

Please ask for:

Lisa Young

Direct dial:

(023) 9254 5651

Fax:

(023) 9254 5587

E-mail:

lisa.young@gosport.gov.uk

29 March 2012

S U M M O N S

MEETING: Regulatory Board
DATE: 10 April 2012
TIME: 6.00pm
PLACE: Council Chamber
Democratic Services contact: Lisa Young

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

The Mayor (Councillor Carter CR) (ex officio)
Chairman of the P and O Board (Councillor Hook) (ex officio)

Councillor Philpott (Chairman)
Councillor Ronayne (Vice Chairman)

Councillor Allen	Councillor Hylands
Councillor Mrs Bailey	Councillor Langdon
Councillor Beavis	Councillor Scard
Councillor Geddes	Councillor Smith
Councillor Henshaw	Councillor Wright

FIRE PRECAUTIONS

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

In the event of the fire alarm 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 EXTRAORDINARY MEETING OF THE BOARD HELD ON 29 MARCH 2012 –TO FOLLOW

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 Wednesday, 4 April 2012. 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 Wednesday, 4 April 2012).

6. REPORTS OF THE BOROUGH SOLICITOR

*Schedule of planning applications with recommendations.
(grey sheets – pages 1 –16/1)*

PART II
Contact Officer:
Debbie Gore
Ext 5455

7. ANY OTHER ITEMS

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

GOSPORT BOROUGH COUNCIL – REGULATORY BOARD

10th April 2012

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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01.	03	K18023	166-170 Portsmouth Road Lee-On-The-Solent Hampshire PO13 9AE	Refuse
02.	08	K16713/13	Unit 6A Block F1 Royal Clarence Yard Weevil Lane Gosport Hampshire	Grant Permission
03.	14	K17568/1	23 Kennedy Crescent Gosport Hampshire PO12 2NL	Grant Permission

ITEM NUMBER: 01.
APPLICATION NUMBER: K18023
APPLICANT: PMC Construction Ltd
DATE REGISTERED: 09.11.2011

CHANGE OF USE FROM RETAIL (USE CLASS A1 AND A2) TO 2NO. TWO BEDROOM APARTMENTS (USE CLASS C3) TOGETHER WITH REPLACEMENT OF GLAZING TO FRONT ELEVATION WITH 6NO. WINDOWS AND ASSOCIATED BIN AND CYCLE STORES

166-170 Portsmouth Road Lee-On-The-Solent Hampshire PO13 9AE

The Site and the proposal

The application site comprises part of a two storey building located on the north east side of Portsmouth Road. Planning permission was granted in 2006 for demolition of a two storey building providing ground floor shops with flats above and its replacement with a two storey building with shops (Use Class A1 and A2 respectively) and 8 flats. The building is part brick, part render at ground floor, rendered at first floor and has accommodation in the roof space with dormer windows projecting from the front and rear elevations. A visual break in the building is provided by a set back brick pier which contains a door which provides access to the residential accommodation located towards the rear of the ground floor, at first floor level and in the roof space. The ground floor fenestration to the front elevation of the building is currently formed of two large pairs of display windows, each with a pedestrian access door, divided by the set back pillar providing pedestrian access to the residential element of the building. There is an area of hardstanding to the front of the building which is brick paved. To the rear of the building is parking space for 8 cars together with separate bin and cycle stores. There is a small area of open amenity space to the south east corner of the site. There are three pedestrian access points along the rear elevation of the building, one towards the centre of the building and two further towards the outer edges of the building.

The ground floor units of this site are part of the Portsmouth Road Neighbourhood Shopping Centre which is made up of numbers 164 to 176 Portsmouth Road. At present no. 164 is occupied by a barbershop (Use Class A1), no. 172 by a hairdressers (Use Class A1), no. 174 a fish and chip shop (Use Class A5) and no. 176 a craft shop (Use Class A1). Nos. 166 to 170 which form the application site are currently vacant.

This application proposes the change of use of the two existing ground floor retail units to provide two additional residential units (Use Class C3). The application is accompanied by information to show how the premises were marketed during the period mid 2008 to mid 2011. The premises appear to have been marketed by two agents during this time. One states that a variety of mediums, including the internet, local newspapers and at their main office locations in Lee-on-the-Solent and Port Solent have been used but that feedback has been negative on the basis of the location of the premises. This agent also states that the proposed rent has been reduced during the marketing period and that an investigation into the use of the site for alternative uses (such as community facilities) suggests the value of the residential units above would be reduced. The second of the two agents states that marketing has been unsuccessful and a rent reduction has not improved this situation. Both letters are on headed paper from the respective agents, however, neither appear to be addressed to the individual named as the applicant on the application. There appears to be some conflict in the rental price at which the premises were marketed at during this period with one of the agents stating the original price of £10,200 per annum was reduced to £6,500 per annum, however, the example particulars submitted by the second agent state the price at being £7,500 per annum.

The physical works to accommodate the proposed change of use include the removal of the existing display windows in both of the existing units and their replacement with small personal windows consistent with the residential units above, made good with brick and render, where appropriate, to match existing. Bin stores would be provided within an existing building to the northernmost corner of the site and long stay cycle stores would be provided within the main

building and be accessed from the two outermost pedestrian doors on the rear elevation of the building. Short stay cycle loops would be located to the front of the building.

Relevant Planning History

K17154 - Demolition of existing buildings and erection of two retail units (Shop 1 - Class A1 and Shop 2 - Class A2) and eight residential flats - permitted 22.06.06

Relevant Policies

Gosport Borough Local Plan Review, 2006:

R/S4

Local and Neighbourhood Centres

R/S5

Non 'Class A' Uses in Shopping Centres at Ground Floor

R/S6

Residential Development at Ground Floor within Defined Shopping Centres

R/DP3

Provision of Infrastructure, Services and Facilities

R/OS8

Recreational Space for New Residential Developments

R/T11

Access and Parking

R/T4

Off-site Transport Infrastructure

R/DP1

General Standards of Development within the Urban Area

Consultations

Building Control	No objection.
Environmental Health	No objection. Conditions relating to hours of working should be applied. The information held by the Council indicates that the land is not contaminated.
Local Highway Authority	No objection. Vehicular access to the proposed flats is from the front and is satisfactory. Parking for two cars in the private forecourt to the front would be possible. There is space for eight cars in the rear car park and the site is located on a bus route and is therefore accessible. Long and short stay cycle parking is acceptable. A Transport Services, Infrastructure and Facilities Contribution should be sought.
Streetscene (Waste & Cleansing)	No objection. Adequate bin capacity and storage is provided in the existing bin store.

Response to Public Advertisement

74 letters of objection

Issues raised:

- loss of the shops
- the shops at either end of the parade would be isolated
- local amenities are important to the centre and to members of the community who are unable to

- access other facilities
- Lee-on-the-Solent needs small shopping parades
- loss of the shops would compromise the viability of the Neighbourhood Centre
- the shops would provide jobs
- no window display would be provided
- the marketing is insufficient
- the marketing is inaccurate and does not reflect planning permission K/17154
- expressions of interest have been rejected by the agent
- the agent advised the properties were no longer on the market
- the shops previously on this site traded well
- the area is very busy
- insufficient car parking
- cycle parking provision unclear
- residential is not needed and would impact harmfully on the area
- the two flats to the rear of the retail units are occupied which does not accord with condition 7 of planning permission K/17154
- the retail units are not being let because there are no toilets or facilities located within them
- unclear which units the application relates to
- some of the information is unclear
- the dates on the plans do not accurately correlate
- made aware of the application by a circular posted through door

1 petition of objection containing 42 signatures

Issues raised:

- allegedly there is no interest in the shops and marketing
- there have been no signs in the window marketing the premises

2 letters of observation

Issues raised:

- have contacted the agents with a view to looking around the shops but have not had a response.
The shop may therefore have been left vacant to improve the chance of achieving a change of use
- the premises could be used as a veterinary practice, an electrical appliance repair shop, a shoe repair business and a newsagents to deliver papers locally

Principal Issues

1. Condition 7 of planning permission K17154 seeks to prevent the subdivision of the retail units. This application seeks to change the use of the units to residential which does not directly conflict with this condition. No breach of the condition is evident at present. The application has been advertised in accordance with the Council's publicity procedure and was registered on 09.11.11. The main issues for consideration in this case are the loss of the shops and impact on the vitality and viability of the Portsmouth Road Neighbourhood Shopping Centre, the appropriateness of the design of the physical works, the provision of open space, the provision made for car parking and cycle and refuse storage.

2. The site is located in the Portsmouth Road Neighbourhood Shopping Centre where Policy R/S5 of the Gosport Borough Local Plan Review seeks to maintain retailing as the dominant use within those Centres. Policy R/S6 of the Gosport Borough Local Plan Review states that residential uses will not be permitted at ground floor in defined centres as this use would compromise the function of the centre to provide shopping facilities. Policy R/S5 states that changes of use to non Class A uses, as is the case here, will be permitted provided that the use provides a service appropriate to the shopping centre, the use would not individually or cumulatively with Class A2, A3, A4 or A5 and other non Class A uses within the centre contribute to a significant reduction in the vitality or viability of the centre, and that a window display is maintained. It is not considered that the first test has been met as a residential use will not provide a service to the Neighbourhood Centre that would be accessible to the surrounding communities and provide a useful facility to them. The loss of the units for retail purposes individually and cumulatively would contribute to a significant reduction in the vitality and viability of the Neighbourhood Centre by reducing the retail offer, the service

provision to the surrounding community and the opportunity to provide jobs. The position of the application units towards the centre of the parade exacerbates this impact by providing a physical and visual break in the continuity of the shop frontage. This loss will harm the vitality of the Centre. Allegations regarding the conduct of the agent are not relevant to the consideration of this planning application and it appears from the particulars that a sign was displayed in the window during the marketing period. However, there do appear to be some inconsistencies with the marketing that has been undertaken in respect of the price. One of the agents suggests marketing the premises for alternative community facilities but states that no enquiries have been received and that the use of the premises for this purpose is likely to reduce the price of the residential units above. All alternative uses that would be accessible and provide a service to the community should be thoroughly explored in accordance with the aims and objectives of Policy R/S5 of the Gosport Borough Local Plan Review. To date it appears that the marketing exercise has been restricted to retail Class A uses only. Speculative enquiries for alternative uses are unlikely and the impact on the price of the residential units above is not a material planning consideration. Nevertheless, the aims and objectives of policy R/S5 are to retain the premises for retail purposes to serve the needs of the Borough's residents which this application conflicts with. The proposal does not, therefore, comply with policies R/S5 and R/S6 of the Gosport Borough Local Plan Review.

3. The National Planning Policy Framework (NPPF) states that decision takers may continue to give full weight to relevant policies adopted since 2004. The Gosport Borough Local Plan Review was adopted in 2006. The retail policies are still relevant to protecting the vitality and viability of Portsmouth Road Neighbourhood Centre and would be detrimental to the retail function of that centre. Whilst the NPPF recognises that residential development can play an important role in ensuring the vitality of centres and that local planning authorities can set out policies for residential development on appropriate sites, this is not an appropriate site and residential development in this location would be detrimental to the vitality of the centre.

4. As stated above, the physical works would impact on the vitality of the Neighbourhood Centre by physically interrupting the continuity of the shopping frontage within the Centre. In isolation from this matter, however, the windows are considered to be compatible and in proportion with those above at first floor level and would not impact harmfully on the visual appearance of the building. The proposal therefore complies with policy R/DP1 of the Gosport Borough Local Plan Review.

5. The Local Highway Authority notes that the site is in an accessible location. It is also noted that there is on street car parking in the surrounding area and the site is on a bus route. Adequate long and short stay cycle parking provision can be made on site and is accessible from the car parking area to the rear and the highway network. Adequate refuse storage is proposed within the single storey building located to the northern corner of the site permitted under K.17154. The proposal therefore complies with policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

6. The applicant is aware of the need to make provision for Open Space in lieu of on site provision in accordance with policy R/OS8 of the Gosport Borough Local Plan Review, however, no binding arrangements to secure this provision are in place at this time. The applicant is also aware of the need to make a contribution towards the provision and/or improvement of Transport Services, Infrastructure and Facilities in accordance with policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review, however, no binding arrangements to secure this payment are in place at this time. The proposal is therefore contrary to Policies R/OS8, R/T4 and R/DP3 of the Gosport Borough Local Plan Review.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The loss of the retail uses and associated window display and their replacement with the proposed residential use and associated physical works would reduce the services available to the local community, harm the retail function of the Centre and interrupt the continuity of the shopping

frontage to the detriment of the vitality and viability of the Portsmouth Road Neighbourhood Centre, contrary to Policies R/S5 and R/S6 of the Gosport Borough Local Plan Review.

2. The proposal does not make adequate provision for outdoor playing space or transport infrastructure improvements, or the payment of commuted sums in lieu of such provision, contrary to Policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

ITEM NUMBER: 02.
APPLICATION NUMBER: K16713/13
APPLICANT: Miss Olivia Collett
DATE REGISTERED: 20.12.2011

**USE OF PREMISES AS A GYMNASIUM AND OFFICES (USE CLASSES D2 AND B1)
(LISTED BUILDING IN A CONSERVATION AREA) (as amended by plan received
10.01.12)**

Unit 6A Block F1 Royal Clarence Yard Weevil Lane Gosport Hampshire

The Site and the proposal

Block F1 is a recently constructed three storey building attached to the southern elevation of the Grade II* Listed Granary building at Royal Clarence Yard. It is located within the Urban Area Boundary, the Royal Clarence Yard Conservation Area and Flood Zone 3, as defined on the Proposals Map of the Gosport Borough Local Plan Review, and is adjacent to Portsmouth Harbour, a Ramsar site, Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).

The redevelopment of Royal Clarence Yard was originally approved under detailed planning permission K16713/1, which was granted on appeal on 2 February 2006. K16713/1 was, itself, a revision to outline consent, K15500, which was permitted by the Council in November 2001. In accordance with planning permission K16713/1, the ground floor commercial units within Block F1 have consent to operate under Use Classes A1 (Shops), A2 (Financial and Professional Services) and A3 (Restaurants and Cafés), with residential accommodation permitted on the first and second floors. All but 1no. of the 6no. ground floor commercial units are currently vacant. There are no conditions attached to planning permission K16713/1 that restrict the opening hours of the ground floor commercial units.

Unit 6A has a total floor area of 146.22 sq. metres. It is located towards the northern end of the Block, adjacent to the recently opened 'Reds Brasserie' restaurant. Access to the front of the unit is via a commercial shopfront. 2no. personal doors provide access to the rear of the premises.

The proposal is to change the use of Unit 6A to form a gymnasium (Class D2), an Estate Manager's office (Class B1) and a parking contractor's office (Class B1).

The proposed gymnasium would be positioned at the front of the unit and would have a total floor area of 90.12 sq. metres. It would be for use by residents of Royal Clarence Yard only. The gymnasium would be accessed and serviced via the existing shopfront entrance in the eastern elevation. Equipment would include resistance machines, treadmills, exercise bicycles, rowing machines and cross trainers, together with a free-weight and stretching area. Information accompanying the application indicates that there would be no amplified music. As the gymnasium would be for residents of Royal Clarence Yard only, the proposal includes no showering or changing facilities. The proposed staffing arrangements and opening hours are not yet known.

The proposed Estate Manager's office would have a gross internal floor area of 30.8 sq. metres. It would be accessed via an existing door in the rear elevation. The Estate Manager is currently operating from a temporary office located on the northern side of North Meadow which was approved under planning permission K16416/41. Condition 1 of the consent requires the temporary office to be removed from the site by no later than 1 January 2013. The proposed office is required to provide a more permanent and convenient facility from which the Estate Manager can operate.

The proposed car parking contractor's office would have a gross internal floorspace of 21 sq. metres and would also be accessed via an existing door in the rear elevation of the building. Both of the offices would be positioned at the rear of the gymnasium and would share kitchen and toilet facilities.

The application is supported by information relating to the recent marketing of the vacant commercial units within Block F1.

Amended plans have been submitted that revise the internal layout of the proposed WC facilities in order to comply with Building Regulations.

Relevant Planning History

K15500 - outline planning consent for 380 dwellings, 1620 sq m retail, 3520 sq m pub/restaurants, 3390 sq m leisure (inc. cinema), 9530 sq m office/workshop (B1) uses, 130 mooring berths with 1003 parking spaces - permitted 30.11.01

K16713/1 - mixed use development comprising 394 residential units, 516 sq m of offices/workshops (Class B1), 931 sq m retail/restaurants/public houses/cafes (Class A1, A2, A3, A4, A5), 682 sq m of cinema (Class D2), millennium promenade and related infrastructure (including access, car parking, landscaping, open space and flood defences) - granted on appeal 02.02.06

16416/41 - retention of estate management office for a temporary period until January 2013 - temporary consent permitted 07.11.11

Relevant Policies

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/S1

Shopping and Commercial Allocations

R/S8

Local Shops Outside Defined Centres

R/CF8

Provision of Built Leisure Facilities

R/ENV10

Noise Pollution

R/OS11

Protection of Areas of National Nature Conservation Importance

R/OS12

Locally Designated Areas of Nature Conservation Importance

R/OS13

Protection of Habitats Supporting Protected Species

R/DP3

Provision of Infrastructure, Services and Facilities

Consultations

The Gosport Society	No objection.
Environment Agency (Hants & IOW)	No objection. As the gym is for residents only, there is no requirement to provide showering or changing facilities. There is no requirement for additional sound insulation.
Building Control	No objection.
Economic Prosperity	Careful consideration must be given to the future viability of the site and the need to create employment opportunities.
Environmental Health	No objection.
Local Highway Authority	No objection. As the gymnasium would be

for residents only, there is no requirement to provide additional parking facilities. As there will not be an increase in the number of multi modal trips to and from the site when compared to the consented use, there is no requirement for Transport Contributions towards improvements to off-site transport infrastructure.

Response to Public Advertisement

5 letters of objection

Issues raised:-

- the applicant did not consult residents prior to the submission of the planning application
- the applicant should have conducted a survey to establish whether residents would like a gymnasium at Royal Clarence Yard
- the proposed gymnasium has no changing/showering facilities
- the proposal may increase service charges for residents
- questions whether residents will be liable to pay for broken equipment and cleaning costs etc
- the layout of the gymnasium is cramped
- the applicant should honour its original commitment to provide A Uses on the ground floor of Block F1
- the disabled parking provision at Royal Clarence Yard is inadequate
- the completion of the Waterfront Trail would be more effective at increasing footfall along the waterfront than the provision of a gymnasium

4 letters of support

Issues raised:-

- it will be good to have additional facilities on the site
- the provision of an on-site gymnasium will reduce the need to travel by car to other gymnasium establishments
- the proposal will appeal to all age groups
- the proposal will add to the variety of uses at the site
- the proposal may 'add life' to the Royal Clarence Yard re-development
- the proposal may increase footfall along the waterfront and encourage additional businesses to open within Block F1
- the additional on-site facility may help to sell vacant apartments

6 letters of observation

Issues raised:-

- the waterfront should be better lit at night time
- it would have been beneficial for the applicant to consult residents prior to submitting the application
- there is a possibility the development may become a 'white elephant'

Principal Issues

1. Although the government encourages applicant's to undertake consultation with local residents prior to the submission of an application for planning permission, this is not a legislative requirement. This application has been advertised by the Local Planning Authority for public comment by way of site notices and letters to neighbouring properties. All planning applications must be considered on their own merits and in the light of relevant national and local planning policies. The Head of Environmental Services has confirmed that as the proposed gymnasium would be for residents only, there is no requirement to provide showering and changing facilities.

Resident's service charges, the future maintenance costs of the proposed gymnasium, the completion of the Waterfront Trail and the existing disabled parking facilities at the site are not material planning considerations in the determination of this planning application. The Local Planning Authority is in on-going discussions with the developer regarding the external lighting arrangements along the waterfront, however, this matter does not form part of this current planning application. The National Planning Policy Framework (NPPF) states that decision takers may continue to give full weight to relevant policies adopted since 2004. The Gosport Borough Local Plan Review was adopted in 2006 and its Policies are, therefore, a material consideration in the determination of the planning application. The main issues in this case, therefore, are the acceptability of the proposal in land use terms, whether it preserves or enhances the character and appearance of the Royal Clarence Yard Conservation Area and the impact on the historic and architectural character of the Listed Building, and its setting, the amenities of existing occupiers, the servicing arrangements of adjacent uses, the interests of nature conservation, the risk of flooding to people and property and whether appropriate provision has been made for servicing, car and bicycle parking and refuse storage.

2. One of the key visions of the Royal Clarence Yard re-development was to establish an active commercial frontage with the waterfront. It was envisaged that the ground floor commercial units in Block F1 would make a significant contribution towards achieving this objective. Despite considerable marketing, however, only 1no. of the 6no. ground floor commercial units within Block F1 has been successfully let for its approved Class A1/A2/A3 use. The remaining units are vacant. One of the principal concerns identified by prospective commercial tenants relates to the limited footfall that is currently being experienced along the waterfront, which is considered to compromise commercial viability. As a consequence, and despite being viewed on 17no. separate occasions by prospective tenants between March 2011 and October 2011, Unit 6A has never been let and has now been vacant for over 12 months.

3. Although the proposed D2 and B1 Uses do not strictly comply with the original vision for this part of the Royal Clarence Yard re-development site, the proposal would bring a vacant unit into use and would help to establish an active frontage with the waterfront, thereby contributing to the vibrancy of this strategically important part of the site and in turn, potentially encouraging the uptake of the remaining vacant units. The proposed gymnasium would provide existing and prospective residents with a purpose built facility and this may also contribute to the overall attractiveness of the site for potential investors. The proposed B1 offices would be located at the rear of the site and would not, therefore, compromise the vitality of commercial frontage. The proposal will provide the Estate Manager with a more practical and permanent base from which to operate and will allow the temporary office to be removed from the site, improving the visual amenity of the locality and the setting of adjacent Listed Buildings. Upon completion of the Royal Clarence Yard redevelopment, the site will require a parking attendant to regulate parking activities. The proposal will provide the operator with a purpose built office, within an existing building, thereby negating the need to provide additional facilities elsewhere within the site. In light of the above, the proposed uses are considered acceptable in land use terms. The provision of a gymnasium will help to enhance the vitality and viability of this important part of the waterfront. It will help to contribute to the overall attractiveness of the site and could assist in the on-going regeneration of Royal Clarence Yard as a whole. For these reasons, the proposal will not have a harmful impact on the overall mix of uses across the site and will not, therefore, compromise the overall aims and objectives of the Royal Clarence Yard re-development. The proposal is, therefore, considered to comply with the National Planning Policy Framework and Policies R/S1, R/S8 and R/CF8 of the Gosport Borough Local Plan Review.

4. No external alterations are proposed and the level of activity associated with the proposed uses is unlikely to exceed that which would be expected from the approved Class A uses. In light of this, and given the nature of activities associated with the proposed use, the proposal will not harm the character of the Listed Building, or its setting, and will preserve the character and appearance of the Royal Clarence Yard Conservation Area. The proposal, therefore, complies with Policies R/BH1 and R/BH3 of the Gosport Borough Local Plan Review.

5. The comings and goings and levels of activity associated with the proposed D2 and B1 uses are unlikely to exceed that which might be expected from the consented A Uses and the number of deliveries to the site is likely to be less. There are no conditions attached to the original planning permission for the ground floor commercial units that restrict opening hours. Under the circumstances, and as the ground floor units are permitted to operate as restaurants or cafes, the development is unlikely to increase the levels of disturbance for adjacent occupiers, including the flats above. In the interests of preserving the future amenity of neighbouring occupiers, and in order to ensure the Council is able to control the future use of the site, it is proposed to attach a condition to prevent the unit being used for any purpose other than as a gymnasium, an Estate Manager's office and a car parking contractor's office, as shown on the submitted plans. Subject to this condition, the proposal is considered to comply with Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.

6. The proposed gymnasium and office uses are unlikely to increase the demand for refuse storage or bicycle parking facilities when compared to the consented Class A uses and there will be sufficient capacity within the existing approved facilities, therefore, to meet the likely demand associated with the proposed D2 and B1 uses. As the Estate Manager already operates from the site and the proposed gymnasium will only be made available for use by residents of Royal Clarence Yard, considered in the light of the consented uses, the proposal will not affect the traffic characteristics of the locality, increase traffic congestion, or increase the demand for car parking at the site. The proposal will not, therefore, harm the interests of highway or pedestrian safety. As the proposal will not increase the number of multi modal trips to or from the site when compared to the consented Class A uses, there is no policy requirement to make contributions towards improvements to highway/transport infrastructure. Subject to a condition restricting the use of the gymnasium to residents of Royal Clarence Yard, the development is acceptable and complies with Policies R/DP3, R/T4 and R/T11 of the Gosport Borough Local Plan Review.

7. The proposal requires minor internal alterations only and the development will not, therefore, harm the interests of nature conservation, in accordance with the National Planning Policy Framework and Policies R/OS11, R/OS12 and R/OS13 of the Gosport Borough Local Plan Review.

8. The proposal will not increase the risk of flooding to people of property when compared to the consented use. The development, therefore, accords with the National Planning Policy Framework.

RECOMMENDATION: Grant Permission

Reason(s) 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 is acceptable in land use terms. The proposal will help to contribute to the vitality and viability of the waterfront and will assist in the on-going regeneration of the Royal Clarence Yard re-development site. The development does not harm the historic or architectural character of the adjacent Listed Buildings, or their setting, and preserves the character and appearance of the Royal Clarence Yard Conservation Area. It does not harm the amenity, access, or servicing arrangements of adjacent occupiers, will not increase traffic congestion in the locality and will not harm the interests of highway and pedestrian safety or nature conservation. The development will not increase the risk of flooding to people of property. Adequate facilities are available for car and bicycle parking and refuse storage. It, therefore, complies with the National Planning Policy Framework and Policies R/DP1, R/DP3, R/BH1, R/BH3, R/S1, R/S8, R/CF8, R/ENV10, R/OS11, R/OS12, R/OS13, R/T4 and R/T11 of the Gosport Borough Local Plan Review.

Subject to the following condition(s):-

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/BF1/EMO+G, RCH007-03 REV A and C924/EO/01 REV A

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. Not more than 90.12 sq. metres of the total floor area shall be used as a gymnasium (Class D2), 30.8 sq. metres as an Estate Manager's office (Class B1(a)) and 21 sq. metres as a car parking contractors office (Class B1(a)), as shown on plan C924/EO/01 REV A, and the premises shall not be used for any other purpose whatsoever (including any other purpose within Class D2 and B1 of the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), without the prior consent, in writing, of the Local Planning Authority.

Reason - To control the use of the site, to protect the vitality of the waterfront and in the interests of highway safety and the future amenity of residential occupiers, and to comply with Policies R/DP1, R/ENV10 and R/T11 of the Gosport Borough Local Plan Review.

4. The facilities within the gymnasium hereby approved shall not be made available to any persons, other than residents of the properties located within the Royal Clarence Yard redevelopment site, as denoted by the hatched area on plan C690/BF1/EMO+G.

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

ITEM NUMBER: 03.
APPLICATION NUMBER: K17568/1
APPLICANT: Mr & Mrs Davis
DATE REGISTERED: 17.02.2012

RETENTION OF AND FURTHER WORKS FOR THE ERECTION OF SINGLE STOREY FRONT AND SIDE EXTENSION AND TWO STOREY SIDE EXTENSION TO INCLUDE INTEGRAL GARAGE
23 Kennedy Crescent Gosport Hampshire PO12 2NL

The Site and the proposal

This application has been reported to the Regulatory Board as one of the applicants is a member of staff.

The application site is located on the south side of Kennedy Crescent. The property is a detached house constructed in brown brick with timber cladding to the first floor front elevation under a gabled, tiled roof with a ridge running from west to east. There is a first floor obscure glazed window in the side elevation facing number 25 to the east. On this eastern side there is an attached single garage that projects forward of the two-storey part of the building. There is a first floor landing window in the side elevation facing number 21. The property is set back 6 metres from the back edge of the pavement and has additional parking spaces in front of the garage. There is 1.8 metre high fencing to the side and rear garden boundaries. The rear garden backs onto the rear garden of the properties within Palmerston Way. There is a separation distance of 33 metres between the rear elevations of these properties.

The houses either side of the application property are of a similar age and architectural style and are set back on the same line parallel to the road. Number 21 has a hipped roof on its original single storey frontage element. The two storey side elevation is set back almost 4 metres from the dividing boundary treatment. There is a kitchen door and window in this side elevation and at first floor level an obscure glazed bathroom window and window serving the third bedroom. Number 25 has a gabled roof extension above its side garage which contains a bedroom in the roof space facing towards the rear garden, with a garage door below. A number of properties in this road have had replacement hipped roofs added to their original single storey flat roof elements.

A planning application for a similar proposal was considered in 2008 and works were subsequently commenced on the site in 2009, with the single storey side and front extensions having been completed. No works have commenced on the two storey side extension/garage. It was recently brought to our attention that the extensions were not constructed as shown on the approved drawings as the single storey side extension was approximately 10 cm wider than shown, the eaves along the western boundary had been constructed differently and encroached over the boundary and the materials on the front extension were different.

The eaves have since been altered on site and now accord with the plan submitted under the current application, reference 17568/1, and the applicants, in completing Ownership Certificate A, have indicated that the works are entirely within their land. This application seeks to retain the extensions as constructed on the site and to enable the two storey extension and integral garage to be carried out at a later date. There are no windows in the side elevation where the extension runs along the side boundary with number 25. An integral garage is to be built along the eastern side of the property with a matching tiled roof above which will be a first floor extension extending back to line up with the rear of the property containing a fourth bedroom and shower room. The first floor extension will be set back 450mm from the front elevation of the main house and have a matching gabled roof. This two storey addition will be located on the same line as the existing garage, 1 metre from the side boundary with number 21. There will be no windows in this side extension at first floor level. The extensions are to be built in matching brickwork, with some rendering to the front elevation.

Relevant Planning History

K17568 - Erection of single storey front and side extension and two storey side extension to include integral garage - permitted 04.08.08

Relevant Policies

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/T11

Access and Parking

Consultations

Nil

Response to Public Advertisement

1 letter of observation

Issues raised:-

- the proposed development may restrict light levels to its west and east facing elevations.

Principal Issues

1. The main issues in this case are the acceptability of the design of the extensions, the impact on the streetscene and the amenities of adjoining residents and highway safety.
2. The extensions are acceptable in terms of their location within the plot, and are similar to others in this road. The proposed set back of the two storey side extension at first floor level is an appropriate design feature that would keep it subservient to the main elevation. The use of matching materials and the render that is evident elsewhere within the street ensure it is of an acceptable design and does not have a detrimental impact on the streetscene.
3. Given the location and scale of the extensions, existing window positions, adjoining boundary treatment and the orientation of the properties, there will be no significant loss of light to neighbouring properties. The two storey side extension would not contain any east facing windows at first floor level and therefore there will be no loss of privacy to the adjoining residents at 21 Kennedy Crescent. The permitted development restrictions on first floor windows are considered to be sufficient to protect the privacy of occupiers of number 21. Given the side bedroom window of number 21 currently faces the side elevation of the application property and that the extension will still be 5 metres away there will be no significant impact on the outlook from this bedroom. 26 Palmerston Way will still be 33 metres away from the proposed rear elevation of the two storey extension which exceeds residential design guidelines in the Gosport Borough Local Plan Review and is acceptable. The blank side elevation of the single storey west side extension means the relationship to number 25 Kennedy Crescent, in terms of privacy, will not change. As such the proposal complies with Policy R/DP1 of the Gosport Borough Local Plan Review and will not be detrimental to the amenities of adjoining occupiers.
4. The existing level of onsite car parking provision will not change as a result of this proposal and is sufficient for this property. As the location of the garage will not change from the existing it will not have any detrimental effect on visibility for vehicles exiting the driveway. As such the proposal complies with Policy R/T11 of the Gosport Borough Local Plan Review and will not be detrimental to highway safety.

RECOMMENDATION: Grant Permission

Reason(s) for granting permission:

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location. It is of an appropriate design and will not have a harmful impact on the street scene, the amenities of adjoining residents or highway safety. As such the proposal complies with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

Subject to the following condition(s):-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: PLAN 1; PLAN 2.

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.

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

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