

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

### **WAS HELD ON 9 OCTOBER 2007**

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

It was reported that, in accordance with Standing Order 2.3.6., notice had been received that Councillor Jacobs would replace Councillor Foster for the duration of this meeting.

#### **86 APOLOGIES**

Apologies for inability to attend the meeting were received from Councillors Cully and Foster.

#### **87 DECLARATIONS OF INTEREST**

- Councillors Carter, Jacobs and Gill declared personal and prejudicial interests in Item 6/01 (K9878/2 – 42 Charlesbury Avenue)
- Councillor Taylor declared a personal and prejudicial interest in item 6/04 (K16713/3 – Royal Clarence Yard, Weevil Lane)
- Councillor Taylor declared a personal and prejudicial interest in item 6/05 (K16713/5 – Land to the Rear of Superintendent's and Deputy Superintendents Houses, Royal Clarence Yard, Weevil Lane)

#### **88 MINUTES**

RESOLVED: That the Minutes of the Regulatory Board meeting held on 11 September 2007 be approved and signed by the Chairman as a true and correct record.

#### **89 DEPUTATIONS**

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

- Item 6/01 – K9878/2 – 42 Charlesbury Avenue
- Item 6/02 – K17425 – Former Gosport Railway Station
- Item 6/06 – K17367 – 1-3 St John's Close

#### **90 PUBLIC QUESTIONS**

No public questions had been received.

## PART II

### 91 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 'A').

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

### 92 **K9878/2 - CONVERSION OF EXISTING DWELLING TO CREATE TWO SELF CONTAINED FLATS (1 No. ONE BEDROOM AND 1 No. TWO BEDROOM) (as amended by plans received 18.07.07)** **42 Charlesbury Avenue Gosport Hampshire PO12 3TG**

It was noted that Members had attended an informal site visit to assess issues which included: the separation distance between the application site and neighbouring properties; the proposal to erect a fence on the common boundary with 40 Charlesbury Avenue; the impact of the proposal on the character of the area, and the provision for refuse storage facilities and open space.

Mr Ripper was invited to address the Board as the spokesperson on behalf of a deputation against the proposal. Mr Ripper believed that the design was out of keeping with the pattern and tradition of existing properties in the area. He felt that a precedent would be set and that the introduction of further similar schemes would impact negatively on the provision for car and cycle parking in the area. Considering the close proximity to a school, Mr Ripper was of the opinion that 1 and 2 bedroom flats were not appropriate to make use of local educational facilities. Mr Ripper also voiced a strong objection to the introduction of an additional door in the side elevation and the subsequent increase in pedestrian traffic, and the installation of windows on the park side of the application site. Mr Ripper asked that, should the application be approved, a fencing screen be installed to stop pedestrians from cutting across his drive. Officers drew Members' attention to condition 5 of the report of the Development Services Manager, added since the previous meeting, which made a requirement for there to be a 1.8m high fence erected to protect the privacy of the occupiers of the adjacent property.

Mr Turner was invited to address the Board as the applicant in support of the proposal. He refuted claims that a precedent would be set which would result in a loss of character to the area. Additions made previously to the property had made it possible to convert it into flats with only minor external alterations and this would not be the case for other properties in the road. Mr Turner believed that the additional condition referring to the erection of a fence on the common boundary would negate Mr Ripper's concerns relating to loss of privacy through the siting of the additional entrance. With regard to the provision for car parking, Mr Turner felt that ample space was available so that there would be no requirement for on-street parking. Mr Turner concluded by saying that he wished to retain the 30's style of the property, that the converted property would still be occupied by the same family, and that a dropped kerb had been requested to facilitate improved access.

Members enquired about the new hedge in the front garden which Mr Turner said had been planted before the application process had begun. Members were concerned about the loss of a family home, but Mr Turner believed that only minimal work would be required to convert the flats back into a 4 bedroom home. Officers advised Members of demographic data referring to the proportions of 1 and 2 bedroom homes in the town compared to that of 3 and 4 bedroom, as well as the demand for such properties.

RESOLVED: That planning application K9878/2 - 42 Charlesbury Avenue, 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 and will assist in providing a variety of residential accommodation to meet the housing needs of the Borough within an accessible location. There will be no adverse effect on the character and appearance of the area, or 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/DP7, R/H4, R/H7, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

**93 K17425 - RENOVATION, EXTENSION AND NEW BUILD ELEMENTS TO FORM 35no. DWELLINGS, 3no. OFFICES (CLASS B1) AND COMMUNITY FACILITY WITH CAR PARKING AND ECOLOGICAL AREA AND ACCESS FROM SPRING GARDEN LANE AND GEORGE STREET (LISTED BUILDING IN CONSERVATION AREA)  
Former Gosport Railway Station Spring Garden Lane Gosport**

Members were informed that an additional letter had been received which referred to the ecological study and access to and from the development. Two letters were also received just prior to the meeting in which no new issues were raised.

Officers introduced the application and explained in more detail the reasons for the recommendation, namely the historic sensitivity of the site, the failure of previous schemes due to issues of viability and the statutory duty to safeguard this unique site of historical and architectural importance.

Mr Russell was invited to address the Board on behalf of a deputation against the proposal. Mr Russell believed that the application was inappropriate and that the number of dwellings was excessive. He stated that there was a fear amongst surrounding residents that the number of dwellings and proportion of affordable housing was disproportionate to the scale of the site and added that the affordable units were too small. Several residents had raised concerns about privacy and overlooking, partly as a consequence of the removal of trees. Mr Russell also raised concerns over: the distance that some residents would have to carry rubbish to reach the refuse storage; the devaluation of surrounding properties; the design of the new dwellings; the impact on traffic and parking in the area and the loss of an

architectural jewel in the Borough. Mr Russell also drew Members attention to a previous Hampshire County Council brief that had recommended a maximum of 14 dwellings and that residential use of the South building should be prohibited. Officers advised Members that although the HCC brief had been brought to a meeting of the Transportation and Planning Sub-Board meeting in 2005, Members of Gosport Council had not approved it as part of the Local Plan process. Officers were unaware of the outcome of the HCC public consultation.

David Thompson, a Chartered Surveyor from Hermitage Housing Association, was invited to address the Board in support of the application. He first stated how delighted Hermitage Housing Association were to be involved with reviving a derelict building of such flagship status. He believed it to be a very imaginative design that would provide new and lasting changes to the area. The primary reason behind the scheme was to provide new affordable housing in an area where there was a great deal of demand. He stated what a great opportunity he felt this was for the Borough, and added that the economic viability of the scheme was on a knife edge with even the reduction of one dwelling from the total number making the project unviable. Hermitage Housing Association was to take a 125 year lease on the site and would be directly responsible for the management and maintenance. In response to Members' questions, Mr Thompson explained that policies were in place to manage any possible problems with anti-social behaviour.

Councillor Carr was invited to address the Board as the Ward Councillor for Christchurch. Councillor Carr thought the plan was very good but did have some concerns, which were as follows: the potential for cans and bottles to be strewn across the rail track following summer barbecues; the potential for anti-social behaviour as a result of the close proximity of balconies; the lack of nearby open space for children to play and the inclusion of office space which he did not believe would be used effectively.

Officers clarified the separation distances between certain points of the design specification. Members felt on one hand that the number of dwellings was too many and that the development would have an impact on residents of Pearce Court and George Street, as well as neighbours directly to the north. However, they also believed that the proposal would save a heritage site and help bring a wonderful piece of architecture back into use. As the scheme was barely economically viable, Members were aware that any recommendation to reduce the number of dwellings would force the developers to halt the proposal. Members were largely of the opinion that to turn down the application would be equivalent to condemning the site and that a building of great historical and architectural significance would be lost as a result.

**RESOLVED:** That planning application K17425 – Former Gosport Railway Station, Gosport be approved subject to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space, the provision of a traffic regulation order and the provision of affordable housing, 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 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 development will enhance the historical and architectural character and appearance and setting of the Grade II\* Listed Railway Station and the setting of the adjacent Listed Buildings and the character and appearance of the St George Barracks South Conservation Area and the visual amenities of the area. The development will not have an adverse impact on the amenities of existing or prospective occupiers, or traffic/parking conditions in the locality or the interests of nature conservation. Suitable refuse storage and cycle storage facilities are to be provided and the necessary archaeological works undertaken. The proposal also makes satisfactory provision for outdoor playing space and affordable housing and will assist in providing a variety of residential accommodation to meet the housing needs of the Borough. As such the development complies with Policies R/DP1, R/DP3, R/DP6, R/DP7, R/DP8, R/BH1, R/BH3, R/BH8, R/H1, R/H4, R/H5, R/EMP6, R/OS8, R/OS10, R/OS11, R/OS13, R/OS14, R/ENV2, R/ENV5, R/ENV10, R/ENV11, R/T2, R/T3, R/T4, R/T10, R/T11, R/CF1, R/CF3 and R/CF6 of the Gosport Borough Local Plan Review.

**94 K17425/1 – LISTED BUILDING APPLICATION - RENOVATION, EXTENSION AND NEW BUILD ELEMENTS TO FORM 35no. DWELLINGS, 3no. OFFICES (CLASS B1) AND COMMUNITY FACILITY (CONSERVATION AREA)  
Former Gosport Railway Station Spring Garden Lane Gosport**

RESOLVED: That application K17425/1 – Former Gosport Railway Station, Spring Garden 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 proposal will enhance the historical and architectural character and appearance of this Grade II\* Listed Building. As such, the development complies with Policy R/BH3 of the Gosport Borough Local Plan Review.

**95 K16713/3 – ERECTION OF 140 DWELLINGS WITH ASSOCIATED PARKING, REFUSE AND CYCLE STORAGE AND ESTATE OFFICE ( PARTIAL AMENDMENT TO K16713/1)(as amended by Reptile Survey results received 09.07.07 and landscape plans and details, car parking management plan and elevational plans received 28.08.07, 31.08.07, 24.09.07 and 01.10.07)  
Royal Clarence Yard Weevil Lane Gosport Hampshire**

Members were informed that amended plans had been received on 1 October 2007. An additional letter of representation had been received which stated that the amended plans had addressed concerns, but that the trees should be planted soon to ensure they were well set by the time the houses were completed. Another letter expressed continuing concerns about the lack of tree cover. Officers read out a further letter concerning continuing problems with refuse storage which a local resident had asked to be considered as a formal representation at the meeting, as he was unable to attend the meeting himself.

In response to Members' questions, Officers clarified the scale of the proposal in relation to

previous applications as well as the risk of flooding and position of flood zones. Members were pleased that extra car parking spaces were being provided.

RESOLVED: That planning application K16713/1 – Royal Clarence Yard, Weevil Lane, Gosport be approved subject to the payment of a commuted sum towards outdoor playing space, the provision of affordable housing, highway and public transport improvements and the provision of a water taxi service, 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 site is allocated for residential use as part of a mixed use development and does not require an educational contribution. The revised design and layout is at an acceptable density; will preserve and enhance the conservation area; will not adversely affect the setting of the Listed Buildings, the coastal setting and access to the coast, archaeology, residential amenity, nature conservation and the SPA/Ramsar Site; is sustainable having regard to the location with the Flood Zone and the reliance on the private car; and makes adequate provision for affordable housing, open space, parking, refuse storage and cycle parking. The development as proposed therefore complies with Policies R/BH1, R/BH3, R/BH8, R/DP1, R/DP3, R/DP4, R/DP6, R/DP8, R/CH1, R/CH2, R/T2, R/T3, R/T4, R/T6, R/T10, R/T11, R/H3, R/H5, R/H4, R/CF6, R/OS8, R/OS10, R/OS11, R/OS13, R/OS14, ENV1, R/ENV2, R/ENV3, R/ENV5, R/ENV14 and R/ENV15 of the Gosport Borough Local Plan Review.

**96 K16713/5 – LISTED BUILDING CONSENT FOR ALTERATIONS TO EXISTING BOUNDARY WALLS TO CREATE NEW ENTRANCES AND INFILL EXISTING OPENINGS (CONSERVATION AREA)(as amended by plans received 24.09.07)  
Land To The Rear Of Superintendent's & Deputy Superintendent's Houses  
Royal Clarence Yard Weevil Lane Gosport**

In response to questions from Members, officers clarified that the number of breaches in the historic wall, a concern raised by the Gosport Society, had been minimised as far as possible and that in some areas where there were existing breaches the walls were to be reconstructed.

RESOLVED: That planning application K16713/5 – Land To The Rear Of Superintendent's & Deputy Superintendent's Houses, Royal Clarence Yard, Weevil 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 proposed works due to their minor nature will not adversely affect the architectural and historical integrity of the Listed Buildings, in compliance with Policy R/BH3 of the Gosport Borough Local Plan Review.

**97 K17367 – ERECTION OF 4no. TWO BEDROOMED FLATS AND 2no. ONE BED FLATS WITH CAR AND CYCLE PARKING (as amended by plans received 30.7.07)  
1-3 St John's Close Gosport**

Members were informed that in paragraph 3 of the Report of the Development Services Manager, the number of car parking spaces included in the proposal was 6 rather than 5 as stated.

Mr Marlow, the agent on behalf of the applicant, was invited to address the Board. Mr Marlow raised several issues, which were as follows: the excellent surrounding transport links; the accessibility of the location; that the original buildings to be demolished had detracted from the character of the area, and that the proposal was supported by demographic evidence. Mr Marlow quoted various local and central government planning policies and acknowledged that the application was not considered to be controversial.

Members were pleased to note that what they agreed to be an untidy area was to now to be redeveloped.

RESOLVED: That planning application K17367 – 1-3 St John's Close, Gosport be approved subject to the payment of a commuted sum towards 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 and will assist in providing a variety of residential accommodation to meet the housing needs of the Borough within an accessible location. There will be no adverse effect on the character and appearance of the area, or the amenities of neighbouring or prospective occupiers, or highway safety conditions in the locality. 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/H4, R/T3, R/T10, R/T11, R/ENV5 and R/OS8 of the Gosport Borough Local Plan Review.

**98 K17152/1 – RETENTION OF EXISTING AND FURTHER WORKS FOR THE CHANGE OF USE AND EXTENSION OF EXISTING VACANT SHOP (CLASS A1) AND FLAT TO FORM A TOTAL OF 5no. ONE BED FLATS AND 1no. TWO BED FLAT WITH ASSOCIATED PARKING (AMENDED SCHEME TO K17152) (as amended by plans received 15.08.07)  
1 Bay Road Gosport Hampshire PO12 2QA**

Members were advised that the recommendation had been amended to include the requirements for a Section 106 agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space.

RESOLVED: That planning application K17152/1 –1 Bay Road, 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 development as proposed is acceptable in terms of the character of the area. It is of an appropriate design and will not have any 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/DP7, R/H4, R/H7, R/S8, R/T11 and R/OS8 of the Gosport Borough Local Plan Review

**99 K1810/1 - ERECTION OF SIDE/REAR EXTENSION TO FORM 2 FLATS,TWO STOREY REAR EXTENSION TO HOUSE AND ALTERATIONS TO VEHICLE CROSSING ON CLASSIFIED ROAD (A32)  
58 Fareham Road Gosport Hampshire PO13 0AE**

Members were informed of the following alterations to the recommendation: an amendment to reason 3 for refusal referring to the negative impact on the outlook of existing occupiers; the addition of reason 4 to address the unacceptable loss of light, contrary to policy RDP/1 of the Gosport Borough Local Plan Review and the addition of reason 5 as the developer had failed to make adequate provision for outdoor playing space contrary to Policy R/OS8 of the Gosport Borough Local Plan Review.

It was noted that the Ward Councillor for Rowner and Holbrook had strongly opposed the application.

RESOLVED: That planning application K1810/1 – 58 Fareham Road, Gosport be refused for the following reasons.

- i. The proposed development, by reason of its width, depth and mass would result in an incongruous and unsympathetic addition to the existing dwelling to the detriment of the appearance of the street scene. As such it is contrary to Policies R/DP1, R/DP7 and R/H7 of the Gosport Borough Local Plan Review.
- ii. The proposed development will result in an unacceptable level of overlooking to the property to the south-east resulting in a loss of privacy to the occupiers of that property, contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- iii. Having regard to the proposed number of car parking spaces at the front of the property and resultant relationship between the parking and the proposed dwellings the proposed car parking layout is detrimental to the visual amenities of the street scene and the outlook of the occupiers of the existing dwelling at 58 Fareham Road, contrary to Policy RDP1 of the Gosport Borough Local Plan Review.
- iv. Having regard to its depth and overall mass, the proposed side/rear extension will result in an unacceptable loss of light to and outlook from the existing dwelling at 58 Fareham Road contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.

- v. The proposed development does not make adequate provision for outdoor playing space contrary to Policy R/OS8 of the Gosport Borough Local Plan Review.

The meeting commenced at 6pm and concluded at 8.05pm

CHAIRMAN