the applicant has confirmed a willingness to enter a planning obligation under Section 106 relating to the payment of a sum towards the funding of a Traffic Regulation Order which shall include providing signs and road markings to restrict parking in the vicinity of the site in accordance with Policies R/DP3 and R/T4 of the Gosport Borough Local Plan

Review. The erection of a care home on the site will increase trip generation to the site and the applicant has also confirmed a willingness to enter a planning obligation under Section 106 relating to the payment of a sum towards transport infrastructure improvements, in accordance with Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review. The applicant is to submit a completed unilateral undertaking which constitutes a planning obligation under Section 106 for the payment of these sums. Without this obligation the proposal is unacceptable.

RECOMMENDATION: Refuse

For the following reasons:-

1. The proposed development, by reason of its siting, massing, depth and contrived plot layout is too large and bulky for this prominent location and would result in an undesirable form of development that is out of keeping with the established pattern of development in the locality, detrimental to the character of the area and resulting in the significant erosion of garden land, contrary to Planning Policy Statement 3 (PPS 3) Housing and Policy R/DP1 of the Gosport Borough Local Plan Review.

2. By reason of its setting and excessive scale, mass, height, width, unbroken ridgeline, design features of the facade, proximity of the building to the site boundaries, and limited opportunity to adequately landscape the building, the proposed building is a contrived design of a poor quality which will form a incongruous feature in the streetscene and be significantly harmful to the appearance of the area contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.

3. By reason of the combination of the cramped site arrangements together with the limited usable onsite amenity space and poor outlook from a number of the bedrooms, it is considered that the development is inappropriate in this location and would provide a poor quality of residential amenity for intended occupiers. The proposal is therefore contrary to Policies R/DP1 and R/H8 of the Gosport Borough Local Plan Review.

ITEM NUMBER: 03.
APPLICATION NUMBER: K16416/38
APPLICANT: Miss Olivia Collett
DATE REGISTERED: 09.12.2010

PROVISION OF 6NO. PLANTERS (CONSERVATION AREA)
Royal Clarence Yard Weevil Lane Gosport Hampshire

The Site and the proposal

The application site is located within Royal Clarence Yard and the Royal Clarence Yard Conservation Area. The application is for the erection of 6 no. planters to be arranged in a paired linear formation at the front of the Bakery, a Grade II* Listed Building, and adjacent to Blocks F1 and F2, which are currently under construction.

The planters will be constructed from brickwork with hardwood timber cladding and reconstituted stone copings. They will include cantilevered wall mounted benches, set on stainless steel supports, with hardwood timber slats and backrests. The planters will be 10.5 metres long, 2.8 metres deep and 0.825 metres high and will contain a variety of ornamental plants. They will be sited at least 4.5 metres from the nearest adjacent building.

Relevant Planning History

Nil

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/BH3
Development Affecting Listed Buildings

Consultations

English Heritage	Update to be provided.
Society For The Protection Of Ancient Buildings	Update to be provided.
Twentieth Century Society	Update to be provided.
The Georgian Group	Update to be provided.
The Gosport Society	No objection.
Streetscene (Parks & Horticulture)	The proposed planting is suitable for the coastline environment.

Response to Public Advertisement

2 letters of objection
Issues raised:-

- G's Wine Bar and Restaurant would more appropriately located within the Slaughterhouse
- the introduction of tables, chairs and planters will result in noise disturbance for residential occupiers and will increase footfall across Flagstaff Green
- parking problems for residents of Royal Clarence Yard
- the proposed planters will encourage vandalism and 'undesirables' to gather at unsociable hours
- there are currently no plans in place to police or clean up the area
- the proposed planters will result in a reduction in public spaces within Royal Clarence Yard
- the proposed planters are unsightly and out of keeping with the area

Principal Issues

1. The use of part of the ground floor of the Listed Bakery as a restaurant was approved under planning permission K16416. The provision of outside, ancillary, tables and chairs does not require planning consent. The potential impact on neighbouring occupiers is being considered under a licensing application submitted to Environmental Health. The parking arrangements at Royal Clarence Yard overall are currently being reviewed. However, this is not a matter to be considered under this planning application. The main issues in this case therefore are the acceptability of the design of the 6no. planters, whether they preserve or enhance the character and appearance of the Royal Clarence Yard Conservation Area and their impact on the historic and architectural character, and setting, of the adjacent Listed Buildings, pedestrian safety and the amenities of neighbouring users/occupiers.

2. The planters have a simple design and will provide features of interest within their historic setting. They will be available to members of the public and it is considered that the availability of seating areas will enhance the enjoyment of this waterfront location. Details, including samples, of the proposed materials, shall be secured by condition. However, the proposed use of both brick and timber will complement the traditional building materials found elsewhere throughout the site. Due to their siting, away from the front elevations, the proposed planters will not detract from the appearance of Blocks F1 and F2, or the historic and architectural character, and setting, of the Grade II* Listed Bakery building. The proposed planting will enhance and soften the overall appearance of the structures and the Council's Arboricultural Officer has confirmed that the species are appropriate to the coastal location. In light of this, and subject to the above condition, the proposal is acceptable. The development will preserve the character and appearance and setting of the Royal Clarence Yard Conservation Area and Grade II* Listed Bakery building, in accordance with Policies R/DP1, R/BH1 and R/BH3 of the Gosport Borough Local Plan Review.

3. Due to their siting, the proposed planters will not prejudice the access or servicing arrangements of the adjacent buildings or harm pedestrian safety. They will be sited within existing public areas, and the use of the benches is unlikely to result in significant disturbance to neighbouring occupiers. 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 development as proposed will preserve the architectural and historic character and appearance, and setting, of the Grade II* Listed Building and will preserve the character and appearance of the Royal Clarence Yard Conservation Area. The proposal will not have a detrimental impact of the amenities or servicing arrangements of the neighbouring commercial and residential occupiers or pedestrian safety. The development therefore complies with Policies R/DP1, R/BH1 and R/BH3 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:

C690/PLP/01, L90-410 Rev L, L90-414 Rev A, L90-415 Rev D, L90-416 Rev C

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. No development shall take place until details, including samples, of the hardwood timber, brickwork, stone coping and steel supports have been submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason - To maintain the historic and architectural character and setting of the nearby Listed Building and to preserve the character and appearance of the Royal Clarence Yard Conservation Area, in accordance with Policies R/DP1, R/BH1 and R/BH3 of the Gosport Borough Local Plan Review.

4. The approved planting shall be provided within the next planting season following completion of the building works and any plants which die, are removed, or become seriously damaged or diseased during the first five years, 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.

ITEM NUMBER: 04.
APPLICATION NUMBER: K2826/1
APPLICANT: Mr Kyle Porter
DATE REGISTERED: 22.11.2010

**CHANGE OF USE FROM PHOTOGRAPHIC STUDIO TO HOT FOOD TAKEAWAY
(CLASS A5) AND ERECTION OF EXTERNAL EXTRACTION FLUE
149 Rowner Lane Gosport Hampshire PO13 9SP**

The Site and the proposal

The application site is located within a parade of eight units on the western side of Rowner Lane within the Rowner Lane Neighbourhood Shopping Centre. The parade comprises commercial units at ground floor level with two storey maisonettes above and is constructed from red brick with a tiled pitched roof. Access to the flats is afforded by a staircase at the rear of the site. Refuse bins associated with the commercial units are kept within yards at the rear of the building.

The ground floor of number 149 is currently vacant, having last been used as a photographic studio. The remaining units in the parade comprise a Chinese takeaway, hardware shop, pharmacy, newsagent, shop selling security systems, bakery and a fish and chip takeaway shop. There is a large external extraction flue on the rear elevation of number 159, serving the Chinese take away. The flue is black and extends approximately 1 metre above the eaves of the roof. There is also an external flue on the rear elevation of number 145. The extraction system is fabricated in stainless steel and serves the fish and chip shop. The vent of the flue extends 1 metre above the eaves.

Parking for five cars is available in a lay-by at the front of the site. There is also an area of hardstanding on the northern side of the parade, providing enough space to park a further 9-10 vehicles. The spaces are accessed via an extended dropped kerb on Brune Lane. Additional parking is also available to the south of the site, in lay-bys on Mansfield Road.

The application is for a change of use from a photographic studio to a hot food takeaway (Class A5). The proposed takeaway would employ three members of staff and would be open 1130 - 2230, Monday - Thursday, 1130 - 2300, Friday and Saturday and 1130 - 2100 on Sundays. It is proposed to erect an external extraction flue, positioned on the southern side of the rear elevation. The flue will comprise an ionising filtration system and will be fabricated in stainless steel. The applicant has indicated that the flue will be coloured red/brown to match the existing brickwork. The vent of the flue will extend 1 metre above the eaves and will comprise a vertical discharge cowl. Refuse will be stored in an allocated bin store area at the rear of the site.

Relevant Planning History

K2748/2 - erection of extractor flue at 159 Rowner Lane - permitted 17.04.90

K6359/1 - change of use from retail shop (Class A1) to hot food takeaway (Class A5) and erection of external extraction flue at 145 Rowner Lane - permitted 20.02.09

Relevant Policies

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/S4

Local and Neighbourhood Centres

R/ENV10

Noise Pollution

R/T11

Access and Parking

Consultations

Environmental Health (Commercial)	No objection.
Local Highway Authority	No objection. Transport contributions not required.
Crime Prevention & Design	Update to be provided.

Response to Public Advertisement

24 letters of objection (22 of which comprise a standard letter circulated to, and signed by, local residents)

Issues raised:-

- the proposed internal seating area will result in a loss of privacy for the occupiers on the opposite side of the road
- the proposal will result in increased fire risk at the premises which will devalue the maisonettes above
- the waste associated with the proposed takeaway will attract vermin
- littering
- any illuminated sign on the front elevation will be a nuisance for neighbouring residential occupiers
- an additional take away establishment is inappropriate in a residential area
- the proposed external extraction flue will be unsightly and result in smells for local residents
- the proposal will result in additional traffic and parking problems
- the proposal will result in noise disturbance at unsociable hours and will encourage instances of anti social behaviour

Principal Issues

1. The impact of a development on property values is not a planning consideration. The plans show the provision of two new litter bins and this will assist in reducing the likelihood of littering within the Centre. Problems with vermin are dealt with by Environmental Health. The erection of an illuminated sign on the front elevation would require separate advertisement consent and would be advertised for public comment. Given the distance across the highway and the intervening lay-by, the provision of seating within the takeaway will not result in a harmful loss of privacy for the occupiers of the properties on the opposite side of Rowner Lane. Fire safety issues will be dealt with through the Building Regulations. The main issues in this case therefore are the impact of the proposal on the vitality and viability of the Rowner Lane Neighbourhood Shopping Centre, the visual amenity of the locality, the amenities of the occupiers of the adjacent properties, highway safety and the acceptability of parking and refuse arrangements.

2. At present, 25.3% of the retail frontage within the Rowner Lane Neighbourhood Shopping Centre comprises non A1 uses. The proposed development would increase this figure to 37.8%, which is below the 40% threshold as set out in Policy R/S4. In addition to this, the proposal would bring a vacant unit back into use, employing three members of staff. The introduction of an additional takeaway establishment would not prejudice the retail function of the Neighbourhood Shopping Centre. It is an appropriate use within the defined Centre and will contribute to its vitality and viability. In light of the above, the proposed change of use is acceptable and complies with the aims and objectives of Policies R/DP1 and R/S4 of the Gosport Borough Local Plan Review.

3. The proposed flue has a similar design to the existing extraction system on the rear elevation of number 145. It will be finished in a red/brown colour to match the existing brickwork and this will reduce its visual impact. In light of the above, and subject to a condition to control the external finish, the proposed flue will neither individually, nor cumulatively with the existing flues, detract from the visual amenity of the locality. It therefore accords with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. There are existing takeaway establishments operating at numbers 145 and 159 with no restriction on opening times. Whilst the proposal may result in some additional evening activity, the takeaway establishments are separated by non A5 uses, and not congregated together within the Centre. As such, the comings and goings of customers is unlikely to either individually, or cumulatively with the other takeaway uses, result in harmful disturbance to the adjoining occupiers, including the two storey maisonettes. Notwithstanding this, to protect the amenity of neighbouring occupiers, it is proposed to attach a condition to control opening hours of the proposed takeaway establishment. The Head of Environmental Health has confirmed that the proposed filtration system, with its vertical discharge cowl set 1 metre above the eaves, is appropriate, and will be sufficient to adequately dispose of cooking odours. In light of this, and the fact the flue has been sited between bathroom windows, and not windows serving habitable rooms, I do not consider that there will be an unacceptable impact on the living conditions of local residents in terms of noise or smell. Subject to a condition requiring the flue to be fixed to the wall using anti-vibration brackets, and the submission of details in respect to a method of future maintenance, the proposal complies with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

5. The proposed refuse storage arrangements are adequate to serve the proposed A5 use. Parking is available at the front of the site, as well as within Brune Lane and Mansfield Road, and the parking restrictions on the eastern side of Rowner Lane will prevent inappropriate parking in the local road network. Given the availability of parking in the immediate vicinity, there will not be a detrimental impact on highway or pedestrian safety in the locality. The proposal therefore complies with Policies R/DP1 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 development as proposed is acceptable in this location and will not prejudice the retail function of the Neighbourhood Shopping Centre. The proposal will not harm the amenities of neighbouring occupiers through noise or smell generation, the visual amenity of the area, parking or traffic conditions in the locality, or highway and pedestrian safety. As such, it complies with Policies R/DP1, R/S4, R/ENV10 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:

Plan 1, 01, 02, 03 and 04

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 takeaway use hereby permitted shall not be open to customers other than between the hours of 11.30am and 22.30pm Monday to Thursdays, 11.30am and 23.00pm on Fridays and Saturdays and 11.30am and 9.00pm on Sundays.

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

4. No development shall commence until details of the external finish for the flue and the future maintenance of the extraction system have been submitted to and approved, in writing, by the Local

Planning Authority. The ventilation system shall thereafter be provided in accordance with the approved details before the takeaway hereby permitted is first brought into use, and thereafter retained.

Reason - To ensure that the external appearance of the flue is acceptable and to protect the amenities of surrounding properties, and to comply with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

5. The external extraction flue approved under condition 4 above shall be attached to the rear elevation using anti-vibration brackets.

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

ITEM NUMBER: 05.
APPLICATION NUMBER: K17160/2
APPLICANT: Mr Roger Wood
DATE REGISTERED: 06.12.2010

**ERECTION OF TWO STOREY BLOCK OF 2NO FLATS WITH ASSOCIATED BIN AND CYCLE STORES (CONSERVATION AREA) (AMENDED APPLICATION TO K17160/1)
Land Rear Of 121 - 127 Stoke Road Gosport Hampshire**

The Site and the proposal

The site comprises the land to the rear of 121 - 127 Stoke Road and falls within the Stoke Road Conservation Area and Principal Shopping Area. The buildings in the locality of the application site, facing Stoke Road, mostly date from the early to mid 19th Century. The scale of these buildings varies from 2 - 3 storey and they are built in a random form.

Number 123 - 127 Stoke Road is a particularly fine example of an early to mid 19th Century property and is prominently located at the western end of the Conservation Area. The building has a clay tile, double pitched roof and sash windows to the front elevation. The ground of 123 is currently in use as a dressmakers and 125 - 127 is currently in use as a charity shop on behalf of The Rowans Hospice. Both premises have been extended to the rear at single storey level and have residential units at first floor level. The land to the rear of 123 - 127 is open hardstand, which is used informally for refuse storage and servicing. A notable feature of interest on the application site is a surviving section of rubble built wall which faces onto Shaftesbury Road and which marked the northern edge of the original creek that has long since dried up. It is possible that this wall is much older than the existing building on the site. There is also an electricity sub-station adjacent to the south east boundary. Number 121 Stoke Road is a single storey building with lean to roof that is currently in use as a hot food takeaway. There is an extraction flue on the rear elevation and the premises have an existing rear yard and side access. The WC facility for 121 Stoke Road is currently located within a brick building to the rear of 123 - 127 Stoke Road and is in a poor state of repair.

The proposal is to erect a two storey brick building with a slate roof and timber windows to provide a studio at ground floor and 1 no. one bedroom flat at first floor. There would be a shared access to the west side of the building and a separate access would be retained to the service yard at the rear of the shops. Bin and bike stores to serve the new units would be located to the north and south sides of the building. The Quay wall present on the north west side of the site would be retained. The application also proposes to retain the existing toilet block in situ with the store element to the west side being demolished to make way for the new building. No alterations to the flue at the rear of no. 121 are proposed.

Permission was originally granted at appeal in 2007, however, since then the scheme has been reviewed to ensure it avoids a sewer running across the site. A revised planning application was then submitted to accommodate changes required to avoid the sewer. On 9 November 2010 the Regulatory Board resolved to Grant Permission for this application, however, the applicants were unable to resolve land ownership issues and therefore complete the required Section 106 agreement. As a result, the applicants chose to withdraw this application, thereby giving them opportunity to redesign the scheme on a slightly amended parcel of land which negated the need for the third party to enter into the agreement. This has resulted in the current application. The difference between this scheme and the previous is that the currently proposed building is smaller meaning there is a greater separation distance to the eastern neighbours and the width of the building to the streetscene is smaller. The revisions also incorporate the previous amendments which allowed the building to avoid the sewer running across the site. The existing toilet block will be retained in a revised arrangement and the existing flue to the rear of no. 121 will be retained in its present arrangement.

Relevant Planning History

Land to rear of 123 - 127 Stoke Road:

K16986 - Erection of two storey building containing 2 no. flats (Conservation Area). Withdrawn 05.09.05

K16986/1 - Erection of two storey building containing 2 no. flats (Conservation Area). Withdrawn 11.05.05

Land to rear of 121 - 127 Stoke Road:

K17160 - Erection of two storey building containing 2 no. flats (rear of 123 - 127 Stoke Road) and erection of replacement WC and extraction flue and new bin store (rear of 121 Stoke Road) (as amplified by letters dated 27.06.06 and 28.06.06). Refused 25.07.06. Appeal allowed 17.01.07. The Inspector concluded that the density was appropriate in the locality, the proposal provided two residential units in a sustainable location and would not have a harmful impact on the amenities of neighbouring residential properties.

K17160/1 - Erection of two storey block of 2 no. flats with associated bin and cycle stores (rear of 123 - 127 Stoke Road) and erection of replacement WC and extraction flue (rear of 121 Stoke Road) (Conservation Area) (as amended by plans received 12.10.10).

On 9 November 2010 the Regulatory Board resolved to Grant Permission for this application, however, the applicants were unable to resolve land ownership issues and therefore complete the required Section 106 agreement.

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/BH1

Development in Conservation Areas

R/T4

Off-site Transport Infrastructure

R/S3

Principal & District Shopping Centres

R/S6

Residential Development at Ground Floor within Defined Shopping Centres

R/OS8

Recreational Space for New Residential Developments

R/ENV5

Contaminated Land

R/ENV10

Noise Pollution

R/ENV12

Air Quality

R/T11

Access and Parking

Consultations

The Gosport Society

No objection.

Streetscene (Waste & Cleansing)

No objection. Each flat requires 1 x 140 litre recycling wheeled bin and 1 x 140 litre domestic wheeled bin. Adequate storage space is provided.

Local Highway Authority	No objection. No parking is provided, however, this is acceptable in this sustainable location. Cycle and bin storage area acceptable. A financial contribution towards highways infrastructure improvement should be sought.
Environmental Health (Commercial)	Complaints received in the past regarding smells being emitted from 121 Stoke Road but best practicable means have been employed on the existing flue to minimise emissions which meet Environmental Health legislation.

Response to Public Advertisement

1 letter of representation

Issues raised:

- the historic quay wall should be retained in situ.

Principal Issues

1. The principle of this development has been established by the Inspector's decision on planning application K17160 whereby the Inspector concluded that as the proposal retained access and refuse stores to the rear of nos. 121 - 127 the retail function of these units would not be harmed and the development form would enhance the character of the area. Along with application K17160/1, which the Regulatory Board resolved to Grant Permission for, the current proposals retain the previously approved arrangements and is therefore acceptable in this respect and accord with Policies R/S3 and R/S6 of the Gosport Borough Local Plan Review. The main issues in this case are the effects of the amended proposal on the character and appearance of the Conservation Area and visual amenities of the area, the amenities of existing and prospective occupiers, highway issues and requirements for outdoor playing space.

2. In allowing the earlier appeal, the Inspector concluded that, in its current form, the land was detrimental to the Conservation Area, and that the proposed scheme accorded with the character of the original properties in Stoke Road which abutted the pavement. The current proposals, along with application K.17160/1 accord with these conclusions. As with the previous application, it is proposed to include a condition relating to the materials and the method of fixing the entrance gate to the historic quay wall. The proposal therefore accords with Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

3. The Inspector concluded that the appeal proposal would have no detrimental impact on neighbouring residential properties. The separation distances between the proposed building and that neighbouring it to the north would be similar to the approved development, ranging between 6m and 7m, with the current proposals tapering to provide greater separation and a more spacious outlook. The elevation facing these properties is blank. This ensures no overlooking and is characteristic of the relationship between properties in the area. In terms of the neighbour to the east, the elevation of this property facing the application site is currently blank. Two small, first floor windows are proposed in the east elevation. The position of the most northern of the two will mean no overlooking will result, and the southern most will serve a bathroom meaning it will be obscure glazing. This will be controlled by condition. There is a flue to the rear of no. 121 Stoke Road which will emit into the space to the rear (north east) of the proposed building in accordance with the previous approval. The flue, in its current format, complies with Environmental Health legislation in terms of the levels of emissions and provided the window serving the stairwell to the new building is fixed shut, there will not be any harmful impact on the amenity of occupiers. It is possible that the land may be contaminated as a result of previous uses, however, this can also be dealt with by way of condition. The proposal therefore accords with Policies R/DP1 and R/ENV5 of the Gosport Borough Local Plan Review.

4. The long stay cycle parking provision is acceptable in this location and additional short stay provision is required by condition. Whilst no on-site parking is proposed for the new development this is acceptable in this highly accessible location. Parking restrictions to the front of the site do not fall within the scope of this application; this was established as acceptable under earlier schemes. A contribution towards Transport, Services and Infrastructure applies in this instance as the creation of two new residential units will generate additional trips. As the development will also result in a net increase in two dwellings, there is a requirement for additional outdoor playing space to meet the needs of prospective residents. The applicant has confirmed willingness to enter into a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space, in accordance with Policy R/OS8, and payment of a sum towards Transport, Services and Infrastructure, in accordance with Policies 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 transport infrastructure, services and facilities.
2. The payment of a commuted sum towards the provision and/or improvement of outdoor playing space.

Reasons for granting permission:

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposal would enhance the character and appearance of the Stoke Road Conservation Area and would not be harmful to the visual amenities of the surrounding area, the amenities of existing or prospective occupiers, or traffic/parking conditions in the locality, or the operation of the existing shop units facing Stoke Road. The proposal also makes adequate provision for transport infrastructure services and facilities and outdoor playing space and for dealing with possible contamination. As such, the proposal complies with Policies R/DP1, R/BH1, R/S3, R/S6, R/OS8, R/T4, R/T11, RENV5, R/ENV10 and R/ENV12 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. Before works above slab level are commenced, details, including samples, of all external facing and roofing materials shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out 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. Before works above slab level are commenced, details of all new windows and doors, including horizontal and vertical sections at a scale of 1:20 and elevations at a scale of 1:20, shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To preserve the character, appearance and views into the Stoke Road Conservation Area and to comply with Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

4. Before works above slab level are commenced, details of the method of repair and fixing to the existing quay wall shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason - To preserve the character, appearance and views into the Stoke Road Conservation Area and to comply with Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

5. Before the residential units are first brought into use the cycle stores shown on drawing no. 0714-311D (received 12 October 2010) shall be provided. The cycle stores shall thereafter be retained at all times for the purpose of storing cycles.

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

6. Before the development is commenced, a scheme detailing how the existing toilet block is to be altered and made good shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter the works shall be completed in accordance with the agreed details prior the development being brought into use.

Reason - In order to protect the amenities of the area and preserve the viability of 121 Stoke Road as a functional unit in the Shopping Centre and to comply with Policies R/DP1 and R/S3 of the Gosport Borough Local Plan Review.

7. No works shall commence until there has been submitted to and approved, in writing, by the Local Planning Authority:

(a.) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance set out in Contaminated Land Research Reports Nos. 2 and 3 BS1175:2001; unless otherwise agreed, in writing, by the Local Planning Authority,

(b.) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and unless otherwise agreed, in writing, by the Local Planning Authority;

(c.) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason - To prevent pollution of the water environment and in the interests of the safety and amenity of future occupants of the site in compliance with Policy R/ENV5 of the Gosport Borough Local Plan Review.

8. The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent persons approved under the provisions of the condition 7(c) that any remediation scheme required and approved under the provisions of condition 7(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed, in writing, by the Local Planning Authority such verification shall comprise:

a.) as built drawings of the implemented scheme;

b.) photographs of the remediation works in progress;

c.) certificates demonstrating that imported and/or materials left in situ are free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 7(c).

Reason - To prevent pollution of the water environment and in the interests of the safety of the amenity of future occupants of the site and to comply with Policy R/ENV5 of the Gosport Borough Local Plan Review.

9. The windows on the north north west and north east elevations shall be fixed shut and glazed with obscure glass and shall be retained in that conditions at all times thereafter.

Reason - To preserve the amenity of the adjoining properties and the future occupants of the site and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

10. Before development is commenced, details of short stay cycle parking shall be submitted to and approved, in writing, by the Local Planning Authority. The approved cycle parking shall be

installed before the residential units are first occupied and thereafter retained at all times for this purpose.

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

ITEM NUMBER: 06.
APPLICATION NUMBER: K6907/1
APPLICANT: Mrs Ella Powell
DATE REGISTERED: 29.11.2010

**CONVERSION OF LINK-DETACHED HOUSE INTO 2NO. TWO BEDROOM DWELLINGS
(CONSERVATION AREA)
53 Anglesey Arms Road Gosport Hampshire PO12 2DG**

The Site and the proposal

The application site is located on the south side of Anglesey Arms Road towards its western end within the Anglesey Conservation Area. The property is a two storey link-detached house that was once a coach house serving 3 Crescent Road, a Grade II Listed Building that was converted into a separate dwelling in the 1950's and subsequently extended. The property was originally just the left hand side but where it has been extended it now has two front doors and two staircases within the house. On the ground floor there is a hallway, lounge, dining room, kitchen and built in storage cupboards. On the first floor there are three bedrooms, two bathrooms and further built in storage cupboards. It is approximately 14 metres wide and 5.5 metres deep and has a gabled roof with a ridge running from east to west. It has white rendered elevations under a brown concrete tiled roof with black guttering and down pipes. On the front elevation there is a timber stable door to the original part of the building, a white upvc door and five white upvc windows of different sizes. The rear elevation contains three two storey flat roofed bay windows, a landing window and a door with side lights all in white upvc. The rear garden is approximately 7.5 metres deep and bounded to either side by 1.8 metre high brick walls with a 1.8 metre high timber fence to the rear. At the front of the property there are 1 metre deep raised brick planters.

The shared surfaced road in front of the property has no parking restrictions and is approximately 6.3 metres wide. In addition, there are parking bays located approximately 30 metres to the east of the site on the north side of the road. Opposite the application property there is a 1.8 metre high panelled brick boundary wall that forms the side boundary to the rear gardens serving 6 Stephenson Close and 16 Somervell Close. The first floor tiled gabled side elevation to 16 Somervell Close located to the application site contains no windows. To the west of the side is 55 Anglesey Arms Road. This two storey house is constructed in brick with a slate gabled roof and contains an integral garage located adjacent to the application property. It almost touches the application property and has no windows in its east facing side elevation. It is situated in a plot of similar depth to the application site. To the east of the site there is a single storey brick built garage serving 4 Crescent Road.

It is proposed to convert the original coach house back into a two bedroom cottage and to make the newer extension into a second two bedroom cottage. No extensions are proposed to the property to enable the conversion to take place but the openings made in the original internal wall will be closed. At the rear of the property a new pair of double doors will be installed in place of one of the ground floor bay windows to provide access to the divided rear garden from the original coach house.

The two front doors will be replaced by painted wood flush beaded panelled doors with small canopies over to add additional character to the properties. The existing windows on the front elevation will be replaced by wooden casement windows set back within the reveals and four additional wooden casement windows will be added to align with the replacements and doors. The left hand cottage will be painted white and the right cottage painted light cream.

Cycle stores are to be provided in each back garden and space is identified for the storage of two wheeled bins in each garden.

Relevant Planning History

K1447 - conversion of stable/loft to dwelling - permitted 04.07.52

K4547 - alterations and additions - permitted 13.10.63

K6907 - first floor extension - permitted 25.08.70

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/BH1

Development in Conservation Areas

R/H4

Housing Densities

R/T4

Off-site Transport Infrastructure

R/T11

Access and Parking

R/OS8

Recreational Space for New Residential Developments

Consultations

The Gosport Society	No objection.
Building Control	Access for Fire Brigade satisfactory.
Streetscene (Waste & Cleansing)	Adequate storage space shown for bins which will require placing out adjacent to highway for collection.
Local Highway Authority	No objection. The existing three bedroom property has no on site car parking provision. The proposed conversion into 2 no. two bedroom dwellings will not result in a significant demand for additional car parking. The site is in an accessible location and the width of this part of this shared use cul-de-sac is adequate to allow on street parking adjacent to the dwellings. Cycle parking for long stay is satisfactory but two hoops should be sought for short stay and a financial contribution towards transport infrastructure.

Response to Public Advertisement

1 letter of observation

Issues raised:-

- the applicant answered that consultation had taken place with direct neighbours i.e. 49 and 55 Anglesey Arms Road but the applicant did not consult with 3 Crescent Road which adjoins the site
- sewage pipe from 3 Crescent Road passes through the application site to Anglesey Arms Road and access is required to the manholes located within the site in order to clear blockages

Principal Issues

1. The application site is located within the Urban Area Boundary and consequently the principle of residential development is acceptable provided that the details accord with the relevant Policies of the Gosport Borough Local Plan Review. There is no statutory legal requirement for applicants to discuss proposals with all their neighbours. However, the applicant's agent has confirmed that he has subsequently visited and discussed the proposal with the owner of 3 Crescent Road. Moreover, he has confirmed that access will be made available to the drainage manholes within the site when required although this is not an issue for the Local Planning Authority but a private legal matter between the parties involved. Therefore the main issues in this case are the acceptability of the proposed density and design of the alterations, whether the proposal will preserve or enhance the character and appearance of the Conservation Area, the impact on the amenities of adjoining and prospective residents and highway safety, the provision of transport infrastructure, car and cycle parking, refuse storage facilities and open space provision.

2. The property does not need to be extended to enable this conversion to take place and whilst the density is higher than that recommended in Policy R/H4 the size of the proposed dwellings are more in keeping with the pattern of development and size and spacing of plots along Anglesey Arms Road. The development will result in the provision of two small cottages to assist in providing a variety of residential accommodation to meet the housing needs of the Borough. The current linked house is uninteresting and poor in design terms for such a Conservation Area location. The proposal includes sympathetic changes to the front elevation that will improve the overall appearance of the building and enhance the character of the Anglesey Conservation Area. The regular and well proportioned timber windows set back in the reveals will add depth to the façade and the timber doors will also improve the character of the building. The proposal therefore complies with Policies R/DP1, R/H4 and R/BH1 of the Gosport Borough Local Plan Review.

3. The relationship to adjoining properties will not change as a result of this proposal and as such there will be no detrimental impact in terms of loss of light or privacy to neighbouring residents. The overall garden size will not change and the amenity space of over 50 square metres available for future occupiers of each property is commensurate with other properties located in the immediate area. Areas are identified within the rear gardens to provide storage facilities for refuse and recycling bins. As such the proposal will not be detrimental to the amenities of adjoining and prospective residents in compliance with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. The site is located in a relatively accessible location at the end of a cul-de-sac and the conversion into two two bedroom dwellings will not result in a significant demand for additional car parking. There is space to allow on street parking adjacent to the dwellings and further parking space available in close proximity to the site. Secure cycle stores are to be provided in each of the rear gardens and visitor cycle parking provision can be provided at the front of the properties. A condition is proposed to ensure this provision. The proposal therefore complies with Policy R/T11 of the Gosport Borough Local Plan Review and will not be detrimental to highway safety.

5. The provision of an additional two bedroom dwelling on the site generates a requirement for outdoor playing space to meet the needs of prospective residents and will also marginally increase trip generation to and from the site. The applicant has confirmed a willingness to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space, in accordance with Policy R/OS8, and payment of a sum towards transport infrastructure, in accordance with Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review. Without this obligation the proposal is unacceptable.

RECOMMENDATION: Grant Permission

Subject to Section 106 agreement relating to

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

2. The payment of a commuted sum towards transport infrastructure, services and facilities.

Reasons for granting permission:

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location. It is of an acceptable density and appropriate design, and will enhance the character and appearance of the Conservation Area. It will not have a detrimental impact on the amenities of adjoining and prospective residents or highway safety. Adequate provision is made for transport infrastructure, car and cycle parking, refuse storage and open space. As such the proposal complies with Policies R/DP1, R/DP3, R/BH1, R/H4, R/T4, R/T11 and R/OS8 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:

- Plan 1, - Plan 2, - Drawing No. 031110 1A3 and - Drawing No. 291110 1A3.

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. No development shall take place until full details of all new windows, doors and the canopies, in the form of elevations at a scale of 1:20 and vertical and horizontal sections at a scale of 1:10, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason - Such details have yet to be submitted and to maintain the integrity and character of the building, and to comply with Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

4. 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, 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.

ITEM NUMBER: 07.
APPLICATION NUMBER: K17892
APPLICANT: PCT HAMPSHIRE - NHS TRUST
DATE REGISTERED: 18.11.2010

CHANGE OF USE AND CONVERSION OF 2NO. CARE HOMES (USE CLASS C2) TO PROVIDE 3 NO. DWELLINGS (USE CLASS C3) AND ASSOCIATED CAR PARKING AND LANDSCAPING
63A & B The Avenue Gosport Hampshire PO12 2JX

The Site and the proposal

The application site is accessed along a private driveway to the south side of Redclyffe House which is a Locally Listed building. Immediately on entering the site to the south is a hardstood, car park providing ten spaces. The southern boundary of the site consists of mature planting and trees reaching 3.5m in height. There is a 1m high brick wall to the west which is supported with mature planting to 3m within the boundary of the site. The boundary with Redclyffe House consists of a 2m high close boarded fence and mature planting to 3m in height to the south side of this within the curtilage of the bungalows. The building stands at the east side of the site and is a single storey, red brick building under a tiled, hipped, pitched roof. There are currently two main entrances; one in the north elevation of the western wing, the second in the western elevation of the northern wing. The homes consist of lounge, kitchen/diner, bathroom, shower room, store, staff room and five bedrooms. Each has access to its own private amenity space to the south and east sides of the building. The boundary around this space is 2m in height supported by additional landscaped planting. The buildings to the south in Avenue Court are two storey, pitched roof dwellings with rear windows facing the application site. To the east and north the buildings are bungalows.

The building currently operates as a pair of registered care homes which fall into Class C2 of the Use Classes Order (1987 as amended). It is proposed to change this use to provide 3 no. dwelling houses therefore falling into class C3 of the Order. The Use Classes Order draws a clear distinction between Class C3 dwelling and Class C2 Residential Institution. The difference between the two, however, is very subtle; Class C3 developments operate with a greater degree of occupier independence (i.e. extending to complete independence), with Class C2 developments being occupied by more dependant individuals needing a higher level of on-site care. The PCT's requirements at present are for more independent individuals to be housed within this building and to accommodate those individuals appropriately it is proposed to reconfigure the building to provide three units as opposed to two at present. This would consist of 1 no. 1 bedroom, 1 no. 2 bedroom, and 1 no. 3 bedroom units. In addition, long stay cycle parking would be provided for each plot, and the garden spaces serving each of the units would be revised with new boundary treatments being erected to ensure a satisfactory degree of privacy can be maintained between each plot. Some external alterations to the windows and doors, and the erection of a canopy are also proposed together with the removal of one tree to western side of the building.

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

R/H4

Housing Densities

R/BH5

The Local List
R/OS8
Recreational Space for New Residential Developments

Consultations

Building Control	Access for Fire Brigade acceptable.
Streetscene (Waste & Cleansing)	Bin requirements are as follows: 1 bed dwelling 1 x 140 litre recycling wheeled bin, 1 x 140 litre domestic wheeled bin, 2+ bed dwelling 1 x 240 litre recycling wheeled bin, 2 x 240 litre domestic wheeled bin. Bins would require placing out on kerbside for collection. Bin store should be able to accommodate the required bins.
Local Highway Authority	No objection. Existing access off The Avenue is satisfactory. 10 parking spaces for three dwellings is acceptable. Long stay cycle parking in sheds is acceptable. In addition three short stay hoops should be provided. Bin collection as per existing.
National Care Standards Commission	No response.

Response to Public Advertisement

Nil

Principal Issues

1. The main issues for consideration are the appropriateness of the design of the external alterations and effects on the adjacent Locally Listed building, whether a satisfactory level of car parking can be provided on site, the impact of the change of use on the amenities of neighbouring properties, and the requirement for outdoor playing space.
2. The new entrance canopy to the north side of the building will sit comfortably with the design of the existing dwelling having a pitched, tiled roof. Its size and scale is appropriate to its location and it will not detract from the overall appearance of the building. The alterations proposed to the doors and windows will also sit comfortably with the existing rhythm of openings on the elevations and will not detract from the appearance of the building and will contribute to the internal environment of the units by providing more light. The proposed alterations are of a relatively minor nature and will not harmfully impact on the setting of the adjacent Locally Listed building.
3. 10 no. parking spaces are already provided to the west side of the buildings. Taking into account local levels of car ownership, existing on and off site car parking, and the increased level of independence of residents, meaning less visitors to the site, the car parking provision is acceptable. Required levels of long stay cycle parking can be provided within the sheds on site, and short stay cycle parking will be required by condition.
4. The total number of bedrooms on site will decrease, meaning there is likely to be less people and therefore activity. The increased level of independence of occupiers also means that there is likely to be less visitor activity at the site. The external alterations will not be significantly visible from outside the site and therefore there is unlikely to be a harmful impact on the amenities of the occupiers of neighbouring properties. Whilst the PCT seek to retain the buildings in the short term, there is a possibility that these buildings could be sold on the open market at some point in the

future. It is, however, considered that the considerations as set out in this report would apply in the same way in this case and therefore an unrestricted C3 use would be acceptable.

5. Policy R/OS8 of the Gosport Borough Local Plan Review requires developments resulting in the net gain of dwelling units to mitigate the increased demands on existing outdoor playing space by providing a contribution towards improvement of existing or the provision of new outdoor playing space. The proposed change of use results in a net gain of 3 additional dwellings. Outdoor playing space is not proposed to be provided on site and therefore a contribution is required in lieu. The applicants have made a case against paying the contribution stating that, as the proposed occupants will live a similar lifestyle to those currently occupying the units, and there will be an overall reduction in the number of bedrooms, the payment of a contribution in this instance is neither reasonable nor necessary. The current occupiers would leave the site accompanied to access existing open space, and this arrangement will not alter. It can therefore be argued that the pressures on existing open space will decrease commensurate with the reduction in the number people living at the site and it would be unreasonable to require a contribution in this instance.

RECOMMENDATION: Grant Permission

Reasons for granting permission:

1. Having due regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposed development is acceptable in design terms and will not impact harmfully on the adjacent Locally Listed building. Levels of car parking provision are satisfactory and there will be no harmful impact on the amenities of neighbouring residential properties. It has been demonstrated that the payment of an Open Space contribution is not appropriate and therefore the proposal complies with Policies R/DP1, R/BH5, R/H4, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

Subject to the following conditions:-

1. The development hereby permitted must be begun within a period of three years beginning with the date on which this permission is granted.

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

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

3. 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, 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.

4. The car parking spaces shown on drawing no. 10 submitted on 18 November 2010 shall be kept available at all times for this purpose.

Reason - To ensure that adequate car parking is provided in compliance with Policy R/T11 of the Gosport Borough Local Plan Review.

ITEM NUMBER: 08.
APPLICATION NUMBER: K14302/7
APPLICANT: C/O Agent
DATE REGISTERED: 01.11.2010

ERECTION OF 3NO. DETACHED DWELLINGS WITH INTEGRAL GARAGES
Land North Of 47 Monckton Road Gosport Hampshire PO12 2BG

The Site and the proposal

The application site is located on the eastern side of Monckton Road towards its southern end in a residential area within the Urban Area Boundary. It forms the northern part of the extensive garden to 47 Monckton Road. This part of Monckton Road is characterised by two storey detached dwellings located in large plots with long back gardens. To the north of the site there are two brick built detached dwellings of similar design constructed in the mid 1960's. 45 Monckton Road has no windows in its gabled side elevation facing the application site and is positioned approximately 2 metres away from the site boundary beyond a high brick wall. To the south of the site there is 47 Monckton Road and the rear garden serving 1 Fort Road, otherwise known as Merlin Park, which is a large residential care home. To the east, beyond a 1.8 metre high chain link fence, there is an open military sports field accessed from Fort Road. To the west, on the other side of Monckton Road, beyond a row of evergreen oak trees, there is a pair of brick built semi-detached houses. The front elevations to these properties are located over 30 metres from the application site boundary.

The site is approximately 33 metres wide and 60 metres deep. It is mainly grassed and contains various semi mature fruit and ornamental trees and shrub borders. A swimming pool is located in the centre of the site with a fenced, hard surfaced tennis court in the north-west corner. The site is enclosed by high brick walls and fencing. There are three Lime trees situated in the pavement along the western boundary to the site. These trees have a 9 metre spread with a minimum canopy height of 3 metres above the pavement.

Five previous outline planning consents for the erection of three detached houses with garages have been granted since the mid 1990's on this site. The last outline consent being granted in September 2009 for three detached houses with integral garages. This approval included three access points from Monckton Road, avoiding the Lime trees located within the pavement, with driveways and turning areas. The houses being positioned on a stagger set back between 12.5 and 14.5 metres from the road.

The proposal is a full application for the erection of three detached 4 bedroom houses with integral garages. It indicates three vehicular access points from Monckton Road, thus avoiding the Lime trees located within the pavement, with driveways and turning areas. The main two storey frontage elements to the houses will be positioned on a stagger set back between 12.2 and 14.5 metres from the road. Plot 1, to the north of the site, will be positioned 1.4 metres away from the boundary with 45 Monckton Road. There will be a separation distance of 1.4 metres between Plots 1, 2 and 3 and Plot 3 will lie between 1.3 and 1.6 metres from the application site's southern boundary. There will be no first floor windows in the northern elevation to Plot 1 and the only first floor window in the southern elevation to Plot 3 will be an obscure glazed window to a bathroom. The dwellings are to be constructed in red stock facing bricks with reconstituted stone heads and cills to windows and doors. The roofs to Plots 1 and 3 will be tiled with the roof to Plot 2 being finished in slate. Windows and doors will be white double glazed upvc. Each of the dwellings has been individually designed to have different front and rear elevations and roof designs, so as to add interest and variety to the street scene. Plot 1 will have a gabled roof with a single storey lean to roof over the projecting integral garage and lean to canopy roof over the adjacent square ground floor bay window and front door. There will be subservient two storey hipped elements to the rear and a hipped roof single storey element to the rear over part of the kitchen/breakfast room and living room, both of which will have double doors to the rear garden. Plot 2 will also have a gabled roof with a projecting two storey subservient gable above the integral garage. There will be a set back lean to canopy roof

over the front door and adjoining angled ground floor bay window. There will be subservient two storey elements at the rear and a single storey hipped element over the kitchen/breakfast room. Both ground floor rear rooms will have double doors to the rear garden. Plot 3 will have a hipped roof with a projecting single storey hipped roof over the integral garage again with a hipped canopy roof over the front door and angled ground floor bay window. There will be a subservient hipped element to the rear and a single storey hipped roof over part of the ground floor projecting kitchen/breakfast room. Again there will be double doors to the rear garden from this room and the living room. The rear en-suite master bedrooms to Plots 2 and 3 will have inward opening double doors with side windows with a Juliet balcony. The rear gardens will be separated by 1.8 metre high close boarded fencing and a new 1.8 metre high close boarded fence will be erected at the rear of the site. The existing brick wall will be retained along the northern boundary along with the close boarded fencing to the rear of 1 Fort Road. To the west of this fence a new 1.8 metre high brick wall will be built along the boundary with 47 Monckton Road where it is to join the car park with the flatted development approved to be built on the existing site of 47 Monckton Road. A total of eleven poorly formed trees and large shrubs comprising Cypress and Apple trees are to be felled whilst a number of trees are to be retained at the rear of the site which will be supplemented by additional soft landscaping. The front gardens around the turning areas will also be landscaped. Lengths of new boundary wall topped with a hedge will be erected along the front boundary with Monckton Road in between the new driveways.

The application is supported by an Ecological Walkover Assessment and an Arboricultural Impact Appraisal and Method Statement.

Relevant Planning History

K14302 - outline application - erection of 3no. detached houses with garages - permitted 20.04.94
K14302/1 - outline application - erection of 3no. detached houses with garages - permitted 13.10.99
K14302/2 - outline application - erection of 3no. detached houses with integral garages - permitted 09.04.03
K14302/3 - erection of 4no. detached houses with integral garages - refused 14.02.05
Subsequent Appeal ref: APP/J1725/A/05/1179407 dismissed 10.08.05. The Inspector concluded such a tandem development with two houses fronting onto the highway and two houses set behind them would not reflect the general pattern of development in the area. It would constitute an uncharacteristic arrangement readily apparent in views from both Monckton Road and Fort Road. The Inspector concluded the proposal would be harmful to the character and appearance of the surrounding area. Furthermore the relationship of the dwelling on plot 3 to the rear of the site relative to 45 Monckton Road would result in overshadowing and visual intrusion resulting in a harmful effect on the living conditions of the occupiers of 45 Monckton Road.
K16823 - demolition of existing dwelling (47 Monckton Road) and erection of three storey block of 7no. flats and associated car parking and double garage and stores - permitted 27.01.05
K14302/4 - outline application - erection of 3no. detached houses with integral garages - permitted 21.07.06
K14302/5 - outline application - erection of 3no. detached houses with integral garages - permitted 10.09.09
K14302/6 - demolition of existing dwelling (47 Monckton Road) and erection of three storey block of 7no. flats and associated car parking and double garage and stores - permitted 22.07.10

Relevant Policies

Gosport Borough Local Plan Review, 2006:

- R/DP3
Provision of Infrastructure, Services and Facilities
- R/DP1
General Standards of Development within the Urban Area
- R/H4
Housing Densities
- R/T4
Off-site Transport Infrastructure

R/T11
Access and Parking
R/BH8
Archaeology and Ancient Monuments
R/OS8
Recreational Space for New Residential Developments
R/OS13
Protection of Habitats Supporting Protected Species

Consultations

HCC Landscape, Planning & Heritage	The site lies in an area of archaeological potential. It appears that this site has not been subject to substantial previous ground disturbance and therefore may contain previously unidentified archaeological deposits. A condition should be attached requiring a watching brief to be undertaken to monitor and record any archaeological evidence.
Building Control	Access for Fire Brigade satisfactory.
Streetscene (Parks & Horticulture)	No objection. I have read through the Arboricultural Impact Appraisal and Method Statement supplied and undertaken a site visit and can advise that I concur with both. The works proposed are appropriate and there are no specimen trees on the site worthy of protection by making a Tree Preservation Order.
Streetscene (Waste & Cleansing)	Adequate storage space for 1x240 litre recycling bin and 1x240 litre domestic bin for each dwelling which would require placing out adjacent to footway for collection.
Local Highway Authority	No objection. The access points have been located such that the three existing trees located in the highway verge can be retained. Car and cycle parking is provided to acceptable levels. Transport contributions required.
Natural England	The application site is close to a site identified as being of major importance for Brent Geese. Measures will therefore need to be taken to ensure there is no disturbance to Brent Geese using the site for feeding or as a high water refuge. This proposal is unlikely to have a significant effect on the interest features of the nearby SPA/Ramsar site and therefore does not require Appropriate Assessment in accordance with the Habitat Regulations subject to conditions relating to the timing of the works and machinery noise being added to any consent.

The nearby SSSI is also unlikely to be adversely affected by the proposal provided the conditions above are included.

Response to Public Advertisement

Nil

Principal Issues

1. The application site is located within the Urban Area Boundary and consequently the principle of residential development is acceptable provided that the details accord with the relevant Policies of the Gosport Borough Local Plan Review. The acceptability of residential development in this form has been established with the previous grant of 5 outline planning consents for three detached dwellings in approximately the same positions as those currently proposed. The three Lime trees located in the pavement along the site boundary with Monckton Road will be retained. The Arboricultural Impact Appraisal and Method Statement confirms there are no trees on the site that are worthy of being afforded protection by a Tree Preservation Order but some trees are to be retained at the rear of the site to integrate the proposed dwellings into their surroundings. As the site lies in an area of archaeological potential a condition is proposed requiring a watching brief to be undertaken to monitor and record any archaeological evidence so as to comply with Policy R/BH8 of the Gosport Borough Local Plan Review. Therefore the main issues in this case are the acceptability of the proposed density, the effect of the proposal on the character and visual amenities of the area, the impact on the amenities of adjoining and prospective residents, nature conservation, the provision of transport infrastructure, car and cycle parking, refuse storage facilities and open space provision.

2. Whilst the development will be at a density of 15 dwellings per hectare this is appropriate to the established pattern and character of development in the immediate area as recognised and accepted by the Inspector in considering the previous appeal. The three plots are commensurate in terms of size with other plots located in Monckton Road and they can adequately accommodate these relatively large dwellings in keeping with the character of the area in approximately the same siting as previously approved and considered acceptable at outline stage. It will result in the provision of three detached 4 bedroom houses to assist in providing a variety of residential accommodation to meet the housing needs of the Borough. The Government has recently amended the definition of previously developed land within Appendix B of Planning Policy Statement 3: Housing (PPS3) to exclude private residential gardens. However, the proposal will retain significant areas of useable amenity space in the form of garden areas to the front and rear of the dwellings commensurate with the neighbouring properties and the general character of development in the area. In my opinion, therefore, the principle of the proposed development is still acceptable in this particular case as it is not contrary to the revised guidance due to it being a form of development in character with the area. As such the proposal complies with Policies R/DP1 and R/H4 of the Gosport Borough Local Plan Review. The proposal to retain some of the existing trees located in the rear gardens of the proposed properties will also assist to maintain the character of the area.

3. The size of the plots and the detailed design of the dwellings set on a slight stagger is such that there will be no detrimental impact in terms of loss of light, overshadowing or loss of privacy to neighbouring or prospective residents. Each property will have sizeable front and rear gardens and therefore adequate private amenity space for use by future occupiers. Areas can be identified within the rear gardens to provide storage facilities for refuse and recycling bins. As such the development will not be detrimental to the amenities of neighbouring residents or prospective occupiers in compliance with Policy R/DP1 of the Gosport Borough Local Plan Review.

4. The proposed works to affected trees are considered to be acceptable. The Ecological Walkover Assessment concludes that there are no protected species present on the site. In terms of ecological sensitivity, consultation with Natural England confirms that the development is unlikely to

harm any of the nearby nature designations. However, due to the proximity of the site to the neighbouring sports field which is a site identified as being of high importance for Brent Geese measures will need to be taken to ensure there is no disturbance to Brent Geese using the site for feeding or as a high water refuge. It is proposed to deal with this matter by condition to control unnecessary noise from heavy machinery within the waterfowl over-wintering period, 1 October to 31 March inclusive. The proposal therefore accords with Policy R/OS13 of the Gosport Borough Local Plan Review.

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

6. The erection of three 4 bedroom dwellings on the site generates a requirement for outdoor playing space to meet the needs of prospective residents and will also increase trip generation to and from the site. The applicant has confirmed a willingness to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space, in accordance with Policy R/OS8, and payment of a sum towards transport infrastructure, in accordance with Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review. Without this obligation the proposal is unacceptable.

RECOMMENDATION: Grant Permission

Subject to Section 106 agreement relating to

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

Reasons for granting permission:

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location and will not have any detrimental impact on the character or visual amenities of the area, adjoining and prospective residents, nature conservation or highway safety. Any archaeological evidence will be monitored and recorded. Adequate provision is made for open space, transport infrastructure, car and cycle parking and refuse storage. As such the proposal complies with Policies R/DP1, R/DP3, R/H4, R/T4, R/T11, R/BH8, R/OS8 and R/OS13 of the Gosport Borough Local Plan Review.

Subject to the following conditions:-

1. The development hereby permitted must be begun within a period of three years beginning with the date on which this permission is granted.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing No. 98.10 01A, - Drawing No. 98.10 02, - Drawing No. 98.10 03, - Drawing No. 98.10 10,
- Drawing No. 98.10 11, - Drawing No. 98.10 12 and - Drawing No. 10/3401.

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. No works with heavy machinery shall occur within the waterfowl over-wintering period of 1 October to 31 March inclusive. For the purpose of this condition heavy machinery includes pneumatic drills, diggers, dumper trucks and lorries.

Reason - To protect over-wintering birds from disturbance and to comply with Policy R/OS13 of the Gosport Borough Local Plan Review.

4. No development shall take place on the site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved scheme.

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

5. In accordance with the details of the application no works to the trees the subject of this permission shall take place other than those detailed in the submitted Arboricultural Impact Appraisal and Method Statement dated 4 October 2010.

Reason - To maintain, as far as possible, the appearance of the area, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

6. Details, including samples, of all external facing, roofing, Juliet balcony and garage door materials 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 - To ensure that the external appearance of the building is satisfactory, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

7. Details of all boundary treatment, including any gate, shall be submitted to and approved, in writing, by the Local Planning Authority before works above slab level are commenced. The boundary treatment shall be provided in accordance with the approved details before the development is first occupied and thereafter retained.

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

8. The new accesses shall be provided in accordance with the approved plans before the development hereby permitted is first occupied and thereafter retained.

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

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

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

10. 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, 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.

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

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

12. Full 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 planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes, the proposed number/densities and an implementation programme.

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 approved landscaping scheme shall be completed within six months from the completion of the last dwelling, and any trees or plants which die are removed or become seriously damaged or diseased during the first five years, 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.

ITEM NUMBER: 09.
APPLICATION NUMBER: K5941/4
APPLICANT: Miss Natasha Townsend
DATE REGISTERED: 19.11.2010

**CHANGE OF USE FROM SHOP (CLASS A1) TO CHIROPODY PRACTICE (CLASS D1)
WITH ANCILLARY RETAIL SALES**
9 Stokesway Stoke Road Gosport Hampshire

The Site and the proposal

The application site is located on the north side of Stoke Road within the Stoke Road District Shopping Centre. The premises have been vacant for some time due to the previous gift shop operator moving to the neighbouring larger unit. The premises are located towards the western end of Stokesway, a purpose designed two storey flat roofed shopping parade constructed in the mid 1960s with flats and Curves Fitness Centre above, on the corner with Stoke Gardens. To the rear of the premises there is a private tarmac surfaced access road with space to park a car which also serves The Garden Keep, a four storey block of flats with garaging at ground floor level. To the west, on the other side of Stoke Gardens, there is a Solicitor's office and Dental Practice. Sleepland, a bed and furniture shop and Waitrose are located opposite on the southern side of Stoke Road. To the west of the site there is the ground floor entrance to the Curves Fitness Centre located above the application premises. To the east, immediately adjoining the site, is Caprice, a card and gift shop, an estate agents and a sweet shop. The premises comprise a ground floor retail area with a staff room/kitchen and WC to the rear and door onto the service road. The front elevation comprises a large, aluminium display window and matching entrance door.

The proposal is to change the use of the premises from a shop (Class A1) to a chiropody practice (Class D1) with ancillary retail sales of chiropody/podiatry products. The applicant is wishing to operate her chiropody practice from the premises and will also employ a part-time member of staff. There will be no alterations to the existing ground floor display window. There will be a reception/waiting area and retail display areas in the front third of the premises with two clinic rooms in the centre and the retained staff room/kitchen and WC at the rear. Opening hours will be 9.00 - 17.30 on Monday and Thursday, 9.00 – 20.00 Tuesday and Wednesday, and by appointment only on Friday. A retail display will be maintained in the shop front window.

Relevant Planning History

K 5941/3 - installation of a new shop front - permitted 14.08.79

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/S3
Principal & District Shopping Centres
- R/S5
Non 'Class A' Uses in Shopping Centres at Ground Floor
- R/CF1
New or Improved Community and Health Facilities
- R/T4
Off-site Transport Infrastructure
- R/T11
Access and Parking

Consultations

Local Highway Authority

No objection. Public car park is within walking distance and there is enough on street parking available for such a use. No transport infrastructure contributions required as trip generation for the proposed use will be no greater than that for the existing Class A1 shop use.

Response to Public Advertisement

Nil

Principal Issues

1. The main issues in this case are whether such a change of use is acceptable in land use terms and the impact on the vitality and viability of the shopping centre, the amenities of nearby occupiers and traffic/parking conditions in the locality.
2. The introduction of such a use into these vacant premises with its ancillary retail sales will have a positive impact on the appearance of this part of Stoke Road. A condition is suggested requiring the ground floor display window to be used for the display of goods and services for sale to maintain the appearance of a retail frontage. The application site is located in the Stoke Road District Shopping Centre and as such Policy R/S3 is applicable. A total of 33.3% of the frontage is currently occupied by non A1 and A2 uses with this increasing by a minimal amount to 33.4% as a result of this proposal, only another 0.1% above the recommended threshold. However, such a facility will bring into use vacant premises that will complement other medical services in the area and is appropriate in this location. The location of the site on a main road and bus route is such that it is readily accessible to local residents and convenient to use for those employed in the immediate area. The expected increase in footfall should also be of benefit to surrounding businesses. The proposed use is therefore considered to be acceptable and not harmful to the vitality or viability of the Stoke Road District Shopping Centre and complies with Policies R/S5 and R/CF1 of the Gosport Borough Local Plan Review.
3. There is a fitness centre located above the premises and the proposed use will have no more of an impact on the amenities of any nearby residential occupiers in terms of the level of activity generated than use as a shop. The use will not be detrimental to nearby occupiers and as such the proposal complies with Policy R/DP1 of the Gosport Borough Local Plan Review.
4. The car parking requirement for such a use is less than that for the existing retail use. The proposed use does not generate a requirement for transport infrastructure contributions. The site is located on a main road within a shopping centre in a highly accessible location with 8+ busses per hour. There are existing public car parks and on-street parking areas within a short distance of the site. As such there will be no detrimental impact in this accessible location on traffic/parking conditions in the locality and the proposal therefore complies with Policies R/DP3, R/T4 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, it is considered that the proposed use would not be harmful to the retail function of the Stoke Road District Shopping Centre, or the amenities of any nearby occupiers, or traffic and parking conditions in the locality. As such, the development

complies with Policies R/DP1, R/DP3, R/S3, R/S5, R/CF1, R/T4 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:

- Plan 1, - Plan 2 and - Plan 3.

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 ground floor display window shall be used at all times for the display of goods and services for sale.

Reason - To ensure continuity of retail frontage is retained, and to comply with Policies R/DP1, R/S3 and R/S5 of the Gosport Borough Local Plan Review.