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29 October 2012

S U M M O N S

MEETING: Regulatory Board
DATE: 6 November 2012
TIME: 6pm
PLACE: Council Chamber
Democratic Services contact: Lisa Young

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

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

Councillor Ronayne(Chairman)
Councillor Carter CR (Vice Chairman)

Councillor Ms Ballard	Councillor Henshaw
Councillor Beavis	Councillor Mrs Hook
Councillor Ms Diffey	Councillor Jessop
Councillor Farr	Councillor Langdon
Councillor Gill	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 reminded to declare, at this point in the meeting or as soon as possible thereafter, any disclosable personal interest in any item(s) being considered at this meeting

3. MINUTES OF THE EXTRAORDINARY MEETING OF THE BOARD
HELD ON 17 OCTOBER 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 Friday, 2 November 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 Friday, 2 November 2012).

6. K12216/6 – HAZARDOUS SUBSTANCES CONSENT
APPLICATION RELATING TO THE RETENTION AND
CONTINUED STORAGE OF SUBSTANCES AT THE OIL FUEL
DEPORT, FORTON ROAD, PO12 4TH

PART II
Contact Officer:
Rebecca Gray
Ext 5328

To consider a Hazardous Substances Consent application, made by the Oil and Pipeline Agency, relating to the retention and continued storage of substances at the Oil Fuel Deport, Forton Road.

7. REPORTS OF THE BOROUGH SOLICITOR

Schedule of planning applications with recommendations.

PART II
Contact Officer:
Debbie Gore
Ext 5455

(grey sheets – pages 1 –12 /1)

8. 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

6th November 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.

INDEX				
<u>Item</u>	<u>Page No</u>	<u>Appl. No.</u>	<u>Address</u>	<u>Recommendation</u>
01.	03-09	K15458/1	Land At 32 Manor Way Lee-On-The-Solent Hampshire	Refuse
02.	10-12	K155/1	35 Testcombe Road Gosport Hampshire PO12 2EL	Grant Permission

ITEM NUMBER: 01.
APPLICATION NUMBER: K15458/1
APPLICANT: Mr David Bonage
DATE REGISTERED: 09.02.2012

ERECTION OF 1NO THREE BEDROOM DETACHED CHALET BUNGALOW WITH ASSOCIATED ACCESS AND LANDSCAPING (CONSERVATION AREA) (as amended by plans received 07.09.12 and design and access statement received 12.09.2012)
Land At 32 Manor Way Lee-On-The-Solent Hampshire

The Site and the proposal

The application site is located on the eastern side of Manor Way, within the Lee-on-the-Solent Conservation Area. Manor Way forms part of the original medieval road which historically connected the small settlement of Lee-on-the-Solent with Titchfield and Fareham to the north. The oldest core of this village focused on the area stretching from the Bun Penny Public House to the north of the application site and Le Breton Farmhouse immediately to the south. Le Breton Farmhouse is a Grade II Listed building, believed to be of 15th Century date, and is one of the oldest buildings in the Borough.

The application site currently consists of a rectangular plot that is approximately 21m wide and approximately 41m deep along the north eastern boundary and approximately 37m deep along the south western boundary. The site contains a detached bungalow which was granted planning permission in 1954. This property, number 32 Manor Way, is aligned east-west and is positioned approximately 5m forward of the Bun Penny and approximately 2.5m forward of Le Breton Farmhouse. It is set off the northern boundary by approximately 1m and is set back from Manor Way by approximately 11.5m. The garden area to the south of number 32 is approximately 12.5m wide and is laid to lawn. The existing property is of brick and tile construction, has a hipped roof and is finished in white render. It has four windows in the southern elevation along with the main pedestrian access into the dwelling. The forwardmost window serves a bedroom which also receives light from a window in the front elevation; the adjacent window serves a further bedroom and the rearward two windows serve the lounge, which also receives light from a set of double doors in the rear elevation.

The site has an approximately 1.5m high brick wall forming the northern and western boundaries. There is a vehicular access on the southern end of the front boundary of the site leading to a detached single garage that is sited alongside the boundary with Le Breton Farmhouse. This southern boundary is formed of a combination of approximately 1.8m high Listed walls and fencing with mature planting alongside. There are a number of trees and shrubs within the curtilage that screen the existing dwelling from the highway, in addition to two trees within a grass verge outside of the application site.

The two sites either side of the application site contain low density development and the buildings are widely spaced apart. Le Breton Farmhouse, approximately 11m to the south, has a detached, pitched roofed, garage located alongside the northern boundary. To the north of number 32 is an access drive to number 34 Manor Way, a property which is located approximately 26m to the east, beyond a row of garages. On the opposite side of this access drive is the long, narrow outbuilding that was associated with the Bun Penny that contains numbers 36a, 36b, and 36c Manor Way; its western gable end is set slightly back from number 32. To the south of Le Breton Farmhouse is a small modern residence set close to Manor Way, then one further building, a bungalow, on a larger plot, fronting the corner of Manor Way and Grove Road. The western side of Manor Way is different in character and the few larger buildings date to the turn of the century. The original intent to retain large plots on the west side of the road was eroded in part by a post WW2 phase of development, such as at numbers 17, 19, 25 and 31 Manor Way, which has resulted in dwellings set within smaller plots on that side of Manor Way.

It is proposed to demolish the existing single garage and erect a chalet style bungalow on the southern side of the application site. The site would be divided, with the existing property having a curtilage 9m wide and the new bungalow a curtilage 12m wide. The new bungalow is to be erected generally on the same alignment to the existing property and contain three bedrooms. It is proposed to be 14m deep and 8.8m wide and have a forward projecting integral garage on the southern side of the property. The dwelling is proposed to be 6.3m high, which would be approximately 0.5m higher than 32 Manor Way and is proposed to have grey aluminium windows in all sides of the property, with the main pedestrian access being via a porch on the front (west) elevation. The roof is proposed to contain roof lights on both side slopes, with the windows on the southern roof slope to be fitted with obscure glazing. Originally the dwelling was to have been constructed of red brick with white rendered panels and weatherboard clad front and rear gables and a clay tiled, barn hipped, roof. The existing access to the site was also proposed to be retained for the use of the new dwelling and a new vehicular access created on the northern side of the Manor Way frontage for the use of the existing bungalow. Each dwelling was originally proposed to have two parking spaces in front of the properties.

In response to concerns regarding the design of the dwelling and the access and parking arrangements, amended plans have been received that show a revised access from the service road adjacent to the northern site boundary, rather than from Manor Way, and a new parking layout consisting of two spaces in an echelon arrangement in front of the existing property and a single bay on an identical alignment in front of the proposed bungalow. The proposed materials have also been amended. Hanging tile is now proposed at first floor level instead of the weatherboard cladding. The size and location of the proposed bungalow is unchanged from that proposed under the original plans.

Relevant Planning History

32 Manor Way

K1886 - outline application - domestic bungalow - permitted 04.06.54

K1912 - domestic bungalow - permitted 01.07.54

K1912/1 - amended plans - permitted 08.09.54

Land Adjacent to 32 Manor Way

K15458 - outline application - erection of bungalow with integral garage (conservation area) (as amplified by letter dated 03.02.00) - permitted 16.02.00 - not progressed

Land Adjacent to 34 Manor Way

K4769/2 - outline application - demolition of no.34 manor way and erection of 5No. dwellings (conservation area) - withdrawn 29.07.08

Relevant Policies

Gosport Borough Local Plan Review, 2006:

R/DP1

General Standards of Development within the Urban Area

R/BH1

Development in Conservation Areas

R/BH3

Development Affecting Listed Buildings

R/H4

Housing Densities

R/OS8

Recreational Space for New Residential Developments

R/DP3

Provision of Infrastructure, Services and Facilities

R/T4

Off-site Transport Infrastructure

R/T11

Access and Parking
R/OS13
Protection of Habitats Supporting Protected Species

Consultations

Streetscene Parks & Horticulture	No comment
Building Control	No objection. Building Regulations approval required.
Local Highway Authority	<p>No objection. Manor Way is a Classified Road, requiring provision to be made to enable vehicles to turn on site. The plans submitted by the Applicant indicate a one-way system could be utilised, with vehicles entering at the northern entrance to the site, and exiting to the south. This fulfils the requirement for turning facilities. Visibility from both entry points to the site is more than adequate, with a substantial verge facilitating visibility along Manor Way in both directions.</p> <p>It is noted that provision of three car parking spaces is provided in an echelon arrangement. Although the parking arrangement is relatively tight within the constraints of the site, it is considered adequate in terms of the proposed development. In addition, it is proposed to incorporate an integral garage within the proposed dwelling, providing further parking provision.</p> <p>Transport, Infrastructure, Services and Facilities contribution will be required.</p>
Streetscene Waste & Cleansing	No objection. Adequate Storage arrangements have been made for domestic/recycling collections.
Crime Prevention & Design	No objection.
HCC Ecology	No objection. There are no major concerns over potential adverse impacts to biodiversity as a result of this proposal. However, it appears that the development is likely to require the removal of a reasonable amount of existing shrub vegetation, and this may support nesting birds. These are legally protected, so if you were minded to grant permission, it is suggested that an informative note is added to any decision notice advising the applicant of the legal protection afforded these species.
The Gosport Society	The proposed building, because of its mass

and height, will not fit comfortably into this small garden area. It will also interrupt the established character of development where most of the buildings are set back from the road by mature front gardens, in larger than average plots of land. The proposal is therefore against the Lee-on-the-Solent Conservation Area Appraisal and contrary to Policy R/BH1 of the Gosport Borough Local Plan adopted May 2006.

The proposal will also harm the setting of the adjacent building, Le Breton Farmhouse, (Listed Grade 2), and one of the oldest buildings in Gosport. The setting of the farmhouse will be much diminished by the proposal to build a chalet bungalow so close to its boundary, and is therefore against Policy R/BH3 of Gosport Borough Local Plan Adopted May 2006.

The revised Planning Policy Statement PP3 now excludes residential gardens from the definition of previously development land, making it easier to refuse this and similar proposals, and in doing so protect gardens that not only enhance out landscape but also provide refuge and food for wildlife.

Response to Public Advertisement

5 letters of objection (to original plans)

Issues raised:-

- development is a means of financial gain
- development would set an unwelcome precedent
- proposal does not constitute low density housing as claimed
- most properties on Manor Way have large gardens and the new property would represent an overdevelopment of the available space
- land and buildings within Conservation Areas ought to be conserved
- development would be severely detrimental to the appearance of the area and this impact outweighs the benefits of an additional dwelling
- development is not in keeping with locality
- proposal would harm the appearance and historic character of the area
- a modern dwelling is not compatible between two historic sites
- proposal would destroy garden and trees, which contribute to Conservation Area
- deplorable
- proposed development would be cramped and out of character with the area
- intensive development that would be incongruous to the streetscene
- loss of light to occupiers of number 32 Manor Way
- loss of amenity to occupiers of number 32 Manor Way
- proposed access is inadequate
- development would increase car parking on Manor Way
- foxes and badgers frequent the area

8 letters of support (to original plans)

Issues raised:-

- the proposal is not a means of financial gain
- consent has previously been granted for a dwelling on the site

- there was a previous outline planning permission on the site that would have been of poorer design
- no trees are to be removed
- Manor Way has a varied character
- the proposed dwelling would enhance the area
- dwelling has an attractive and fresh design
- proposal does not affect views and is contained within the curtilage
- development is sustainable
- dwelling is a betterment given condition of existing outbuilding on the site
- development would be screened by mature vegetation on boundaries
- proposal would not have impact on loss of privacy
- proposal retains sufficient off street parking

2 letters of objection (to amended plans)

Issues raised:-

- amended scheme has few differences
- proposal would be too close to adjacent Listed Building and wall that is also Listed
- proposal is not in keeping with area
- development would set an unwelcome precedent
- development would increase car parking on Manor Way

6 letters of support (to amended plans)

Issues raised:-

- many properties in the locality have been extended
- proposal has appropriate design and would benefit area
- proposal would not alter the character of Manor Way
- proposal for a bungalow, rather than flats is welcomed
- revised access will help with off street parking in locality

Principal Issues

1. The site is located within the Urban Area Boundary where the principle of residential development is acceptable provided the details of the application accord with the National Planning Policy Framework (NPPF) and the relevant policies of the Gosport Borough Local Plan Review. Within the NPPF, a key objective is that Local Planning Authorities continue to make effective use of land by re-using that which has previously been developed. The definition of 'Previously Developed Land' (PDL) within the NPPF reflects that of the PPS3, which it replaces, and excludes 'land in built-up areas such as private residential gardens'. Paragraph 53 of the NPPF also states that 'Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example, where development would cause harm to the local area.' Paragraph 58 of the NPPF goes on to advise that 'decisions should aim to ensure that developments add to the overall quality of the area, establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live.' The NPPF makes it clear that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

2. Outline planning permission was granted in 2000, under reference K15458, for the principle of siting an additional detached bungalow on this site. This Outline application was considered on the basis of a site plan showing the indicative position of the bungalow only. No associated Reserved Matters applications were submitted and the permission expired. This proposal is a full planning application, supported by full elevation and layout drawings, floor plans, landscaping details and a Design and Access Statement, which has enabled the full impact of the proposal to be assessed. All planning applications are required to be considered on their own, individual merits and on the basis of the plans submitted by the applicant, and must be considered in the context of current planning policies. The main issues in this case are therefore whether an additional dwelling on the site is acceptable in the light of the changes to national planning policy and the acceptability of the proposed development in terms of its design and the impact on the character and visual amenity of the locality, the amenities of adjoining and prospective occupiers, whether the proposal preserves

or enhances the character and appearance of the Lee-on-the-Solent Conservation Area, the impact on the setting of the adjacent Listed Building, the adequacy of access, servicing and parking arrangements and the provision for cycle parking, refuse storage, open space and highway infrastructure improvements and the impact upon habitats that support Protected Species. No trees of significant historic or landscape value would be lost as a result of the proposal and the intentions of the developer and their possible future aspirations for the site are not material planning considerations.

3. The application site at present is already smaller in area than the adjacent plots, with a road frontage approximately half that of Le Breton Farmhouse, and a quarter that of the Bun Penny. The proposed development would result in two further constrained plots and a built form that would be out of keeping with the character of the two adjacent curtilages which contain historic buildings set within spacious plots. The existing garden space between the existing bungalow and the boundary to the Listed Le Breton Farmhouse makes an important contribution towards this feeling of openness, which is characteristic of this part of the Conservation Area. The proposal would result in the loss of this significant garden area and would not preserve the low density, spacious character of development on the eastern side of Manor Way located within the oldest core of the settlement of Lee-on-the-Solent.

4. The proposed parking area forward of the bungalows would also create a hard urban environment and result in the loss of an important element of soft landscaping. The form and mass of the development would not be successfully screened by the surrounding planting and the proposed new build would be higher than and would have a greater mass than the existing bungalow, accentuating the impact of a building in this location. The form of the proposed building, aligned close to the southern boundary with Le Breton Farmhouse, would form a dominant visual structure tight against the boundary with the Listed Building, which is one of the oldest buildings in the Borough. The proposed building would be out of character with its setting by appearing to be 'crammed' into a tight space, leaving very little space between it and the existing bungalow and to the adjacent Listed southern boundary. Taken into consideration with the above, these factors reinforce the view that the proposed dwelling is inappropriate in this location and would result in a cramped and congested development that would be out of keeping with the established pattern of development in the locality that neither preserves nor enhances the character and appearance of the Conservation Area and would harm the setting of the adjacent Listed Building contrary to the NPPF and Policies R/DP1, R/BH1 and R/BH3 of the Gosport Borough Local Plan Review.

5. Whilst the applicant has indicated a willingness to enter a planning obligation under Section 106 relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and a Transport, Infrastructure, Services and Facilities contribution, in accordance with Policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review, this willingness has not, to date, been confirmed by the preparation of a draft agreement ready for signature, nor has a suitably worded unilateral undertaking been submitted. Without a suitable obligation in place, the proposal is unacceptable.

6. The site is located in an accessible location, approximately 180 metres from Lee-on-the-Solent High Street. The development provides both the proposed and existing dwellings with space to park 2no. cars, inclusive of the integral garage of the proposed bungalow. Car ownership within the Lee West ward averages 1.25 cars per household. As such, the development is unlikely to result in significant overspill parking in the local road network, to the detriment of highway safety. The vehicular movements associated with a three bedroom dwelling are unlikely to have a harmful impact on the overall traffic characteristics of the locality and adequate space is available to allow vehicles to manoeuvre so as to enter and exit the site in a forward gear. Due to the position and width of the existing access and the position of the proposed access to the north of the site, there will be adequate visibility between vehicles exiting the site and all other users of the public highway. Although the area in front of the properties would be shared by both properties, conditions could be imposed to prevent the erection of any boundary treatment within this area and to ensure the access and parking provision remained acceptable. Furthermore, the provision of the parking area forward of the properties is unlikely to have a harmful impact upon the amenities of the existing and prospective occupiers given the limited increase in vehicular movements on the site. Adequate

facilities are shown for bicycle parking within the garage and for the storage and collection of refuse bins to the southern side of the dwelling, details of which could, similarly, be subject to a planning condition. For the above reasons the proposal would not harm highway or pedestrian safety in functional terms, or residential amenity, in accordance with Policies R/DP1 and R/T11 of the Local Plan Review.

7. Due to the orientation of and separation distances between the properties, in conjunction with the siting of the proposed dwelling relative to the neighbouring houses, the position of the proposed and existing windows and the uses of the rooms, and the fact that three of the four windows in the southern elevation of number 32 Manor Way receive light from other sources, the development is unlikely to have an unacceptable impact on the amenities of existing or prospective occupiers in terms of loss of light, outlook or privacy, in compliance with Policy R/DP1 of the Gosport Borough Local Plan Review.

8. There is no evidence to suggest Badger or Fox activity on the site. Whilst the proposal would require the removal of existing shrub vegetation on the site that may support nesting birds, an informative note could be added to advise the applicant of the legal protection afforded these species. As such, the proposal would not impact harmfully upon habitats that support Protected Species, in compliance with Policy R/OS13 of the Gosport Borough Local Plan Review.

RECOMMENDATION: Refuse

For the following reason(s):-

1. The proposed dwelling by reason of its siting, design, depth, height, overall mass and constrained location on existing garden land will result in a cramped and congested development that would be out of keeping with the established pattern of development in the locality and neither preserves nor enhances the character and appearance of the Conservation Area and would harm the setting of the adjacent Listed Building, contrary to the NPPF and Policies R/DP/1, R/BH1 and R/BH3 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: K155/1
APPLICANT: Mr Trevor Mckay
DATE REGISTERED: 11.10.2012

ERECTION OF REAR EXTENSION WITH 1NO. ROOF LANTERN
35 Testcombe Road Gosport Hampshire PO12 2EL

The Site and the proposal

The application property is a semi detached dwelling of brick construction with a tiled roof. The site is located on the northern side of Testcombe Road. The site is approximately 45 metres in depth and 8 metres in width and the rear garden is approximately 30 metres in depth. The northern boundary is formed of vegetation approximately 3 metres in height. The rear, eastern boundary of the site is approximately 2 metres high and extends the length of the rear boundary. Part of the western boundary of the site is formed by the eastern elevations of 2no. outbuildings belonging to number 33 which are sited along the shared boundary and are approximately 2 metres in height and project 10 metres along the boundary with a fence approximately 1 metre in height forming the boundary thereafter. On the rear of the dwelling is a flat roof addition approximately 2 metres in depth, 5.4 metres in width and 3.2 metres in height with 1 patio door and 1 window on the northern elevation.

The adjoining dwelling to the east, number 37, is of similar size and construction to the application property. On the rear is a conservatory sited approximately 0.1 metres from the shared boundary. The conservatory is approximately 4 metres in depth, 5 metres in width, 2.5 metres in height to the eaves and 3.3 metres in height to the ridge of the glazed roof. The conservatory has windows along the width of the northern elevation and also has 3no. high level windows on the western elevation. The north western corner of the conservatory is angled and contains a window. On the first floor of the rear elevation are 2no. windows.

The dwelling to the west, number 33, is a detached bungalow. On the rear of the dwelling are 2no. flat roof additions approximately 2.5 metres in height and together, project approximately 5 metres beyond the rear elevation of the dwelling. There is 1no. window at ground floor and 1no. window in the roof space on the eastern elevation of the main dwelling which are set in from the north eastern corner by approximately 1 metre. There is 1no. west facing window at ground floor level on the first of the rear additions. There is a separation distance of approximately 3.5 metres between the flank elevations of numbers 33 and 35.

It is proposed to erect a rear extension of single storey height at the rear of the dwelling onto the northern elevation of the existing rear addition. The extension would be 4 metres in depth, 5.4 metres in width and 3.2 metres in height to the top of the flat roof. In the roof would be a roof lantern 4.1 metres in width, 3 metres in depth and 0.6 metres in height. The extension would be positioned 0.1 metres from the eastern boundary and 1.8 metres from the western boundary. There would be 2no. windows and 1no. fully glazed door in the northern elevation, and 1no. window in the western elevation. The extension would be of brick construction with UPVC windows. The proposed development has been identified as being within Flood Zone 2 and the application is supported by a Flood Risk Assessment.

Relevant Planning History

Nil

Relevant Policies

Gosport Borough Local Plan Review, 2006:
R/DP1
General Standards of Development within the Urban Area

Consultations

Nil

Response to Public Advertisement

Nil

Principal Issues

1. The main issues in this case are the acceptability of the design of the extension, the impact on the visual amenity of the locality and the amenities of the occupiers of the adjoining dwellings in terms of loss of light, loss of outlook, loss of privacy and flood risk.
2. The proposed extension has been designed with materials sympathetic to both the existing dwelling and neighbouring properties. The scale, height and massing of the extension is in keeping with the residential character of the area. The proposal is, therefore, acceptable in design terms and will not have a detrimental impact on the appearance of the dwelling or the character and visual amenity of the area. The development is, therefore, acceptable and complies with Policy R/DP1 of the Gosport Borough Local Plan Review.
3. The combined depth of the extensions would only project approximately 0.5 metres beyond the conservatory at number 37. In view of this, an oblique viewing angle would be created between the windows and taking into consideration the existing boundary treatment, no mutual overlooking or loss of outlook would result. The extension would be sited approximately 0.2 metres from the high level windows on the western elevation of the conservatory of number 37 but these windows are a secondary light source, therefore, the extension would not have a harmful impact in terms of loss of light or outlook in this instance. The development would, therefore, not have any harmful impact on the amenities of the occupiers of number 37. Given the orientation of the extension, the distance it would be from the dwelling to the west and taking into account the existing boundary treatment, there would be no harmful impacts to the occupiers of number 33. The development is, therefore, acceptable and complies with Policy R/DP1 of the Gosport Borough Local Plan Review.
4. Although the site is within an area at risk of flooding, the development is small scale and will not increase the number of properties or people at risk from flooding and existing flood defences are not compromised as a result of the development. The proposal, 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, as proposed, is acceptable in this location. It is acceptable in design terms, will not have a harmful impact on the amenities of the area or the occupiers of the neighbouring properties or on flood risk and, as such, complies with Policy R/DP1 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 granted.
Reason - To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

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

Plan 1, Plan 2.

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

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

AGENDA ITEM NO. 6

Board/Committee:	Regulatory Board
Date of Meeting:	06 November 2012
Title:	K12216/6 – Hazardous Substances Consent application relating to the retention and continued storage of substances at the Oil Fuel Depot, Forton Road, PO12 4TH
Author:	Borough Solicitor
Status:	FOR DECISION

Purpose

To consider a Hazardous Substances Consent application, made by the Oil and Pipeline Agency, relating to the retention and continued storage of substances at the Oil Fuel Depot, Forton Road.

Recommendation

To, **Grant Hazardous Substances Consent**, subject to:

- a) the conditions set out in Appendix A of this report

for the following reasons:

Having regard to the Planning (Hazardous Substances) Act 1990, the Planning (Hazardous Substances) Regulations 1992 (as amended), Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposal is considered acceptable in this location. The types, quantities and method of storage of the substances as proposed would not give rise to an unacceptable risk to public health and safety, neighbouring land or the environment. The proposal, therefore, complies with Policies R/DP1 and R/ENV7 of the Gosport Borough Local Plan Review.

1 Background

- 1.1 The Gosport Oil Fuel Depot is located in the Urban Area on the north side of Forton Road. Access to the site is from Forton Road on the southern boundary opposite the junction with Spring Garden Lane. The site is located adjacent to, but not within, the Forton Road Conservation Area and St George Barracks North Conservation Area. To the east of the site is a 1760's rampart and moat, which is a Scheduled Ancient Monument. There a number of large storage tanks on the site approximately 10m in height along with a series of office buildings. There is a gatehouse and vehicular barrier at the entrance to the site, where vehicles are required to wait to undergo security checks. The site is enclosed on its southern side, fronting Forton Road, by a 2.5 metre high brick wall.

- 1.2 The site is owned by the MOD, however, the Oil and Pipeline Agency (OPA) operate the Depot on their behalf. The OPA's statutory role is to be responsible for the safe and efficient management of the Government Pipelines and Storage System (GPSS) and Oil Fuel Depots (OFDs). The OPA is the MOD's professional experts on bulk fuels and storage and transportation by pipeline and it is sponsored as the MOD's managing agent of the GPSS and OFDs.
- 1.3 Until 2006, the MOD benefited from being able to store fuels without requiring Hazardous Substances Consent under Crown Immunity from the Planning Acts, however, the Planning and Compulsory Purchase Act 2004 made provision to end Crown Immunity by authorising the application of the Planning Acts to the Crown. As such, since that period, the fuels and chemicals stored at the site, which would have not previously needed express consent, have been stored without the requisite Hazardous Substances Consent. This application is to regularise matters by seeking retrospective consent for the long established storage of the petroleum products, including jet fuel, diesel and returns fuel. These fuels fall under part A no. 36 of the Planning (Hazardous Substances) Regulations 1992 (as amended). Part A no. 36 of these regulations relates to petroleum products and is further broken down within this Part into the following categories:
- (a) gasolines and naphthas,
 - (b) kerosenes (including jet fuels),
 - (c) gas oils (including diesel fuels, home heating oils and gas oil blending streams)
- 1.4 Part B of the Hazardous Substances Regulations sets out the controlled quantities that can be stored without the need to first gain Hazardous Substances Consent. The controlled quantity in relation to part A no. 36 is 2500 tonnes. The application seeks the retention of 47430 tonnes spread over 9 containers located towards the west side of the site. No part A no. 36(a) products are proposed for storage.

2 Relevant Planning History

- 2.1 K12216/3 - Circular18/84 Consultation - Reinstatement of 2 no. storage tanks - raise no objection 29.09.1995

K12216/5 - Demolition of existing office and gatehouse buildings, erection of new office building, re-location of entrance barrier and provision of revised access, parking and landscaping (as amended by plan received 31.10.11) - permitted 11.11.11

3 Planning Policy

- 3.1 The Gosport Borough Local Plan Review was adopted in May 2006

The following Local Plan Review Policies are relevant to the consideration of this application.

R/DP1

General Standards of Development within the Urban Area

R/ENV7

Hazardous Substances

4 Summary of Consultation Responses

Environment Agency (Hants & IOW)

No objection.

Health and Safety Executive

No objection. The risks to surrounding areas from likely activities resulting from the granting of the Hazardous Substances Consents have been assessed. Only the substances that are being applied for have been assessed. Developments in the surroundings area that have been granted planning permission but have not yet been built have not been taken into account. It is concluded that the risks to the surrounding population arising from the proposed operations are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent subject to a series of conditions relating to the storage of particular substances with part A, no. 36 on particular parts of the site.

Environmental Health

No objection.

Hants Fire and Rescue Services

No response.

Defence Estates

No safeguarding objections.

Natural England

No objection.

Portsmouth City Council

Update to be provided.

Hampshire County Council Planning

Update to be provided.

Southern Electricity and Gas Networks

Update to be provided.

5 Public response

1 letter of observation received

Issues raised:

- consideration must be given to the residential properties surrounding the site
- there should be no increase to public danger

6 Relevant issues

- 6.1 Consultation with the HSE provides the necessary input in respect of any risks to the surrounding area and properties. The main issues for consideration are, therefore, the appropriateness of the level of substances proposed to be retained in this location in terms of the level of risk to public health and safety, neighbouring land or the environment.
- 6.2 The site is located in the Urban Area on an established site where the substances have been historically stored. The HSE raised a series of queries in relation to these points and the applicant subsequently responded setting out their proposals. The proposals, as defined by the applicant, satisfied the HSE that the storage arrangements raised no health and safety and concerns. The type, quantities and the method of the storage of the substances proposed have been assessed in this location by the HSE who have concluded that the risks to the surrounding population arising from the proposed operations are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent. This response is subject to conditions restricting the storage of certain substances falling within part A no. 36 at certain points on the site and the operation of certain substances above an atmospheric pressure or above 55 degrees Celsius. As such, subject to conditions controlling this arrangement, the proposals are considered to be acceptable in this location. There are no unimplemented planning permissions in the surrounding area that need to be referred back to the HSE in this instance. The substances have been stored in this location historically and no harmful impact has arisen and Natural England has raised no objection to the proposal. The proposal, therefore, complies with Policies R/DP1 and R/ENV7 of the Gosport Borough Local Plan Review.

Financial Services comments:	N/A
Legal Services comments:	N/A
Crime and Disorder:	N/A
Equality and Diversity:	N/A
Service Improvement Plan implications:	N/A
Corporate Plan:	N/A
Risk Assessment:	N/A
Background papers:	Nil
Appendices/Enclosures:	
Appendix 'A'	Recommended conditions
Report author/ Lead Officer:	<i>Miss R Gray, Principal Planner. Ext. 5328</i>

Appendix A: Recommended conditions

1. The substances hereby approved for storage shall not be kept or used other than in accordance with the details of this application.

Reason - To ensure the substances are appropriately stored and to comply with Policy R/DP1 and R/ENV7 of the Gosport Borough Local Plan Review.

2. The substances shall be stored in accordance with the details submitted on 07.09.12 and in no other arrangement whatsoever.

Reason - To ensure the substances are appropriately stored and to comply with Policy R/DP1 and R/ENV7 of the Gosport Borough Local Plan Review.

3. No part A no. 36 Petroleum products (a) gasolines and naphthas shall be stored on the site.

Reason - To ensure the substances are appropriately stored and to comply with Policy R/DP1 and R/ENV7 of the Gosport Borough Local Plan Review.

4. The tanks listed in Table C as contained on the Schedule 2 application form 1, received on 16.07.12, shall not be used to store substances with a flashpoint below 55 degrees Celsius.

Reason - To ensure substances are appropriately stored and to comply with Policy R/DP1 and R/ENV7 of the Gosport Borough Local Plan Review.

5. The tanks listed in Table C as contained on the Schedule 2 application form 1, received on 16.07.12, shall not be operated above atmospheric pressure or above 55 degrees Celsius.

Reason - To ensure substances are appropriately stored and to comply with Policy R/DP1 and R/ENV7 of the Gosport Borough Local Plan Review.