

## **A MEETING OF THE REGULATORY BOARD**

### **WAS HELD ON 13 FEBRUARY 2007**

The Mayor (Councillor Mrs Cully) (ex-officio), Chairman of the Policy and Organisation Board (Councillor Cully) (ex officio), Councillors Allen (P), Carter (P), Chegwyn, Davis (P), Foster (P), Hicks (P), Smith (P), Taylor, Train (P) and Ward (P).

It was reported that, in accordance with Standing Order 2.3.6, notice had been received that Councillors Burgess and Carr would replace Councillors Taylor and Chegwyn respectively for the duration of this meeting.

#### **164 APOLOGIES**

Apologies for inability to attend the meeting were received from the Mayor (Councillor Mrs Cully), Councillor Chegwyn and Councillor Taylor.

#### **165 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **166 MINUTES**

RESOLVED: That subject to it being noted that Councillor Burgess and not Councillor Langdon had attended the meeting as a substitute for Councillor Ward, the Minutes of the Regulatory Board meeting held on 15 January 2007 be approved and signed by the Chairman as a true and correct record.

#### **167 DEPUTATIONS**

It was reported that deputations had been received on the following applications:

- Item 1 – K11600/4 – 40 Crescent Road, Gosport
- Item 5 – K9951/2 – 99 High Street, Lee on the Solent

#### **168 PUBLIC QUESTIONS**

No public questions had been received.

## PART II

### **169 DEVELOPMENT CONTROL PERFORMANCE 01.10.06 – 31.12.06**

Members considered the report of the Development Services Manager (a copy of which is attached in the Minute Book as Appendix 'A') which set out the background to the Best Value Performance Indicators related to speed of determining planning and other applications; performance against other government and local targets in relation to applications and appeals; and performance in resolving complaints relating to possible breaches of planning control.

RESOLVED: That the Manager's report on Development Control Performance from 01/10/06 – 31/12/06 be noted.

### **170 REPORT OF THE DEVELOPMENT SERVICES MANAGER**

The Development Services Manager submitted a report on applications received for planning consent setting out the recommendation in each case (a copy of which is attached in the Minute Book as Appendix 'B').

RESOLVED: That decisions be taken on each application for planning consent as detailed below:

#### **171 K11600/4 - ERECTION OF TWO STOREY REAR EXTENSION INCLUDING FIRST FLOOR BALCONY, ROOF TO FORM PORCH ON SIDE AND DETACHED GARAGE TO FRONT (CONSERVATION AREA) (as amplified by email dated 7.12.06 and amended by plans received 19.12.06) 40 Crescent Road Gosport Hampshire PO12 2DN**

It was confirmed that Councillors Allen, Burgess, Carter, Davis, Foster and Train, as well as members of the public, had attended a site visit earlier in the day. Issues noted during the visit included the position of the proposed garage, the rear elevation of the property and the position of the proposed balcony and the distance to and height of the hedge on the eastern boundary between the property and Bramley Gardens. It was noted that approval had already been given for the felling of the pine tree as it was considered to have a dangerous lean, although this was not relevant to the current planning application. Members visited the gardens of numbers 1 and 3 Bramley Gardens. The height and maturity of the hedges were noted as was the relationship between the gardens and the proposed windows in the development site. The Chairman thanked all those who attended the site meeting.

Members acknowledged residents' concern that there should be no detrimental impact on the conservation area but considered that the height of the boundary hedge gave sufficient shelter to the surrounding gardens.

Rear Admiral John Hervey was invited to address the Board. The issues he raised included: the felling of the pine tree; damage to the hedge during building works; the size of the proposed development in relation to the plot; the siting of the garage to the front of the property; and potential conflict and nuisance caused by contractors vehicles, especially during the times that parents drop off and pick up their children from Marycourt School.

Mr James Fairhall, the applicant, was invited to address the Board. He confirmed that he had moved to the premises last year but had lived locally for 8 years. He understood the need to preserve and enhance the conservation area and the proposed development plans had been drawn up in consultation with the Conservation Officer.

In answer to a Member's question, Mr Fairhall confirmed that they had taken the advice of a tree surgeon concerning the felling of the pine tree. His wife was keen to plant another, smaller tree in its place and he was willing to give a commitment that this would be done.

In answer to Members' questions concerning nuisance from contractors vehicles and normal hours of working, it was confirmed by officers that this was not a matter for planning law. Other legislation was in existence that more effectively dealt with statutory nuisance and these could be considered at a later date if it was considered necessary.

It was also confirmed that, because the property was situated in a conservation area, notice had had to be given to the Council for work to be carried out on the pine tree. The Council's Arboricultural Officer had examined the tree and advised that it was leaning at an angle of 20-25% and should not be allowed to reach maturity. It was therefore not appropriate to make a Tree Preservation Order and the owners were at liberty to fell the tree.

RESOLVED: That planning application K11600/4 – 40 Crescent Road, Gosport be approved subject to the conditions set out in the report of the Development Services Manager, for the following reason.

- i That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location. It is of an appropriate design, will preserve the character and appearance of the Conservation Area and will not have any detrimental impact on the street scene, amenities of adjoining residents or highway safety. As such the proposal complies with Policies R/DP1, R/DP7, R/BH1 and R/T11 of the Gosport Borough Local Plan Review.

**172 K16932/2 - ERECTION OF 1NO. ONE BEDROOMED AND 1NO. TWO BEDROOMED RESIDENTIAL UNITS (24 ELMHURST RD) AND PART DEMOLITION OF EXISTING STORE TO PROVIDE ASSOCIATED AMENITY SPACE (REAR OF 20 & 22 PERCY ROAD) (CONSERVATION AREA)  
Land At 24 Elmhurst Road Gosport Hampshire PO12 1PG**

Members were advised that two further letters of objection had been received. One letter raised issues relating to the conversion of the storage building which was not part of this application; parking problems in the locality but referring to 3 flats and not 2 which were the

subject of this application; and the use of the alleyway which was already used as part of the builder's yard operation.

The other letter from a resident to the north of the application site raised issues of possible disturbance to foundations and access to the side of the property for maintenance; loss of privacy to the bedroom window in the side elevation, loss of light to the kitchen and 2 side bedroom windows and increased electricity costs. The resident also considered the proposed building should be set further back in the plot.

The officer advised that issues of disturbance to foundations and access were private legal issues. A condition has been imposed restricting the windows at first and second floor level in the northern elevation of the new block to fixed frame design and glazed with obscure glass. There would be some loss of light but this was balanced by the benefit of removing the builder's yard from the residential area and the removal of the barn which would have a positive impact on the outlook from and light to properties in the surrounding area. Consideration had been given to setting the building further back but this would have resulted in a greater impact on the rear gardens of numbers 22 and 26 Elmhurst Road. Moreover, the staggered layout was important to the design as it followed the curve in the road. Setting the building further back would have a detrimental impact on the character and appearance of the Conservation Area.

Members considered the necessity of a site visit but following advice from the Borough Solicitor on the planning history of this site and the criteria for site visits, it was decided that a site visit was not required.

Following questions from Members, it was confirmed that the plans submitted were drawn to metric scale and therefore did indicate the height of the proposed building and also that the footpath would remain open and unrestricted by the development.

RESOLVED: That planning application K16932/2 – Land at 24 Elmhurst Road, Gosport be approved subject to a Section 106 agreement relating to the provision and/or improvement of outdoor playing space and subject to the conditions set out in the report of the Development Services Manager, for the following reason.

- i. That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposal is acceptable in this accessible location and will enhance the character and appearance of the Stoke Road Conservation Area. The development will not be harmful to the amenities of adjoining or prospective occupiers, or parking or traffic conditions in the locality and makes adequate provision is made for outdoor playing space. As such, the development complies with Policies R/DP1, R/DP6, R/DP7, R/BH1, R/H4, R/T10, R/T11, R/ENV5, R/ENV10 and R/OS8 of the Gosport Borough Local Plan Review.

**173 K15100/11 - ERECTION OF BUILDING FOR MIXED EMPLOYMENT USES (CLASS B1, B2, B8) WITH ASSOCIATED PARKING (as amplified by letter dated 26.01.07 and amended by plan received 30.01.07)  
Fareham Reach 166 Fareham Road Gosport Hampshire PO13 0FW**

Members welcomed the opportunity for employment resulting from this development.

RESOLVED: That planning application K15100/11 – Fareham Reach, 166 Fareham Road Gosport be approved subject to the conditions set out in the report of the Development Services Manager, for the following reason.

- i. That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposed siting, design and external appearance of this development is acceptable in this location and the increased opportunity for employment is beneficial to the local economy. As such the proposal complies with Policies R/DP1, R/DP6, R/T3, R/T11, R/EMP3, R/EMP5 and R/EMP7 of the Gosport Borough Local Plan Review.

**175 K13789/24 - CHANGE OF USE FROM JOINERY WORKSHOP TO CHANDLERY SHOP INCLUDING INSTALLATION OF SHOP FRONT TO PART OF FRONT ELEVATION (as amplified by letter dated 29.01.07 and amended by plans received 30.01.07)  
Unit G F 13 Endeavour Quay Mumby Road Gosport**

Members considered there was a need for marine related facilities in this area and the proposal for a chandlery shop was appropriate.

RESOLVED: That planning application K13789/24 – Unit G F 13 Endeavour Quay, Mumby Road Gosport be approved subject to the conditions set out in the report of the Development Services Manager, for the following reason.

- i. That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposed chandlery use is acceptable in this location. The proposed external alterations will complement the design of the existing building and there will be no detrimental impact on traffic or parking conditions in the locality. As such, the development complies with Policies R/DP1, R/DP4, R/DP7, R/S9, R/CH1, R/ENV1 and R/T11 of the Gosport Borough Local Plan Review.

**176 K9951/2 - CHANGE OF USE FROM RETAIL SHOP TO (CLASS A1) TO ESTATE AGENTS OFFICE (CLASS A2)  
99 High Street Lee-On-The-Solent Hampshire PO13 9BU**

Members were advised that two further letters of objection and a 73 signature petition had been received. Issues cited were the loss of retail provision and the growth of office space. It was confirmed that Local Plan Policy R/S3 allows for the change of use between Class A1 and A2 uses without constraint within the Principal and District Centres.

Mr Jack Wilcock was invited to address the Board. He stated his concern at the loss of retail facilities in Lee on the Solent. There was a need to attract tourism to the area as well as the provision of good local facilities for residents. There were already a number of estate agents in the locality and there was a need to attract other types of business.

Mrs Chambers, on behalf of SBK Stubbington Ltd., was invited to address the Board. She explained that their estate agency was a family run business. They currently had premises in Stubbington where they had endeavoured to become a part of the community, including taking part in local charitable events. They planned to develop the business in Lee on the Solent in a similar way, becoming a part of the community. She considered that customers visiting their premises would become aware of other shops and businesses in the area which would help to promote local trade and their company website included information on local businesses and traders for the benefit of their customers.

RESOLVED: That planning application K9951/2 – 99 High Street, Lee on the Solent be approved subject to the conditions set out in the report of the Development Services Manager, for the following reason.

- i. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, it is considered that the proposed Class A2 office use would not be harmful to the retail function of Lee-on-the-Solent District Centre or the amenities of any nearby occupiers, or traffic or parking conditions in the locality. As such, the development complies with Policies R/DP1 and R/S3 of the Gosport Borough Local Plan Review.

**177 K15249/9 - DEMOLITION OF 6 NO. SHELL FILLING ROOMS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF 9 NO. DWELLINGS WITH ASSOCIATED ACCESS, LANDSCAPING, PARKING AND ANCILLARY STRUCTURES (CONSERVATION AREA) (as amended by plans received 02.02.07)**  
**Shell Filling Rooms Priddys Hard Heritage Way Gosport Hampshire**

Members were advised that consideration of this report would be deferred to the March meeting of the Board.

**178 ANY OTHER BUSINESS**

- i. **Gosport Youth Council**  
The Chairman suggested that officers discuss with the Gosport Youth Council the possibility of two of their members attending future meetings of the Regulatory Board in order to keep the Youth Council informed of planning issues in the Borough. Members welcomed this proposal and the Borough Solicitor agreed to take the matter forward with Policy Officer responsible for liaising with the Youth Council.

ii. **Planning Appeal Decisions**

Members were advised of the outcome of two Planning Appeal Decisions:

- (i) the Council's decision to refuse a Part 24 planning consultation K17060 for a 12 metre high monopole telecommunications mast and equipment cabinets was upheld; and
- (ii) the decision by the Council to refuse planning application K17160 was overturned by the Inspector. It was confirmed that this appeal was determined by way of written representations and that there would be no costs to the Council.

The meeting commenced at 6.00pm and concluded at 6.55pm

CHAIRMAN