

A MEETING OF THE REGULATORY BOARD

WAS HELD ON 13 NOVEMBER 2007

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

100 APOLOGIES

Apologies for inability to attend the meeting were received from the Mayor and Councillor Cully.

101 DECLARATIONS OF INTEREST

- Councillors Allen and Carter declared Personal and Prejudicial interests in item 7 (K17000/2 – Davenport Close)

102 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 9 October 2007 be approved and signed by the Chairman as a true and correct record.

103 DEPUTATIONS

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

- Item 6 – K17384/1 – 63-65 Fareham Road, Gosport
- Item 8/01 – K17432 – 51-53 High Street, Lee
- Item 8/03 – K17320/1 – 6, 7 & 8 Marine Parade West, Lee
- Item 8/06 – K11429/5 – Land to the East of Grays Close, Gosport

104 PUBLIC QUESTIONS

No public questions had been received.

PART II

105 K17384/1 - CHANGE OF USE AND ERECTION OF TWO STOREY EXTENSIONS AND ALTERATIONS TO CONVERT EXISTING SHOPS AND 2 FLATS INTO 8 ONE BED-ROOMED FLATS TOGETHER WITH CAR PARKING AND ANCILLARY FACILITIES 63-65 FAREHAM ROAD GOSPORT

Members considered a report of the Development Services Manager (a copy of which is attached in the Minute Book as Appendix 'A') which requested the Board to consider the above application in the light of an appeal against the refusal of application K17384 for the same development along with current statistical evidence relating to housing supply and demand in Gosport.

Members were informed of statistical data relevant to the application, as detailed below:

- Census data relating to population and household growth indicate that population in Gosport will fall by about 2,500 over the next 20 years and the number of households in the borough will grow by 2,500 resulting in an average household size of 2.15 persons.
- the housing stock in 2003 was made up of 12% 1 bed, 28% 2 bed with the remainder 3 + bed
- By 2026 a minimum of a further 2397 dwellings will be required - roughly a third 1 beds, a third 2 beds and a third 3+ beds
- Over the last 4 years planning permission has been granted for 2420 dwellings of which 25% were 1 bed, 44% 2 bed and 31% 3 or more beds
- Policies R/H1, RH/2 and R/H3 set out the housing land allocations. This is not a site allocated for housing but is classed as a small windfall site
- Paragraph 5.31 of the Gosport Borough Local Plan provides a commentary on the part of Policy R/H4 which relates to the range of accommodation to provide a social mix and allow for the changing accommodation needs at different stages of life.

Members were advised of current housing supply and demand statistical evidence in order to provide a demographic context and assist Members of the Board in determining the application. Officers advised that the applicant had agreed to pay a commuted sum towards the provision of outdoor playing space within the Borough and completed the agreement on 7 November 2007.

Mr Tutton was invited to address the Board as the Agent on behalf of the Applicant. Mr Tutton quoted passages contained in the Gosport Borough Local Plan Review and the Housing Needs Survey to emphasise his belief that there was a greater demand for small properties than there was at present available. He added that family sized housing made up over 60% of the total proportion of housing available in the Borough, and that statistics showed there to be a demand for 1 bedroom properties. The Borough's demographic requirements would not be met with refusal of the application.

Members understood that the application had not changed from the one that had been refused previously. They had been presented with statistics that the Agent believed proved the viability of the resubmitted scheme, but Members were of the opinion that each

application should be judged on its own merits in any case. Members referred to the report which listed the grounds for appeal denoted by the applicant. It was stated by Members that, on the contrary, Local Plan Policies did not specify a need for one-bedroom flats where they spoke of changes in household size and that "single person occupancy" did not by any way imply that the owner required only one bedroom. Members were concerned by the number of vacant one-bedroom dwellings in the Borough and did not feel that this application was at all acceptable. Members considered the statistical evidence presented but felt that the proposal would not provide a mix of dwelling sizes and types to reflect the needs of those seeking houses in the Borough, contrary to Policy R/H4 of the Gosport Borough Local Plan Review.

RESOLVED: That application K17384 – 63-65 Fareham Road, Gosport

1 be refused for the following reason:

- i. The proposed development does not provide a mix of dwelling sizes and types to reflect the needs of those seeking housing in the Borough and is therefore contrary to Policy H4 of the Gosport Borough Local Plan Review

2 Authority be delegated to the Borough Solicitor to negotiate and enter into a Section 106 Agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space as without this agreement an additional ground for refusal would be raised

**106 K17000/2 – OUTLINE APPLCATION – USE OF LAND FOR DEVELOPMENT OF 40no. ONE BEDROOM FLATS AND ASSOCIATED ACCESS SITE OF FORMER RECREATION CENTRE
DAVENPORT CLOSE, GOSPORT**

Members considered a report of the Development Services Manager (a copy of which is attached in the Minute Book as Appendix 'B') which requested the Board to consider the above application as an appeal had been made against the non determination, and therefore deemed refusal, of application K17000/2.

RESOLVED: That if an appeal had not been made application K17000/2 – Davenport Close etc would have been refused for the following reasons:

- i. No provision is made for built recreation/leisure provision on, or in the vicinity of, the site contrary to Policy R/CF9 of the Gosport Borough Local Plan Review.
- ii. The proposal by reason of its high density in this location constitutes an unsustainable form of development which is likely to result in a greater reliance on the private car. As such, it is contrary to Strategic Statements SS1 and SS2 and Policy R/H4 of the Gosport Borough Local Plan Review.
- iii. The proposal does not make satisfactory provision for pedestrian, cycle or vehicle access, or access for people with disabilities contrary to Policies R/DP1, R/T2 R/T3, R/T10 and R/T11 of the Gosport Borough Local Plan Review.

- iv. The proposal by reason of the excessive number of units and resulting cramped layout would result in an unsatisfactory living environment for existing residents of adjacent properties and prospective occupiers of the new development, in terms of light, outlook, privacy and noise disturbance, contrary to Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review
- v. The proposed development does not make adequate provision for affordable housing contrary to Policies R/DP3 and R/H5 of the Gosport Borough Local Plan Review.
- vi. The proposed development does not make adequate provision for outdoor playing space contrary to Policies R/DP3 and R/OS8 of the Gosport Borough Local Plan Review.
- vii. The possible risks from contamination have not been fully identified and assessed and therefore the suitability of the site for residential development is currently unknown. As such, the proposal is contrary to Policies R/DP1 and R/ENV5 of the Gosport Borough Local Plan Review.

107 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 'C').

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

108 K17432 – ALTERATIONS TO EXISTING BUILDING TO PROVIDE ONE ADDITIONAL 1 BED FLAT AND NEW TWO STOREY 3 BED HOUSE TO THE REAR 51-53 High Street, Lee-on-The-Solent

Members were informed that an additional letter of objection had been received which stated that any previous conversion of parts of the ground floor to residential use appeared to be carried out without planning permission. Concerns were also raised about the proposed first floor balcony which did not appear to be on the plans and would overlook neighbouring properties and windows, as well as the potential noise nuisance to residents from the potential occupation of the development by a family.

Mr Lee was invited to address the Board as an objector to the application. He believed the proposal to be out of keeping with the surrounding area in terms of scale and layout and located at an unsuitable site on which to erect a building. He also raised concern over the provision for car parking space and subsequent loss of manoeuvrability for vehicles loading and unloading; the health and safety implications of vehicles using the access road on a daily basis to service shops at the rear; and the proposed distance of the development from Robinson Court, which would cause overshadowing and a loss of amenities.

RESOLVED: That planning application K17432 be refused for the following reasons:

- i. The erection of a dwelling in this location is alien to the established pattern of development in the area and as such harmful to the character contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- ii. The erection of the house and provision of residential parking in the rear servicing area would prevent rear servicing of the retail unit and so affect its long term viability and compromise the retail function of the Lee on the Solent District Centre. As such the proposal is contrary to Policy R/S6 of the Gosport Borough Local Plan Review.
- iii. The first floor flat will have no private amenity space, and the small areas of amenity space proposed for the dwelling are well below the acceptable standard for a 3 bedroom house. Moreover the amenity space of both residential units will be overlooked by the windows on all 4 storeys of the adjacent Robinson Court, resulting in a cramped and congested layout which will not provide satisfactory living conditions for future occupiers contrary to Policy R/DP1 as amplified by Appendix B of the Gosport Borough Local Plan Review.
- iv. No contribution has been made towards the provision of outdoor playing space within the Borough contrary to Policy R/OS8 of the Gosport Borough Local Plan Review.
- v. Due to the restricted width of the service road and the existing boundary treatment, the car parking spaces cannot be used without causing inconvenience and danger to other users of the highway. As such the proposal is contrary to Policy R/T11 of the Gosport Borough Local Plan Review.

**109 K3369/2 - ERECTION OF 4 STOREY BLOCK OF 7 FLATS WITH ASSOCIATED CAR AND CYCLE PARKING
16 Marine Parade West Lee-On-The-Solent Hampshire PO13 9LW**

Members considered the impact on the character of the area, the 'local list' status of the house, and the rich history associated with it.

RESOLVED: That planning application K3369/2 – 16 Marine Parade West, Lee-On-The-Solent, be refused for the following reasons:

- i. The development would result in the loss of a building that has been included on the Borough Council's List of Buildings of Local Interest because of its historic and architectural interest. The proposed replacement building, whilst appearing to emulate the appearance of the original, does not display the architectural quality of the design or detailing, contrary to Policies R/BH5 and R/DP1 of the Gosport Borough Local Plan Review.
- ii. The existing building makes an important contribution to the character and appearance of Marine Parade which has been designated an Area of Special

Character. The elevations of the proposed building are over prominent and devoid of detail, and do not respect the Area of Special Character, contrary to the SPD and Policies R/DP10 and R/DP1 of the Gosport Borough Local Plan Review.

- iii. The proposed development by reason of its height, depth and resultant mass would have an unacceptable impact on the occupiers of 15a Marine Parade West in terms of loss of light, outlook and privacy, contrary to Policies R/DP1 and R/DP10 of the Gosport Borough Local Plan Review.
- iv. The layout of the car parking spaces does not provide for safe and convenient use, contrary to Policy R/T11 of the Gosport Borough Local Plan Review.
- v. The area shown for bin storage on the plan is undersized and would not provide adequate refuse storage, contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- vi. The proposed development does not make adequate provision for outdoor playing space, contrary to Policy R/OS8 of the Gosport Borough Local Plan Review.

**110 K17320/1 - ERECTION OF 4 STOREY BLOCK OF 14 FLATS WITH ASSOCIATED CAR AND CYCLE PARKING (as amended by plans received 07.09.07)
6, 7 & 8 Marine Parade East Lee-On-The-Solent**

Members were advised that there had been 7 letters of objection, rather than 5 as stated in the report of the Development Services Manager. There had been 2 further letters of objection which did not raise any new issues. In addition 2 letters and an e-mail were put before Members as requested. The first letter referred to policies within the Local Plan and Marine Parade Area of Special Character Supplementary Planning Document. The second was critical of the officer's report and its late availability and speculated that the case officer had not visited the site. The writer stated that residents would be prepared to apply for a judicial review and possibly an injunction to protect their rights. Officers, in response, stated that the case officer had visited the site, the report used the usual conventions and it had been available on the website at least 5 working days before the meeting in accordance with usual practice, and that the threat of judicial review or an injunction was not a material consideration.

Mrs Duffy was invited to address the Board as an objector to the application. Photographs of the site in question and surrounding buildings were circulated to Members. She believed that the proposed development was out of keeping with the area and would damage the character of the sea front. The development was said to be too high and in conflict with the Policies set out by the Council to retain the character and uniformity of the area. She further stated that the proposal would be sited too close to Bembridge Lodge and would result in a loss of light and amenities to residents.

Mrs Roast was invited to address the Board as an objector to the application. Mrs Roast was representing the Lee Residents Association and focused on what she believed to be elements of the proposal that were contrary to the Policies set out in the Marine Parade Supplementary Planning Document. She felt that if the application was to be approved it

would set a dangerous precedent and there was a risk that the future authority of Marine Parade Planning Policies could be seriously jeopardised.

Mr Philips was invited to address the Board as the architect in support of the application. He stated that he had worked closely with planning officers to ensure that the style and design of the proposal was within the bounds required in the Supplementary Planning Document. He asked Members to consider the previous commended work of his client and expect the construction of the proposal to be of a high standard.

Councillor Burgess addressed the Board as Ward Councillor for Lee West. He firmly believed the mass of the building when compared to those on the east of the site to be too vast, and to the detriment of the character of the area.

Officers clarified the location of the site in relation to the Marine Parade Supplementary Planning Document; the style of the proposed building; the transitional style of properties already present on this sector of Marine Parade; the position of the development in relation to Bembridge Lodge, and the distances between the proposed development and Bembridge Lodge. Members were concerned that there may be a loss of light and amenities to neighbouring residents and agreed that a site visit would help them make a determination on this application.

RESOLVED: That application K17320/1 – 6, 7 & 8 Marine Parade East Lee On The Solent be deferred for a site visit:

**111 K4363/4 – DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 50no. 1 AND 2 BED VERY SHELTERED FLATS FOR ELDERLY AND DAY CARE CENTRE WITH ANCILIARY ACCOMMODATION (as amended by plans received 02.11.07)
1-25 The Leisure Cunningham Drive Gosport**

Members were informed that Defence Estates had now responded with no objection to the proposal.

RESOLVED: That planning application K4363/4 – 1-25 The Leisure Cunningham Drive 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 and will meet an acknowledged housing need. The design is appropriate and the building suitably landscaped with opportunities to enhance biodiversity. There will not be any significant loss of amenity to occupiers of the adjacent residential properties and adequate provision has been made for access, parking, refuse storage and open space. As such the proposal complies with Policies R/H4, R/H5, R/H8, R/DP1, R/DP6, R/CF1, R/CF5, R/T11, R/ENV14, R/OS8 and R/OS14 of the Gosport Borough Local Plan Review.

112 K3965/13 – REDEVELOPMENT BY THE ERECTION OF 5NO. TWO STOREY INDUSTRIAL UNITS (CLASS B1) WITH ASSOCIATED PARKING AND ACCESS (as amended by emails dated 17.9.07, letter dated 24.9.07 and plans received 26.9.07)

Carrier Vehicle Services Unit 10 Dock Road Gosport Hampshire

RESOLVED: That planning application K3965/13 – Carrier Vehicle Services, Unit 10, Dock 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 proposal maximises the employment use of the site and will reduce the need to travel by providing employment opportunities within walking distance of homes and where public transport can be used for commuting. The proposal will not have an adverse effect on the character and appearance of the area, or the amenities of nearby residential properties, or traffic/parking conditions in the locality. Suitable cycle parking facilities will be provided and it has been demonstrated that the risk of flooding both to the proposed development and arising from the development has been appropriately considered and the proposal incorporates relevant flood prevention measures. Adequate provision has also been made to deal with possible land contamination. As such, the development complies with Policies R/DP1, R/DP3, R/EMP3, R/EMP7, R/T2, R/T11, R/ENV1, R/ENV5, R/ENV10 and R/ENV12 of the Gosport Borough Local Plan Review.

113 K11429/5 – ERECTION OF 5no. DETACHED HOUSES WITH GARAGES/PARKING (AMENDMENT TO K11429/2) (as amended by plans received 18.09.07, 21.09.07 and 01.11.07)

Land To East Of Grays Close Gosport PO12 2QL

Mr Harris was invited to address the Board in support of the application. He spoke about the history of the site as well as the intention of the applicant to match the development with the surrounding area. It was confirmed that each of the 5 proposed detached houses would have 4 bedrooms.

RESOLVED: That planning application K11429/5 – Land To East Of Grays Close, Gosport be approved subject to the payment of a commuted sum towards 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 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. Due to the appropriate design of the proposal and the retained and new landscaping proposed it will enhance the character of the area and will not have a detrimental impact on the amenities of neighbouring or prospective occupiers. Adequate provision is made for open space, car parking and cycle and refuse storage. As such the development

complies with Policies R/DP1, R/DP6, R/DP8, R/H4, R/T3, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

**114 K17442 – INSTALLATION OF EXTERNAL INSULATION SYSTEM AND CONVERSION OF FLAT ROOF TO PITCHED ROOF
15-38 Wilmott Lane Gosport PO12 3RY**

RESOLVED: That planning application K17442 –15-38 Wilmott Lane, 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 will not have a detrimental impact on the amenities of neighbouring residents and will improve the appearance of the building and the visual amenities of the locality. As such, the proposal complies with Policies R/DP1 and R/DP7 of the Gosport Borough Local Plan Review.

**115 K14993/1 - INSTALLATION OF EXTERNAL INSULATION SYSTEM AND CONVERSION OF FLAT ROOF TO PITCHED ROOF
30-92 Hamble Road Gosport PO12 3RJ**

RESOLVED: That planning application K14993/1 – 30-92 Hamble 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 will not have a detrimental impact on the amenities of neighbouring residents and will improve the appearance of the building and the visual amenities of the locality. As such, the proposal complies with Policies R/DP1 and R/DP7 of the Gosport Borough Local Plan Review.

**116 K17401 - CONVERSION OF INTEGRAL GARAGE AND RETENTION OF BOUNDARY FENCE AND SHED (as amended by plan received 28.08.2007)
40 Fitzroy Drive Lee-On-The-Solent Hampshire PO13 8LZ**

RESOLVED: That planning application K17401 – 40 Fitzroy Drive, 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. 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 integral garage conversion and existing shed and fencing are acceptable in this location are of an appropriate design and are acceptable in terms of their impact on the amenities of neighbouring residents, the visual amenity of the area and the traffic conditions of the locality. As such, the development complies with Policies R/DP1, R/DP7 and R/T11 of the Gosport Borough Local Plan Review.

Regulatory Board
13 November 2007

The meeting commenced at 6pm and concluded at 7.07pm

CHAIRMAN