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9 March 2009

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

**MEETING:** Regulatory Board  
**DATE:** 17 March 2009  
**TIME:** 6.00pm  
**PLACE:** Council Chamber, Town Hall, Gosport  
**Democratic Services contact:** Catherine McDonald

**Note: A site visit to 35 St Thomas's Road, Gosport will take place at 11 am on Tuesday, 17 March 2009**

LINDA EDWARDS  
BOROUGH SOLICITOR

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## **MEMBERS OF THE BOARD**

Councillor Hicks (Chairman)  
Councillor Carr (Vice Chairman)

Councillor Allen	Councillor Forder
Councillor Mrs Bailey	Councillor Geddes
Councillor Carter	Councillor Mrs Searle
Councillor Dickson	Councillor Miss West

The Mayor (Councillor Kimber) (ex officio)  
Chairman of Policy and Organisation Board (Councillor Smith) (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.**

**IMPORTANT NOTICE:**

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

**NOTE:**

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

**AGENDA**

Recommended  
Minute Format

**PART A ITEMS**

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

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

3. MINUTES OF THE MEETING OF THE BOARD HELD ON 17 FEBRUARY 2009 [copy attached]

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, 13 March 2009. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

*(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Friday, 13 March 2009).*

6. REPORTS OF THE DEVELOPMENT SERVICES MANAGER

*Schedule of planning applications with recommendations.  
(grey sheets – pages 1 –31 /1)*

PART II  
Contact Officer:  
Pat Aird  
Ext 5328

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**

**17th March 2009**

### **ITEMS WITH RECOMMENDATIONS**

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

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INDEX				
<u>Item</u>	<u>Page No</u>	<u>Appl. No.</u>	<u>Address</u>	<u>Recommendation</u>
01.	3	K110/3	35 St Thomas's Road Gosport Hampshire PO12 4JU	Grant Permission
02.	8	K3113/1	68A Brewers Lane Gosport Hampshire PO13 0LA	Grant Permission
03.	13	K6778/4	13 Stoke Road Gosport Hampshire PO12 1LT	Grant Permission
04.	18	K12345/70	Wyeth Research 154 Fareham Road Gosport Hampshire PO13 0AU	Grant Outline Consent
05.	25	K12345/73	Plot 2B, Regent Trade Park Barwell Lane Gosport Hampshire	Grant Permission

**ITEM NUMBER: 01.**  
**APPLICATION NUMBER: K110/3**  
**APPLICANT: Mr. N Fry**  
**DATE REGISTERED: 19.12.2008**

**ERECTION OF EXTENSION AND CONVERSION OF GARAGE TO CREATE A ONE  
BEDROOM BUNGALOW**  
**35 St Thomas's Road Gosport Hampshire PO12 4JU**

***The Site and the proposal***

The application was considered by the Regulatory Board at the meeting on 17 February 2009 when Members resolved to defer it for a site visit.

The application site is located within the urban area boundary on the southern side of St Thomas's Road towards its junction with Grove Road. The site is a truncated triangular shape forming part of the side garden to 35 St Thomas's Road and contains a detached red brick built garage under a plain brown tiled roof. The area is mainly residential and contains various types of dwellings of differing designs and ages within different shaped and sized plots. The site is on a bus route and there is a newsagent, a takeaway and hairdresser in close proximity on the opposite side of the road. The Windsor Castle public house is also located around the corner on the east side of Grove Road. Double-yellow-line waiting restrictions exist outside the application site and extend around the corner into Grove Road

Number 35 St Thomas's Road is a detached chalet bungalow with a hipped roof at the front containing a gabled dormer window. It has a red brick front elevation containing two semi-circular bay windows with the front door in the centre. The side elevations are part rendered and there is a flat roofed dormer window in the west side elevation with a kitchen window and obscure glazed bathroom window at ground floor level. There is a gabled roof of plain brown tiles to the rear and a lean-to conservatory. The conservatory and windows to the property are white upvc. The rear garden to the site is bounded by 1.8 metres high fencing. At the front of the property there is a 1 metre high brick boundary wall containing a pedestrian gate and part gravel and concrete surfaced car parking area with a dropped kerb in front and to the eastern side of the existing garage.

To the south east of the property, on the corner, is 169 Grove Road, a detached two storey property constructed in red brick with grey brick detailing and string courses. This property was built approximately 5 years ago on a triangular shaped site and has a grey concrete tiled dropped roofline containing front and rear dormer windows. Number 37 St Thomas's Road is a detached bungalow with a gabled roof form located 2.6 metres away from the 1.8 metres high boundary fence separating it from the application site. It is constructed in red brick with yellow vertical tile hanging to the front gable under a grey concrete tiled roof. There is a dormer window in the east facing roof slope facing the application site and a lean-to conservatory at the rear of the property. There are four high level windows in the side elevation facing the application site boundary fence. One of these windows is a secondary window to the front bedroom, the second serves the dining room which is at the northern end of the living room. There are two further high level windows in the living room with a set of patio doors leading out into the glazed conservatory. To the rear of the application site there is a 1.8 metres high fence and the rear garden serving 167 Grove Road.

It is proposed to extend and convert the existing garage situated 1.3 metres away from the boundary fence with number 37 into a 1 bedroom bungalow. The extension at the rear is to be 5.165 metres deep by 3.365 metres wide with a subservient gabled roof form. The extension is to contain the bedroom and bathroom with the open plan lounge/kitchen in the existing garage. The top of the ridge line to the existing garage is 4.6 metres high. The extension will be 4.1 metres high. The up and over garage door is to be removed and partially bricked up allowing the insertion of a window to the lounge area. There will be a small window installed in the west elevation and the front door. The east elevation is to contain a secondary window to the lounge, a window to the kitchen and a window to the bathroom. At the rear of the property there will be a set of double

doors with full height side windows leading from the bedroom into the rear garden area. The extension is to be constructed in matching materials and the windows will be white upvc. There is to be a further area of garden to the east of the building which will contain space for the storage of refuse and recycling bins and a covered cycle store. The area to the front of the property will be paved to provide parking space for two cars. In addition, part of the front boundary wall will be removed and a new dropped kerb will be installed to serve a parking area containing two spaces for use by occupiers of the existing dwelling. A 1 metre high fence is to extend 2.4 metres back into the site between the parking areas and then increase to 1.8 metres in height and extend along the eastern boundary and to the rear of the proposed bungalow.

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

K110/1 erection of garage permitted 21.07.95

K110/2 erection of side dormer window on west elevation permitted 17.10.2008

K16296 erection of detached two storey dwelling house permitted 11.09.03 at 169 Grove Road

### ***Relevant Policies***

Gosport Borough Local Plan Review, 2006:

R/ENV9

Safeguarded Areas

R/DP1

General Standards of Development within the Urban Area

R/DP3

Provision of Infrastructure, Services and Facilities

R/DP7

Additions, Extensions and Alterations

R/H4

Housing Densities

R/T4

Off-site Transport Infrastructure

R/T11

Access and Parking

R/OS8

Recreational Space for New Residential Developments

### ***Consultations***

Defence Estates	The Ministry of Defence has no safeguarding objections to this proposal.
Building Control	Means of access for Fire Brigade satisfactory.
Streetscene (Waste & Cleansing)	Adequate storage space for 1 x 140 litre domestic and 1 x 140 litre recycling bins which will be required to be placed out adjacent the footway to facilitate collection.
Local Highway Authority	No objection subject to transport contributions.

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

1 letter of objection

Issues raised:-

- Increased loss of natural light to the bedroom and dining room at 37 St Thomas's Road which is presently affected by the location of the existing garage
- Disabled occupier sits in the living room for most of the day and is concerned at the impact on his outlook from the side windows towards a brick wall and extended tiled roof

### ***Principal Issues***

1. The application site is an area of private garden located within the urban area boundary and consequently the principle of residential development is acceptable provided that the details accord with the criteria in Policy R/DP1 of the Gosport Borough Local Plan Review. The Ministry of Defence has no safeguarding objections to this proposal and as such the development complies with Policy R/ENV9 of the Gosport Borough Local Plan Review. Therefore the main issues in this case are the acceptability of the proposed density, whether the proposal will be acceptable within the overall street scene and the character of the area, the impact on the amenities of nearby and prospective residents, and highway safety and the provision of transport infrastructure, car and cycle parking, refuse storage facilities and open space.

2. The existing development has a density of 20 dwellings per hectare (dph) which is below the level of 30 to 50 dph dwellings advocated by Policy R/H4. The proposal will increase the density to 40 dph which is acceptable. It will result in the provision of a one bedroom bungalow which will assist in providing a variety of residential accommodation to meet the housing needs of the Borough. There is an existing building in this location and the conversion has been designed to harmonise with the existing street scene. Therefore the proposal complies with Policies R/DP1, R/DP7 and R/H4 of the Gosport Borough Local Plan Review.

3. Given the orientation of the site and the subservient roof form of the extension to the existing garage, the location beyond an existing boundary fence, the direction of the roofslope away from the boundary with 37 St Thomas's Road, and separation distance of 3.9 metres, there will be no significant loss of light. There will also be no loss of light to 35 St Thomas's Road because of the height and position of the extension within the site. Furthermore due to the location of the bungalow there will be no impact on the occupiers of 167 and 169 Grove Road. Due to the existing and proposed boundary treatment there will be no loss of privacy or unacceptable overlooking of adjoining gardens. As the properties to either side contain dormer windows it is appropriate to condition that no windows or dormers be installed within the side roof slopes of the proposed dwelling so as to ensure the continued privacy of existing and proposed occupiers. 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 residents.

4. The property will have its own private fenced garden area which will provide satisfactory amenity space commensurate with the size of the dwelling. The site provides adequate storage facilities for refuse.

5. The proposal includes for two parking spaces for the new one bedroom bungalow and two for the existing chalet bungalow. This provision is considered acceptable for the size of the dwellings having regard to average car ownership within this Ward. Secure long stay cycle provision is provided to an acceptable standard and there is also space for short stay visitor cycle parking. The proposal therefore complies with Policy R/T11 of the Gosport Borough Local Plan Review.

6. The applicant has confirmed a willingness to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space, in accordance with Policy R/OS8 and payment of a sum towards transport infrastructure, in accordance with Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review for the additional unit of accommodation. 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 of one additional dwelling in this existing residential area is appropriate and will assist in providing a variety of residential accommodation to meet the housing needs of the Borough. The detailed design of the proposed dwelling within the overall street scene is appropriate and acceptable. The proposal will improve the appearance of the area and will not have a detrimental impact on the amenities of neighbouring residents or prospective occupiers. Adequate provision is made for open space, transport infrastructure, car and cycle parking and refuse storage. As such the development complies with Policies R/DP1, R/DP3, R/DP7, R/H4, R/T4, R/T11, R/ENV9 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. The development hereby permitted shall not be brought into use until areas for the parking of vehicles shall have been provided and the areas shall be surfaced and subsequently retained and kept available at all times for these purposes in accordance with a scheme to be agreed in writing by the Local Planning Authority.

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

4. The development hereby permitted shall not be brought into use until the two parking spaces proposed for use by 35 St Thomas's Road shall have been provided and the area shall be surfaced and subsequently retained and kept available at all times for these purposes in accordance with a scheme to be agreed in writing by the Local Planning Authority.

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

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

6. The facilities hereby approved for the storage of refuse for removal from the premises shall be provided before the development is first brought into use and thereafter retained.

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

7. The boundary treatment hereby approved shall be provided before the development is first brought into use and thereafter retained.

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Reason - In the interests of visual amenity and to protect the amenities of surrounding properties, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no windows or dormer windows shall be constructed above eaves level in the side roof slopes of the bungalow hereby permitted, without the prior consent in writing of the Local Planning Authority.

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

**ITEM NUMBER: 02.**  
**APPLICATION NUMBER: K3113/1**  
**APPLICANT: Ms Jeanette Hope**  
**DATE REGISTERED: 22.01.2009**

**DEMOLITION OF EXISTING SINGLE STOREY SHOP UNIT AND ERECTION OF AN ENLARGED GROUND FLOOR SHOP UNIT (CLASS A1) WITH 2NO. TWO BEDROOMED FLATS AT FIRST FLOOR (as amended by email dated 27.02.09)**  
**68A Brewers Lane Gosport Hampshire PO13 0LA**

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

The application site is located on the north side of Brewers Lane within the Urban Area Boundary and the Brewers Lane Neighbourhood Shopping Centre. The existing shop, Bridge News, is a flat roofed single storey end of terrace brick built unit located at the western end of a parade of four other commercial units constructed in the early 1950's. The four adjoining units are two storey in height with flats above. They are constructed in red brick under a red concrete tiled hipped roof. Three of the flats have roof lights within the front elevation of the roof slope. There is a landing window in the first floor side elevation of the flat at 68 Brewers Lane facing the application site. There is a private tarmac access road in front of the parade of shops with an in/out arrangement that provides car parking for occupiers and visitors to the centre. There are lay-bys on the north side of Brewers Lane on both sides of the shopping parade. There is further car parking available on the southern side of Brewers Lane in a service road running parallel to the main road.

There is presently a private vehicular right of way to the western side of the shop unit which forms part of the application site. It serves a total of four garages/stores located to the rear of the commercial units. Two of the single storey garages which are constructed in red blocks also form part of the application site. The surface areas around these garages/stores comprise concrete and unkempt grass. There is a pair of lockable double gates set back along the side of the shop unit across the access. To the north of the application site there is a school playing field.

To the west of the application site there is a Library. This comprises an octagonal single storey building constructed in yellow brickwork with a shallow pitched roof. It has to its north east corner a two storey element with a mono-pitched roof set at an oblique angle to the application site. The first floor contains a two bedroom flat, 74a Brewers Lane. The front elevation to the flat is between approximately 1.5 and 6 metres away from the application site boundary. This flat has two bedroom windows in its front elevation, two lounge windows in the rear elevation, kitchen and bathroom windows in the north east side elevation and a bedroom and landing window in the south west side elevation. There is a small grassed garden area to the north east of the building bounded by garages located to the east and security fencing and landscaping to the adjacent school playing field to the north. Along the west boundary to the front part of the application site there is a 2 metre high brick boundary wall containing railings and soft landscaping and the Library car park.

It is proposed to demolish the existing single storey shop unit and construct a new larger unit separated from the adjacent parade of shops by a 2.5 metre wide vehicular access. A half brick skin wall will be built adjacent to the existing wall of the Chinese Takeaway to cover the internal wall finish once the existing single storey part is demolished. Two garages located on the western boundary to the site are also to be demolished. The new building is to contain a ground floor shop with a full height aluminium shopfront with 2 two bedroom flats at first floor level accessed from a door located in the east side elevation via a staircase and common landing. The two storey building is to be constructed in face brickwork with a tile or slate hipped roof with a flat top. The building is to be aligned with the fronts of the adjoining shops and built along the western site boundary. The side elevation to the Library and 74a Brewers Lane is to contain no windows but there will be blind window features at first floor level with reconstituted stone cills to provide some articulation and interest within the design. At first floor level on the front elevation there are to be two box bay windows with gables above. The east elevation is to contain a set of double doors for an internal

storage area for the shop with a kitchen window at first floor level. The rear elevation is to have doors to a cycle store and bin store to serve the first floor flats. There are to be windows in the first floor rear elevation facing the school playing field. In addition there are to be Velux roof lights in the side roof slopes to serve rooms in the flats. At the rear of the building adjacent to the northern site boundary there are to be two visitor cycle hoops, a secure covered cycle store for the shop and a bin store for the commercial bins. The hardstand at the front of the building and access way is to be surfaced in tarmac. There will be a new set of double metal security gates located at the side of the building beyond the entrance door to the flats. Three car parking spaces are to be marked out with white lining in front of the building. There is also to be a further cycle hoop at the front of the site for visitors to use along with space to put out the domestic refuse and recycling bins for collection.

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

none

### ***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/S4

Local and Neighbourhood Centres

R/S7

Use of Upper Floors

R/H4

Housing Densities

R/T4

Off-site Transport Infrastructure

R/T11

Access and Parking

R/OS8

Recreational Space for New Residential Developments

R/OS13

Protection of Habitats Supporting Protected Species

### ***Consultations***

Building Control	Access for Fire Brigade satisfactory.
Streetscene (Waste & Cleansing)	Each flat requires 1x240 litre domestic and 1x240 litre recycling bin to be placed out adjacent to highway for collection. Adequate storage space for bins.
Local Highway Authority	No objection subject to transport contributions and visitor cycle parking to the relevant standard.

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

4 letters of objection to original proposal

Issues raised:-

- Expansion of shop will interfere with rights of access to other shops and flats and garages at the rear of the site
- If the shop sells alcohol it will increase trouble in the area, congregation of youths and vandalism

- Impact on existing car parking facilities
- Loss of light to adjoining flats and gardens
- Loss of outlook
- Impact on property values
- Application forms indicate trading hours will be cut thereby running down the business and possible future conversion to a further flat
- Gate on the access should be retained for security purposes

2 letters of objection to amended proposal

Issues raised:-

- Previous concerns have not been addressed
- Loss of light to adjoining flats and gardens
- Loss of outlook
- Welcomes the introduction of new security gates
- Access to adjacent garage will be obstructed
- Additional parking space will impact on highway safety
- Wish opportunity to present deputation when the application is considered by the Regulatory Board

### ***Principal Issues***

1. The application site is located within the Urban Area Boundary and consequently the principle of this form of development is acceptable provided the details accord with the criteria outlined in Policy R/DP1 of the Gosport Borough Local Plan Review. The applicant has confirmed that it is not intended to reduce the current trading hours of the premises. The submitted plans show a new set of security gates to be provided thereby maintaining the current situation. The issue of any current detailed access rights are private legal matters between the parties involved. However, the proposal does maintain access to the rear of the site and adjoining properties. The possible sale of alcohol from the proposed new premises is something that is considered by the Licensing Authority. The possible impact on property values is not a material consideration for the Local Planning Authority. The biodiversity checklist reveals the site to be within 100 metres of the siting of a bat which is a protected species. However, the applicant has inspected the premises and there are no perforations in the flat roof and in the time of owning the property no bats have been seen in the locality. The applicant is also aware of the obligations under the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 and will undertake to open up the building in a careful and considerate manner and report immediately any evidence of bats or other protected species requiring notification. As such the proposal complies with Policy R/OS13 of the Gosport Borough Local Plan Review. Therefore the main issues in this case are the acceptability of additional retail floorspace in this location, the density of the residential development, the detailed design of the proposed building within the overall street scene, the impact on the amenities of nearby and prospective residents, and highway safety and the provision of transport infrastructure, car and cycle parking, refuse storage and open space.

2. The proposal will increase the existing Class A1 retail floor space from approximately 50 to 140 square metres within an existing Neighbourhood Shopping Centre and as such this will help strengthen the role of the centre in compliance with Policy R/S4 of the Gosport Borough Local Plan Review.

3. The provision of two residential units on the site will result in a residential density of approximately 50 dwellings per hectare (dph). This density of development would be within the suggested 30 to 50 dph range advocated by Policy R/H4. In addition, residential use above shops is common in such areas and the flats will have their own separate access. Adequate access is also provided to the ground floor retail unit and its store. The design utilizing face brickwork under a hipped roof of similar height to the neighbouring shops is appropriate in design terms and will be acceptable within the overall street scene. The detailing to the building also adds visual interest. Therefore the proposal complies with Policies R/DP1, R/H4 and R/S7 of the Gosport Borough Local Plan Review.

4. As there are no windows proposed in the south west side wall of the building there is no potential overlooking or loss of privacy for the occupier of the flat at 74a Brewers Lane. Given the proposed kitchen window in the north east side elevation is to serve a non-habitable room and will not be located opposite the landing window serving the flat at number 68, there will be no loss of privacy for prospective or existing occupiers. The building is located at an oblique angle to the front elevation serving number 74a and whilst it will result in some loss of light to the front bedroom this will be limited to early in the day. In addition, the bedroom has two windows and as such the outlook will not be fully obscured. The relatively small neighbouring gardens are located to the north of the buildings to which they serve and do not appear to be used to any great extent. Given the orientation of the proposed building there will be no significant loss of light to these areas as a result of this development. 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 residents.

5. The proposed flats will have no useable amenity space but this is not uncommon in such commercial areas and is a consideration for future occupiers. The site provides adequate storage facilities for refuse for both residents and the commercial unit.

6. The proposal includes three parking spaces to be provided on site without obstructing the access to the adjoining public highway. This provision is considered acceptable for the size of the dwellings having regard to average car ownership within this Ward. Provision for secure long stay cycle parking and short stay visitor cycle parking has been made on the site for both the commercial and residential uses to meet minimum requirements. The proposal therefore complies with Policy R/T11 of the Gosport Borough Local Plan Review.

7. The applicant has confirmed a willingness to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space, in accordance with Policy R/OS8, and payment of a sum towards transport infrastructure, in accordance with Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review for the additional retail floorspace and two units of accommodation. 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 is acceptable in this location and will help to strengthen the role of this Neighbourhood Shopping Centre. The detailed design of the proposed building within the overall street scene is appropriate and acceptable. The proposal will improve the appearance of the area and will not have a detrimental impact on the amenities of neighbouring residents or prospective occupiers. Adequate provision is made for open space, transport infrastructure, car and cycle parking and refuse storage. As such the development complies with Policies R/DP1, R/DP3, R/S4, R/S7, R/H4, R/T4, R/T11, 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. Details, including samples, of all external facing and roofing 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 development is satisfactory, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

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

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

4. The approved facilities for the storage of cycles shall be provided before the development is first brought into use and thereafter retained.

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

5. The facilities hereby approved for the storage of refuse for removal from the premises shall be provided before the development is first brought into use and thereafter retained.

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

**ITEM NUMBER: 03.**  
**APPLICATION NUMBER: K6778/4**  
**APPLICANT: M And G Associates**  
**DATE REGISTERED: 11.02.2009**

**ALTERATIONS TO AND CONVERSION OF EXISTING GROUND FLOOR SHOP (CLASS A1) WITH THREE BEDROOMED MAISONETTE OVER TO FORM REDUCED SIZE SHOP WITH 1NO. TWO BEDROOMED FLAT AND 1NO. ONE BEDROOMED FLAT OVER AND ERECTION OF DETACHED TWO BEDROOM DWELLING TO REAR (CONSERVATION AREA) (as amended by unilateral undertaking received 3.3.09)**  
**13 Stoke Road Gosport Hampshire PO12 1LT**

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

The application site is prominently located on the southern side of Stoke Road within the District Shopping Centre and the Stoke Road Conservation Area. Although much altered, 13 Stoke Road retains the proportions of an early 19th Century building and forms part of a significant group of buildings dating from the early 1800s and comprising the first phase of the development called Bingham Town. The general design, parapet and hipped roof form are typical of buildings constructed during the early to mid 19th Century. The building comprises a shop at ground floor level with a three bedroomed maisonette over. There is ancillary storage space at ground floor level to the rear along with a small courtyard and a brick built, mono-pitched garage accessed from Jamaica Place. To the west of the garage is an existing walkway which provides access to the rear of the shop and the maisonette via an external staircase. To the east is a two storey high, rendered commercial building that has also been extended to the rear. To the west is substantial two and a half storey high, buff brick, flat roof building that is operating as a snooker club. On the southern side of Jamaica Place are Chester Courts, a development of two storey high, residential properties.

The original proposal was to reduce the floorspace of the shop, erect a three storey high, flat roof extension at the rear and convert the existing residential accommodation into 2 two bedroomed flats, with a further one bedroomed flat within a new Mansard style roof with four dormer windows. It was further proposed to demolish the existing garage and the existing storage buildings to the rear, in part, and erect a two bedroomed dwelling with hipped roof and enclosed yard adjacent to Jamaica Place. Amended plans have been submitted to address concerns relating to the mass and design of the proposals, the proposed construction materials and the limited width of the retained access to the rear of shop. The proposal now comprises:-

- a traditionally designed, two storey high rear extension with hipped roof
- conversion of the existing building to form a reduced size shop unit on the ground floor with a two bedroomed flat and one bedroomed flat over
- retention of the existing hipped roof, chimney and parapet features
- traditional construction materials and window openings throughout, utilising original openings where possible
- a much simplified two bedroomed dwelling to the rear, with traditional boundary wall and railings facing Jamaica Place
- refuse and cycle stores
- increased width access to rear of shop

Additional information has also been submitted relating to the future viability of the retained retail unit.

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

K6778/3 change of use from shop and flat to shop and 3 flats and external staircase permitted 7.6.02. Not implemented.



## ***Relevant Policies***

Gosport Borough Local Plan Review, 2006:

R/BH1

Development in Conservation Areas

R/BH2

Demolition in Conservation Areas

R/DP1

General Standards of Development within the Urban Area

R/DP7

Additions, Extensions and Alterations

R/DP3

Provision of Infrastructure, Services and Facilities

R/H4

Housing Densities

R/OS8

Recreational Space for New Residential Developments

R/S6

Residential Development at Ground Floor within Defined Shopping Centres

R/S7

Use of Upper Floors

R/T11

Access and Parking

R/T4

Off-site Transport Infrastructure

## ***Consultations***

The Gosport Society	No objection.
Building Control	Access for Fire Brigade acceptable.
Streetscene (Waste & Cleansing)	Refuse storage provision adequate.
Local Highway Authority	No objection to lack of on site car parking provision. Given the location of the site and the extent of waiting restrictions in the local area any overspill parking is unlikely to prejudice road safety. Cycle parking facilities acceptable, although doors on communal cycle store should be wider to allow convenient access. Transport contributions required in respect of the net increase in dwellings.

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

1 letter of objection received to original plans

Issues raised:

- bulk and design of front elevation

## ***Principal Issues***

1. The application site is located within the Urban Area Boundary, therefore the principle of the development is acceptable. The existing garage and storage buildings to be demolished do not contribute to the character of the area and are of no architectural or historic interest therefore their

removal complies with Policy R/BH2 of the Gosport Borough Local Plan Review. The proposal will not have an adverse impact on the existing servicing arrangements or future viability of the existing shop, in compliance with Policy R/S6 of the Gosport Borough Local Plan Review. There will be separate and independent access to the flats and new dwelling in compliance with Policy R/S7. The main issues in this case are therefore the proposed density of development, whether the proposal will preserve or enhance the character and appearance of the Conservation Area, the impact on the amenities of nearby and prospective residents and the provision for transport infrastructure, car and cycle parking, refuse storage facilities and open space.

2. The site is located within a District Centre, is within walking distance of the facilities in Gosport Town Centre and has good access to public transport. The residential density of 158 dwellings per hectare is therefore acceptable in this location and complies with Policy R/H4 of the Gosport Borough Local Plan Review.

3. There are other, similar, residential dwellings located to the rear of commercial properties on this side of Stoke Road fronting Jamaica Place, and the principle of such development is established within the Stoke Road Conservation Area Appraisal. The conversion works and the scale, form and design of the new extension, refuse and cycle stores and new dwelling are sympathetic to the overall form and proportions of this original early 19th Century building and will help to restore some of the building's former quality, and enhance its setting within the Conservation Area. The construction materials and window details will be controlled by planning condition. As such, the proposal will enhance the character and appearance of the Stoke Road Conservation Area in compliance with Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

4. Given its scale and location within the plot, immediately adjacent to the three storey snooker hall, the new dwelling will not have a detrimental impact on the outlook from or the light available to the new flats within the converted building or the adjoining buildings. Similarly, the two storey extension will only project rearwards of the two storey rear elevation of 11 Stoke Road by approximately 1 metre and, as such, will not have a detrimental impact on the outlook from or light available to the rear of this property. The first floor window in the recessed part of the northern elevation of the new dwelling will only directly oppose a landing window in the two storey extension, therefore prospective occupiers of the development will enjoy satisfactory levels of privacy. There is currently no usable amenity space on site and given existing constraints it is not possible to provide a usable garden area for use by occupiers of the new flats. The new enclosed garden area will only provide limited amenity space for the occupiers of the new dwelling. However, this is mitigated by the accessible location of the site close to local parks and facilities. Adequate refuse storage facilities are provided for both the retained commercial and residential units, with provision for the bins to be collected from Jamaica Place. For the above reasons, the proposal will not result in an unacceptable environment for prospective occupiers of the development, or adjoining occupiers, in compliance with Policies R/DP1 and R/DP7 of the Gosport Borough Local Plan Review.

5. Census evidence shows that Christchurch Ward has one of the lowest levels of car ownership within the Borough. This development of small residential units is also in an accessible, District Centre location and would therefore be attractive to non-car owners. The absence of on site car parking provision is therefore considered acceptable in this instance. There is adequate space within the site to provide the required long and short stay cycle parking facilities and details of these facilities and their implementation and retention will be dealt with by planning condition. The proposal therefore complies with Policy R/T11 of the Gosport Borough Local Plan Review.

6. The applicant has confirmed a willingness to enter into a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space, in accordance with Policy R/OS8, 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, which has been submitted in the form of a unilateral undertaking, the proposal is unacceptable.

### **RECOMMENDATION: Grant Permission**

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

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposal is at an acceptable density for this particular location and will assist in providing a variety of residential accommodation to meet the housing needs of the Borough. The development will enhance the character and appearance of the Conservation Area, and will not have a detrimental impact on the amenities of neighbouring or prospective occupiers. Adequate provision is made for open space, transport infrastructure, cycle and refuse storage. As such, the development complies with Policies R/DP1, R/DP3, R/DP7, R/BH1, R/BH2, R/H4, R/S6, R/S7, 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. Details, including samples, of all external facing and roofing materials, including the render mix, colour finish and method of application, 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 development is satisfactory, and to comply with Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

3. Elevations at a scale of 1:20 and horizontal and vertical sections at a scale of 1:10 of all new windows shall be submitted to and approved, in writing, by the Local Planning Authority before works related to that part of the development are commenced. The development shall thereafter be implemented in accordance with the approved details.

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

4. Details of the hard landscape works, shall be submitted to and approved, in writing, by the Local Planning Authority before works above slab level are commenced. The approved hard landscape works shall be carried out before the residential units, hereby permitted, are first occupied. These details shall include hard surfacing materials, boundary treatment (including gates) and lighting.

Reason - In the interests of amenity and the appearance of the locality, and to comply with Policies R/DP1, R/DP6 and R/BH1 of the Gosport Borough Local Plan Review.

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

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

6. The facilities hereby approved for the storage of refuse for removal from the premises shall be provided before the development is first brought into use and thereafter retained.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no additional windows

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shall be constructed in the northern elevation of the new dwelling hereby permitted, without the prior consent in writing of the Local Planning Authority.

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

8. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no building or extension, including balconies, shall be erected on the new dwelling without the prior consent in writing of the Local Planning Authority.

Reason - In order to protect the amenities of the area and to comply with Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.

**ITEM NUMBER: 04.**  
**APPLICATION NUMBER: K12345/70**  
**APPLICANT: Mr. Larry Staines**  
**DATE REGISTERED: 21.08.2008**

**OUTLINE APPLICATION - DEMOLITION OF EXISTING WAREHOUSE & ERECTION OF WAREHOUSE FOR INDUSTRIAL USE (CLASS B1) & STORAGE/DISTRIBUTION (CLASS B8) USES**

**Wyeth Research 154 Fareham Road Gosport Hampshire PO13 0AU**

***The Site and the proposal***

The application site is part of the former single planning unit previously occupied by Cyanamid at the northern end of the industrial site, adjacent to Fareham Creek. The site is currently empty, having previously been occupied by a number of single and two storey industrial buildings. The land is located within Flood Zones 2 and 3 and is accessed from Barwell Lane.

This application is in outline form with all matters reserved. It is for the erection of a single industrial building with a floor area of 1742 square metres. 1066 square metres of the floorspace would be used for storage and distribution purposes and 676 square metres would be used as office space. An indicative layout plan showing car and cycle parking, refuse storage and a turning area for delivery vehicles has been submitted with the application. Access to the site would remain from Barwell Lane. The indicative plans show that the building would be largely single storey, but with a two storey element fronting Fareham Creek. It would measure 41.5 metres in length and would be 33.8 metres wide.

***Relevant Planning History***

The industrial site at Lederle Lane was previously occupied by Cyanamid for a variety of manufacturing and office uses. In 2004, planning permission was granted for a mix of B1, B2 and B8 uses under K1234/68. Subsequently, there have been a number of applications for industrial buildings throughout the site.

***Relevant Policies***

Gosport Borough Local Plan Review, 2006:

- R/DP1
- General Standards of Development within the Urban Area
- R/T2
- New Development
- R/T3
- Internal Layout of Sites
- R/T11
- Access and Parking
- R/CH1
- Development within the Coastal Zone
- R/OS10
- Protection of Areas of International Conservation Importance
- 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/ENV2
- River and Groundwater Protection

R/ENV3  
 Water Resources  
 R/ENV5  
 Contaminated Land  
 R/EMP1  
 Allocation of Land for Employment  
 R/EMP3  
 Protection of Existing Employment Sites from Inappropriate Development  
 R/EMP7  
 Low Employment Generating Uses  
 R/ENV1  
 Floodplains and Tidal Areas

### ***Consultations***

Natural England	No objection. The outline proposal, in principle, is unlikely to have a significant effect on the interest features of the SPA/ Ramsar site and does not require appropriate assessment in accordance with Regulation 48 of the Conservation (Natural Habitats) Regulations 1994, subject to conditions requiring that no demolition works occur within the waterfowl over-wintering period, and that all reasonable precautions are taken to ensure no pollutants enter Portsmouth Harbour.
Environment Agency (Hants & IOW)	No objection, subject to conditions.
Southern Water	no objection
Building Control	access for fire brigade is acceptable
Economic Prosperity	no objection
Environmental Health (Pollution & Environment)	no objection
Streetscene (Waste & Cleansing)	no objection
Local Highway Authority	The provision of 36 spaces, together with an area suitable for the turning/parking of an articulated HGV is acceptable. It must be demonstrated that the cycle store is capable of accommodating the required number of long-stay spaces. Visitor cycle parking is also required. Transport Contributions are not required.

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

nil

### ***Principal Issues***

1. The proposed development is located within the Urban Area Boundary on a site that is within an existing industrial land allocation on the Local Plan Review Proposals Map where permission has recently been granted for subdivision into multiple units for B1, B2 and B8 uses. The provision of a building to be used under Classes B1 and B8 of the Use Classes Order is therefore acceptable in principle, providing the details accord with the aims and objectives of Policy R/DP1 of the Local Plan Review.
2. The indicative drawings show that safe and convenient access can be achieved for both vehicles and pedestrians and that adequate space can be provided at the front of the premises to allow large articulated vehicles to turn in a safe and convenient manner. The indicative layout shows that the development can provide 36 car parking spaces (including 3 disabled) which would meet the standards set out within Table 2, Appendix E of the Local Plan Review. At two stories high the scale of the proposed building would be reflective of the surrounding built form and is unlikely therefore to appear incongruous in this important coastal location. Given the size of the plot and its relationship to adjoining premises it is possible for a detached industrial building to be designed and sited so as not to be detrimental to the amenities of the occupiers of adjacent premises. Moreover, the proposed access can be positioned so as not to compromise highway safety or the every day operations of adjoining units. There is sufficient room at the site to provide both secure and visitor cycle parking facilities. The indicative layout, siting and access is therefore acceptable and complies with Policies R/DP1, R/T2, R/T3 and R/T11 of the Gosport Borough Local Plan Review.
3. Policies R/EMP1, R/EMP3 and R/EMP7 of the Gosport Borough Local Plan Review acknowledge the importance of employment generating uses and require that the use of land is maximised for that purpose. A fundamental aim of these policies is to generate additional jobs for Gosport residents, thereby reducing the need for residents to commute out of the Borough. The proposed development will bring a Brownfield site back into use, with an employment density that is likely to reflect other units within the industrial estate. The proposed development would enhance the economic vitality and viability of the site and will not result in the percentage of non Class B1 and B2 floorspace within the estate falling below the 40% threshold, as required under condition 10 of the original planning permission, K.12345/68. The principle of B1 and B8 uses in this location is therefore acceptable and complies with Policies R/EMP1, R/EMP3 and R/EMP7 of the Local Plan Review. The applicant has not provided details of the proposed opening hours. However, given the industrial location and the fact there are no restrictions on adjacent premises for hours of operation, it is not considered necessary to attach a condition to control opening times.
4. Under Planning Policy Statement 25, general industrial buildings are considered to be a 'less vulnerable use', and are therefore appropriate within Flood Zones 2 and 3. Although a Flood Risk Assessment has been submitted, a condition will be attached requiring the submission of details in respect to surface drainage to ensure the development will not increase the risk of flooding, in accordance with Policy R/ENV1 of the Local Plan Review.
5. The site is located near to the Portsmouth Harbour Special Protection Area (SPA) and Ramsar site, both of which are designations of international importance for nature conservation. Natural England is satisfied that the proposed works will not have a significant effect on the protected area provided that conditions are attached to minimise disturbance to over-wintering waders and waterfowl. Natural England has also confirmed that the development is unlikely to adversely affect the Portsmouth Harbour Site of Special Scientific Interest (SSSI). Whilst the Site of Importance for Nature Conservation (SINC) at Fleetlands is a feeding ground for Brent Geese, in view of the existing level of activity on the estate and the permitted use of the application site for general industry, the additional impact of the proposed building would not be significant. The proposal therefore complies with Policies R/OS10, R/OS11 and R/OS12 of the Gosport Borough Local Plan Review.
6. Due to the previous use of the land there is a risk of contamination. An environmental desk top study has been submitted with the application and the Environment Agency has confirmed that they have no objection to the principle of the development, subject to conditions. From the information available it is not considered that ground conditions would preclude the occupancy of the site for B1 and B8 use, nor is it considered (subject to conditions) that ground conditions would

significantly harm controlled water resources through surface run-off or the adjacent Ramsar Site, Special Protection Area, Site of Scientific Interest or Site of Importance for Nature Conservation. The development therefore complies with Policies R/ENV2, R/ENV4, R/ENV5, R/OS10, R/OS11 and R/OS12 of the Local Plan Review.

7. Due to the previous use of the site and its associated trip generations, the applicant is not required to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards transport and highway improvements, in accordance with Policies R/DP3 and R/T4 of the Local Plan Review.

### **RECOMMENDATION: Grant Outline Consent**

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

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposed development is acceptable in this location, will provide additional employment opportunities and will not have an adverse impact on nature conservation interests, controlled waters, the amenities of adjoining industrial units, the character and appearance of the area or highway and pedestrian safety. Appropriate provision is made for surface water drainage, vehicular and bicycle parking and refuse storage. The proposal complies with Policies R/DP1, R/DP6, R/DP3, R/EMP1, R/EMP3, R/EMP7, R/CH1, R/T2, R/T3, R/T4, R/T11, R/OS10, R/OS11, R/OS12, R/OS13, R/ENV1, R/ENV2, R/ENV3, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

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

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

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

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

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

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

Reason - Such details have yet to be submitted, and to comply with Policies R/DP1, R/DP6, R/T2, R/T3, R/T11 and R/ENV14 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 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.

5. Details of facilities to be provided for the storage and removal of refuse from the site shall be submitted to, and approved by, the Local Planning Authority, and made available for that purpose before the development hereby permitted is first brought into use.

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



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

Reason - In the interests of highway safety and to ensure adequate access, car parking, loading and unloading facilities are provided and retained, and to comply with Policies R/T2 and R/T11 of the Gosport Borough Local Plan Review.

7. No development above slab level shall take place until full details of a scheme of external lighting for the access and car parking area has been submitted to and approved by the Local Planning Authority. The lighting scheme shall be carried out and thereafter retained in accordance with the approved details.

Reason - Such details have yet to be submitted and to ensure that the illumination of the external areas of the development is satisfactory, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

8. No works pursuant to this permission 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 as set out in Contaminated Land Research Report Nos. 2 and 3 BS1175:2001; and 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 site occupants in compliance with Policy R/ENV5 of the Gosport Borough Local Plan Review.

9. 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 person approved under the provisions of condition 8(c) that any remediation scheme required and approved under the provision of condition 8(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 material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 8(c).

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

10. No development approved by this planning permission shall be commenced until a scheme for the method of working/construction has been submitted and approved in writing by the Local Planning Authority. All development operations shall be carried out in accordance with the approved method of working/construction.

Reason - Measures to identify ground contamination and landfill gas need to be undertaken and an appropriate method of working/construction identified to prevent pollution escaping to the wider environment. The implementation of an appropriate method of working/construction will prevent pollution of the water environment, protect wildlife and in the interests of the safety and amenity of future users of the site in compliance with Policies R/ENV2, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

11. No demolition or construction works shall take place during the waterfowl over wintering period, being from 1 October until 31 March.

Reason - To avoid disturbance to over wintering migratory waterfowl along the Portsmouth Harbour SPA/SSSI and to comply with Policies R/OS10 and R/OS11 of the Gosport Borough Local Plan Review.

12. Construction of any building approved by this permission shall not be commenced until the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reason - To prevent pollution of the water environment and in compliance with Policies R/ENV2, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

13. If during development, contamination not previously identified, is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the desk top study and site investigation. This addendum must detail how this contamination shall be dealt with.

Reason - To prevent pollution of the water environment and in the interests of the safety and amenity of future users of the site in compliance with Policies R/ENV2, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

14. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason - To prevent pollution of the water environment and in compliance with Policies R/ENV2, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

15. No infiltration of surface water drainage into the ground shall take place other than with the express written consent of the Local Planning Authority, which may be given for those parts where it has been demonstrated that there is no resultant risk to controlled waters.

Reason - Areas of contamination/ residual contamination have been identified in the vicinity of this site. The use of soakaways and SUDS systems can lead to further mobilisation of this residual material if located in areas where contamination is present and as such increases the risk to controlled waters, and to comply with Policies R/ENV2, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

16. Drainage from loading bays and waste storage areas shall not be discharged to any watercourse, surface water system or soakaway.

Reason - To prevent pollution of the water environment and in compliance with Policies R/ENV2, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

17. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all the tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above the ground where possible and protected from accidental damage.

Reason - To prevent pollution of the water environment and in compliance with Policies R/ENV2, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

18. Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems.

Reason - To prevent pollution of the water environment and in compliance with Policies R/ENV2, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

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19. No goods, plant or material shall be deposited or stored in the open or displayed for sale in the open without the prior consent in writing of the Local Planning Authority.

Reason - In order to protect the amenities of the area, and to comply with Policies R/DP1 and R/EMP5 of the Gosport Borough Local Plan Review.

**ITEM NUMBER: 05.**  
**APPLICATION NUMBER: K12345/73**  
**APPLICANT: Mr. Daniel Rubin**  
**DATE REGISTERED: 07.01.2009**

**ERECTION OF TWO STOREY INDUSTRIAL UNIT (CLASS B2 & B8) WITH ASSOCIATED PARKING AND ACCESS**

**Plot 2B, Regent Trade Park Barwell Lane Gosport Hampshire**

***The Site and the proposal***

The application site comprises a small area of land measuring approximately 80 metres x 40 metres within the larger site formerly occupied by Cyanamid. The site is on the southern side of Lederle Lane adjacent to the roundabout with Barwell Lane. Lederle Lane provides the main access road to the site from the A32 (Fareham Road) where there is a traffic light controlled junction. The site is relatively flat but slopes down at its northern edge towards Lederle Lane. The road surface is therefore approximately 2 metres lower than at the centre of the site. The land was formerly used for car parking but also included some small scale fermentation plant. A disused oil tank stands in the south eastern corner of the site. Access to this piece of land is currently via an existing dropped kerb on Lederle Lane.

To the north of the site and on the opposite side of Lederle Lane is the unit occupied by Seldon Masts which comprises a silver grey industrial building with a large open storage area adjacent to the road frontage. Immediately to the east of this site is a large area of land occupied by Sentry Self Storage, currently used for the storage of large containers. The unit to the north west of Seldon Masts is occupied by Wyeth, beyond which is Fareham Creek, part of the upper reaches of Portsmouth Harbour. The unit immediately to the east of the application site is currently vacant, having recently had planning permission refused for the erection of a plant for the production and supply of ready mixed concrete. Adjacent to southern boundary of the site and separated by security fencing, is the staff car parking area for Tyco Health Care, a large factory unit that extends north towards Fareham Road.

The application is for the erection of a single industrial building with a total floor area of 1521 square metres to be used for Use Classes B2 (General Industry) and B8 (Storage and Distribution) purposes. A mezzanine equivalent to 20% of the floor area is to be provided for office and storage space. The proposed building will measure 34 metres x 35.8 metres and will be 8 metres high to the ridge of a shallow pitched roof. The building will be constructed from a combination of buff brick and mini rib cladding. A large roller shutter door in the western elevation will provide the principal entrance and there will be a total of 18 velux windows in both roofslopes.

Amended plans have been submitted altering the proposed parking and access arrangement in order to facilitate more convenient manoeuvring for larger, articulated vehicles. The revised layout has resulted in the provision of 27 car parking spaces, including 4 disabled drivers' bays. Space has been allocated for motor cycle parking and refuse storage and facilities are provided for the secure storage of 10 bicycles. The proposal will create two new vehicular entrances into the site, one from Lederle Lane and one from Barwell Lane. Two existing light columns will require relocating in order to facilitate the proposed access arrangement.

The premises will be open from 0700-1900 Monday – Friday and 0700-1400 on Saturdays. The applicant has indicated that 50% of the floorspace will be used for purposes falling within Use Class B2 with the remaining 50% used for storage and distribution under Use Class B8.

The applicant has submitted a Contamination Report and Transport Assessment in support of the application. The Transport Assessment indicates that the proposed development will result in a total of 38 vehicular movements per day, including 3 by LGV.

## ***Relevant Planning History***

The industrial site at Lederle Lane was previously occupied by Cyanamid for a variety of manufacturing and office uses. In 2004, planning permission was granted for a mix of B1, B2 and B8 uses under K12395/68. Subsequently, there have been a number of applications for industrial buildings throughout the site.

## ***Relevant Policies***

Gosport Borough Local Plan Review, 2006:

- R/DP6
- Landscape Design
- R/DP1
- General Standards of Development within the Urban Area
- R/DP3
- Provision of Infrastructure, Services and Facilities
- R/T2
- New Development
- R/T3
- Internal Layout of Sites
- R/T11
- Access and Parking
- R/T4
- Off-site Transport Infrastructure
- R/CH1
- Development within the Coastal Zone
- R/OS10
- Protection of Areas of International Conservation Importance
- R/OS11
- Protection of Areas of National Nature Conservation Importance
- R/ENV2
- River and Groundwater Protection
- R/ENV4
- Treatment of Foul Sewage and Disposal of Surface Water
- R/ENV5
- Contaminated Land
- R/ENV14
- Energy Conservation
- R/ENV15
- Renewable Energy
- R/OS12
- Locally Designated Areas of Nature Conservation Importance
- R/EMP1
- Allocation of Land for Employment
- R/EMP7
- Low Employment Generating Uses
- R/EMP3
- Protection of Existing Employment Sites from Inappropriate Development
- R/OS13
- Protection of Habitats Supporting Protected Species

## ***Consultations***

Local Highway Authority	No objection. Signs should be erected at the exits of the site to warn drivers that access to the A32 is via Lederle Lane only.
Defence Estates	no safeguarding objection

Natural England	No objection. The proposal is unlikely to have a significant effect on the SPA/Ramsar site, subject to a condition requiring no works to take place during the waterfowl over wintering period.
Environment Agency (Hants & IOW)	No objection subject to conditions.
Southern Water	no objection
Building Control	Access for fire brigade is acceptable.
Economic Prosperity	The proposal offers the potential to provide between 10-25 new employment opportunities, depending on usage and possible subdivision of the unit. There should be no conflict with adjacent uses and the scheme brings a Brownfield site back into use in an area allocated for employment use.
Environmental Health (Pollution & Environment)	No objection. It would seem that the only thing found on the site by the supplementary works was some severely degraded asbestos board and the report details that there will need to be measures in place to deal with any more that may be found during construction. This is a sensible precaution. There will not be a significant chronic risk to human health.

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

nil

### ***Principal Issues***

1. The proposed development is located within the Urban Area Boundary on a site that is within an existing industrial land allocation on the Local Plan Review Proposals Map where permission has recently been granted for subdivision into multiple units for B1, B2 and B8 uses. The provision of a building to be used under Classes B2 and B8 of the Use Classes Order is therefore acceptable in principle, providing the details accord with the aims and objectives of Policy R/DP1 of the Local Plan Review.
2. The design of the proposed building is functional. However, the combination of both brickwork and cladding, and the inclusion of a dark panel below the eaves helps to break up the overall mass of the building reducing its visual prominence. The building is similar in size and design to many other industrial units in Regents Trade Park and is therefore appropriate in this location. It is sited a significant distance from Fareham Creek and in light of the comparable built form, will not be detrimental to the character and appearance of this important coastal location. The inclusion of soft landscaping on the perimeter of the site and adjacent to the north west corner of the building will enhance the overall appearance of the development and the details of a suitable planting scheme will be secured by a condition. In light of the above, the proposed development is acceptable in design terms and accords with Policies R/DP1, R/DP6 and R/CH1 of the Gosport Borough Local Plan Review.

3. The provision of 27 car parking spaces and 10 secure bicycle parking spaces complies with the standards set out within Table 2, Appendix E of the Local Plan Review. The spaces are appropriately located and can be accessed in a safe and convenient manner. The main access to the site via Lederle Lane from Fareham Road is suitable for industrial traffic and there are no conditions on the overall planning permission for this industrial estate restricting the number of vehicular movements. Furthermore, the site is located in a highly accessible location, adjacent to the A32, the Borough's main transportation corridor, with good links to public transport and the surrounding road network. Therefore, it is only the access onto the site from the estate road itself that needs to be considered with regard to highway and pedestrian safety. The proposed access points afford an appropriate level of intervisibility between vehicles exiting the site and all other users of the highway and are sited a sufficient distance from the adjacent roundabout so as not to compromise highway safety. In compliance with Conditions 1 and 2 of application K.12345/68 vehicles are only able to gain access onto the A32 via Lederle Lane, and not Barwell Lane. For the avoidance of doubt, and in the interests of highway safety, appropriate traffic signage is required at the exits to forewarn drivers that they should leave the site via Lederle Lane only. The details and siting of these signs will be secured by condition. Amended plans have been submitted revising the internal layout of the site, improving access and manoeuvrability for larger articulated vehicles. No provision has been made for visitor cycle parking. However, there is ample room within the site to provide the requisite number of bicycle stands and the details these facilities will be secured by condition. The proposed development will not compromise the everyday operations of adjoining premises and in light of the above, complies with Policies R/T2, R/T3 and R/T11 of the Local Plan Review.

4. Policies R/EMP1, R/EMP3 and R/EMP7 of the Gosport Borough Local Plan Review acknowledge the importance of employment generating uses and require that the use of land is maximised for that purpose. A fundamental aim of these policies is to generate additional jobs for Gosport residents, thereby reducing the need for residents to commute out of the Borough. The proposed development will bring a vacant Brownfield site back into use, with an employment density comparable to other units within the industrial estate. It will enhance the economic vitality and viability of the site and will not result in the percentage of non Class B1 and B2 floorspace within the estate falling below the 40% threshold, as required under condition 10 of the original planning permission, K.12345/68. Although there are no restrictions on the planning permission for this industrial site relating to hours of operation, the proposed opening times are similar to other establishments within the estate. In light of the above, the development complies with the aims and objectives of Policies R/EMP1, R/EMP3 and R/EMP7 of the Local Plan Review.

5. The site is located near to the Portsmouth Harbour Special Protection Area (SPA) and Ramsar Site, both of which are designations of international importance to nature conservation. Natural England is satisfied that the proposed works will not have a significant effect on the protected sites provided that conditions are attached to minimise disturbance to over-wintering waders and waterfowl. Natural England has also confirmed that the development is unlikely to adversely affect the Portsmouth Harbour Site of Special Scientific Interest (SSSI). Whilst the Site of Importance for Nature Conservation (SINC) at Fleetlands is a feeding ground for Brent Geese, in view of the existing level of activity on the estate and the permitted use of the application site for general industry, the additional impact of the proposed building is not considered to be significant. The proposal therefore complies with Policies R/OS10, R/OS11 and R/OS12 of the Gosport Borough Local Plan Review.

6. Due to the previous use of the land there is a risk of contamination. A desk top study and site investigation report were submitted with the application and the Environment Agency has confirmed that they do not consider that the proposed development will contaminate the local hydrological system or harm controlled water resources through surface run-off. Subject to the inclusion of conditions requiring the submission of a scheme for the discharge of surface water (including a programme for the implementation of this work) and a remediation strategy detailing how unsuspected contamination shall be dealt with, the proposal is acceptable in environmental terms and complies with Policies R/ENV2, R/ENV4, R/ENV5, R/OS10, R/OS11 and R/OS12 of the Local Plan Review.

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

8. The applicant has confirmed a willingness to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards transport and highway improvements, 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 transport infrastructure, services and facilities.

**Reasons for granting permission:**

1. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposed development is acceptable in this location, will provide additional employment opportunities and will not have an adverse impact on nature conservation interests, controlled waters, the character and appearance of the area or highway and pedestrian safety. Appropriate provision is made for surface water drainage, for vehicular and bicycle parking and refuse storage. Provisions have been made for highway and infrastructure improvements and the proposal therefore complies with Policies R/DP1, R/DP6, R/DP3, R/EMP1, R/EMP3, R/EMP7, R/CH1, R/T2, R/T3, R/T4, R/T11, R/OS10, R/OS11, R/OS12, R/OS13, R/ENV2, R/ENV3, R/ENV4, R/ENV5, R/ENV14 and R/ENV15 of the Gosport Borough Local Plan Review.

**Subject to the following conditions:-**

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

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

2. The development hereby approved shall not commence until details of the method of surface water drainage has been submitted and approved in writing by the Local Planning Authority. Such details should include provision for all surface water drainage from parking areas of hardstanding to be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason - To prevent pollution as the site is in close proximity to Portsmouth Harbour, a designated Controlled Water, Spa/Ramsar Site and SSSI as well as being important shellfish water and to comply with Policies R/OS10, R/OS11, R/OS12, R/OS13, R/ENV2 and R/ENV4 of the Gosport Borough Local Plan Review.

3. If during development, contamination not previously identified, is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the desk top study and site investigation. This addendum must detail how this unsuspected contamination shall be dealt with.

Reason - To prevent pollution of the water environment and in the interests of the safety and amenity of future users of the site in compliance with Policies R/ENV2, R/ENV4, R/ENV5, R/OS10, R/OS11 and R/OS13 of the Gosport Borough Local Plan Review.

4. No demolition or construction works shall take place during the waterfowl over wintering period, being from 1 October until 31 March.



Reason - To avoid disturbance to over wintering migratory waterfowl along the Portsmouth Harbour SPA/SSSI and to comply with Policies R/OS10 and R/OS11 of the Gosport Borough Local Plan Review.

5. Details of all external facing and roofing materials shall be submitted to, and approved by, the Local Planning Authority before works above slab level are commenced.

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

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

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

7. Details of facilities to be provided for the storage and removal of refuse from the site shall be submitted to, and approved by, the Local Planning Authority, and made available for that purpose before the development hereby permitted is first brought into use.

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

8. Details of a landscaping scheme including the size/densities of tree/shrubs, the phasing of timing of planting, and provision for its maintenance during the first five years from the date of planting, together with the materials to be used for the areas of hard surfacing shall be submitted to, and approved by, the Local Planning Authority before any works commence.

Reason - In the interest of amenity and the appearance of the locality, and to comply with Policies R/DP1 and R/DP6 of the Gosport Borough Local Plan Review.

9. The landscaping scheme required in accordance with Condition 8 above shall be completed within six months from the commencement of the use of the permitted building, 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 interest of amenity and the appearance of the locality, and to comply with Policies R/DP1 and R/DP6 of the Gosport Borough Local Plan Review.

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

Reason - In the interests of highway safety and to ensure adequate access, car parking, loading and unloading facilities are provided and retained, and to comply with Policies R/T2 and R/T11 of the Gosport Borough Local Plan Review.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no accesses other than those shown on the approved plan shall be formed to the site.

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

12. Details of the traffic signage to be provided at the exits of the site warning drivers that access to the A32 is via Lederle Lane only shall be submitted to, and approved by, the Local Planning Authority, and provided before the development hereby approved is first brought into use.

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

13. No goods, plant or material shall be deposited or stored in the open or displayed for sale in the open without the prior consent in writing of the Local Planning Authority.

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Reason - In order to protect the amenities of the area, and to comply with Policies R/DP1, R/EMP5 and R/EMP6 of the Gosport Borough Local Plan Review.