

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 12 FEBRUARY 2008**

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, Hicks (P), Taylor (P), Train (P) and Ward (P).

149 APOLOGIES

Apologies for inability to attend the meeting were received on behalf of the Mayor and Councillors Cully and Foster.

150 DECLARATIONS OF INTEREST

- Councillor Taylor declared a Personal and Prejudicial interest in item 7/10 (77A Clayhall Road, Gosport)

151 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 15 January 2008 be approved and signed by the Chairman as a true and correct record.

152 DEPUTATIONS

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

- Item 6/01 – K5744/16 – Anglesey Hotel, 24 Crescent Road
- Item 6/03 – K5744/18 – Anglesey Hotel, 24 Crescent Road
- Item 6/ 06 – K8831/23 – Anglesey Lodge, Anglesey Road
- Item 6/09 – K9356/1 – 116-118 Priory Road

153 PUBLIC QUESTIONS

No public questions had been received.

PART II

154 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:

**155 K5744/16 - RETENTION OF SINGLE STOREY REAR EXTENSION, EXTERNAL STAIRCASE AND 3NO. CONDENSER UNITS (AMENDMENTS TO CONSENT K5744/13) AND FURTHER WORKS FOR THE INSTALLATION OF A DOOR IN THE REAR ELEVATION OF THE MAIN BUILDING AND RETENTION OF BOUNDARY GATES (LISTED BUILDING IN CONSERVATION AREA) (as amended by plans received 20.07.07)
24 Crescent Road Gosport Hampshire PO12 2DH**

It was noted that Members had attended an informal site visit.

Mr Holley, 23 Crescent Road, was invited to address the Board in objection to the proposal. Mr Holley spoke about the position of the fire escape staircase and the noise emanating from the third condenser unit which had recently been installed. Mr Holley added that members of the public had been standing on the fire escape, sometimes taking photographs, and he believed this to be an invasion of his privacy.

Mr Bezani, the applicant, was invited to address the Board in support of the proposal. He responded that on only two occasions had people stood on the staircase and taken photographs. He believed it was hard to stop customers opening the fire door and stepping onto the fire escape.

In response to a Member's request, Mr Bezani confirmed that he would examine the possibility of installing an alarm system to the fire escape door to stop further infringement.

RESOLVED: That application K5744/16 – 24 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 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations the development is acceptable in this location. It is of an appropriate design, does not have any detrimental impact on this Listed Building or its setting or the amenities of neighbouring residents and will enhance the character and appearance of the Conservation Area. As such the development complies with Policies R/DP1, R/DP7, R/BH1, R/BH3 and R/ENV10 of the Gosport Borough Local Plan Review.

- 156 K5744/17 - LISTED BUILDING APPLICATION - RETENTION OF SINGLE STOREY REAR EXTENSION, EXTERNAL STAIRCASE AND 3NO, CONDENSER UNITS (AMENDMENTS TO L.B. CONSENT K5744/14) AND FURTHER WORKS FOR THE INSTALLATION OF A DOOR IN THE REAR ELEVATION OF THE MAIN BUILDING AND RETENTION OF BOUNDARY GATES (CONSERVATION AREA) (as amended by plans received 20.07.07)**
24 Crescent Road Gosport Hampshire PO12 2DH

RESOLVED: That planning application K5744/17 – 24 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 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations the development does not have any detrimental impact on this Listed Building or its setting. As such the development complies with Policy R/BH3 of the Gosport Borough Local Plan Review.

- 157 K5744/18 – ALTERATIONS AND EXTENSION TO EXISTING HOTEL TO PROVIDE DISABLED ACCESS VIA PASSENGER LIFT AND ADDITIONAL BEDROOM ACCOMMODATION (LISTED BUILDING IN CONSERVATION AREA) (as amended by plans and Design and Access Statement received 28.11.08 and amplified by letter dated 11.01.08 and plan received 11.01.08)**
Anglesey Hotel 24 Crescent Road Gosport Hampshire PO12 2DH

It was noted that Members had attended an informal site visit.

Mr Holley, 23 Crescent Road, was invited to address the Board in objection to the proposal. Mr Holley believed that the existing garages had no architectural merit. He further stated that the BRE 209 test to assist Members in determining the impact on light to neighbouring properties had been conducted at midday, but it was the impact on light to his property before midday that concerned him.

Mr Bezani, the applicant, was invited to address the Board in support of the proposal. He stated that the design had been changed to address concerns raised by officers. He explained how a lift was necessary for the access requirements of his customers and that the staircase had to be repositioned to accommodate the addition.

Officers clarified that the garages were within the curtilage of the listed building and part of the historic layout of the Conservation Area and that the BRE 209 test required the assessment of the impact at noon on 21 March.

Members believed that the main issues to consider were the effect that the proposal would have on the street scene and the loss of light to neighbouring properties. The extension was considered by Members to be in keeping with the current building and Conservation Area and some Members felt that there was not adequate impact on the amenities of neighbouring residents to warrant a refusal of the application. Members noted that the payment of a sum towards the funding of a Traffic Regulation Order was required in order for planning permission to be approved.

RESOLVED: That planning application K5744/18 – Anglesey Hotel, 24 Crescent Road, Gosport be approved subject to the provision of a Section 106 Agreement relating to the payment of a commuted sum towards the funding of a traffic regulation order and subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i. That having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations the development is acceptable in this location. There is an identified need for additional hotel accommodation in the Borough and the extension is of an appropriate design, and will not have any detrimental impact on this Listed Building or its setting or the amenities of nearby residents or traffic/parking conditions in the locality, and will enhance the character and appearance of the Conservation Area. As such the development complies with Policies R/DP1, R/DP3, R/DP7, R/BH1, R/BH3, R/CF11, R/T4 and R/T11 of the Gosport Borough Local Plan Review.

158 K5744/19 – LISTED BUILDING APPLICATION - ALTERATIONS AND EXTENSION TO EXISTING HOTEL TO PROVIDE DISABLED ACCESS VIA PASSENGER LIFT AND ADDITIONAL BEDROOM ACCOMMODATION (CONSERVATION AREA) (as amended by plans and Design and Access Statement received 28.11.07)

RESOLVED: That planning application K5744/19 – Anglesey Hotel, 24 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 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations the development is acceptable in this location. It is of an appropriate design and does not have any detrimental impact on this Listed Building or its setting. As such the development complies with Policy R/BH3 of the Gosport Borough Local Plan Review.

**159 K12110/1 – CONVERSION OF EXISTING DWELLINGS INTO 6 NO. TWO BED AND 2 NO. ONE BED FLATS AND ERECTION OF 4 NO. THREE BED TERRACED DWELLINGS AND 2 NO. FOUR BED DETACHED DWELLINGS (CONSERVATION AREA)
82 -84 Priory Road Gosport Hampshire PO12 4LG**

Members were informed that two new letters of objection had been received in which no new issues were raised.

Members discussed the ownership and rights across the rear footpath, although they were aware that this was not a planning consideration, and were advised that the application had been submitted in accordance with the legislation. Members agreed with the officer recommendation to refuse the application and believed the proposal was not in keeping with surrounding properties and exemplified town cramming.

RESOLVED: That planning application K12110/1 – 82-84 Priory Road, Gosport be refused for the following reasons:

- i. 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.
- ii. The proposal will neither preserve nor enhance the character and appearance of the Hardway Conservation Area, contrary to Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.
- iii. The loss of the existing protected trees would have a detrimental impact on the character and appearance of Hardway Conservation Area and the visual amenities of the area, contrary to Policies R/BH1 and R/DP8 of the Gosport Borough Local Plan Review.
- iv. The proposal by reason of the excessive number of units and resulting cramped layout provides inadequate private amenity space for the occupiers of the proposed flats and 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 and privacy, contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- v. The proposed development does not make adequate provision for refuse storage contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- vi. The proposal does not make satisfactory provision for pedestrian, cycle or vehicle access, or access for people with disabilities, or adequate turning provision for vehicles, or adequate cycle storage provision, contrary to Policies R/DP1, R/T2 R/T3, R/T10 and R/T11 of the Gosport Borough Local Plan Review.
- vii. Insufficient information has been submitted to assess the impacts of the proposals on the wildlife interests of the site. As such the proposal is contrary to Policy R/OS13 of the Gosport Borough Local Plan Review.
- viii. Insufficient information has been submitted to enable the archaeological interests of the site to be assessed. As such, the proposal is contrary to Policy R/BH8 of the Gosport Borough Local Plan Review.
- ix. 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.
- x. 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

160 K8831/23 - PROPOSED SUPPORTED LIVING ACCOMMODATION COMPRISING DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF TWO-STOREY L-SHAPED BUILDING (6 UNITS) AND A PAIR OF SEMI-DETACHED BUNGALOWS (2 UNITS) WITH CAR PARKING AND CYCLE AND REFUSE STORAGE (LISTED BUILDING IN CONSERVATION AREA) (as amplified by drawings received 28.1.08)
Anglesey Lodge Anglesey Road Gosport Hampshire PO12 2DX

Members were informed that comments had been received from the Head of Traffic Management who had confirmed there were no highway objections to the proposal. An additional two letters of objection had been received which raised the following issues: loss of trees that contributed to the character of the area; that the design was a pastiche of the Listed Building; the close proximity of the bungalows to the shared boundary with 66 and 70 Anglesey Road; the intensification of traffic using the access way; concern over the location of the point of collection for refuse bins; the lack of foresight in not proposing to remove existing extraneous buildings that have a negative impact on the character of the area; and the loss of amenities and privacy to neighbouring properties

Andrew Monahan, Chief Executive of the Hampshire Autistic Society, was invited to address the Board in support of the application. Mr Monahan spoke about the history of the site and the work of the Autistic Society. He said that the site was in urgent need of improvement and that the proposal would provide affordable living accommodation for vulnerable people in the area. Mr Monahan said that the Society was aware of the nature of the site and had worked hard to address concerns.

Paul Collins, a planning agent representing the applicant, was invited to address the Board in support of the application. Mr Collins circulated photo-montages of the proposed buildings adjacent to the existing listed Building. He stated that the applicant had sought a scheme which would fulfil the stringent planning criteria associated with the site and was of the opinion that the appearance and style of the building was a matter of individual subjective judgement. He considered the proposed building would in fact complement the existing listed building.

Members agreed that there would be considerable benefits to the Autistic Society if the application was approved, but that certain criteria had to be met in the case of a listed building in a conservation area. Officers advised Members that new development should be subservient in style and reflective of the period in which it was constructed.

Members were sympathetic to the attempts of the Autistic Society to update the service they provide to the local community. Some Members felt that a site visit would help them make a judgement on the application. It was moved that a decision on the application should be deferred for a site visit; a vote was taken on the proposal and it was agreed that a site visit would not be necessary as the design could be evaluated from the plans and information before the Board.

RESOLVED: That planning application K8831/23 - Anglesey Lodge, Anglesey Road, Gosport be refused for the following reason:

- i. The development, by reason of its siting, design, external appearance and overall scale and mass, would harm the setting of the Grade II Listed Building contrary to Policy R/BH3 of the Gosport Borough Local Plan Review.

**161 K17477 - CONSTRUCTION OF A MULTI-PURPOSE DRIVING TEST CENTRE WITH MOTORCYCLE MANOEUVRING AREA (as amended by plans received 20.12.07)
Land At HMS Daedalus Lee-On-The-Solent Hampshire PO13 9YA**

Members were informed that an additional letter of objection had been received from the Lee Residents Association in which concerns were raised that the test centre would become a regional centre, and possibly also a test centre for HGVs. Members were advised that this was not the case.

RESOLVED: That planning application K17477 – Land At HMS Daedalus, 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. The proposal is an acceptable use outside of the Urban Area Boundary and will not detract from the character or appearance of the area, or diminish the Gosport/Fareham Strategic Gap visually or physically, or prejudice the proper comprehensive development of the adjoining land. Adequate provision has been made for access and parking and the proposals will not have an adverse impact on the amenities of adjoining residents. As such the proposal complies with Policies R/DP1, R/DP6, R/T2, R/T3, R/T10, R/T11, R/EMP2, R/MOD2, R/BH8, R/OS1, R/OS2, R/ENV2, R/ENV5, R/ENV9, R/ENV10, R/ENV14, R/ENV15 of the Gosport Borough Local Plan Review.

**162 K16756/1 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A BUILDERS MERCHANTS (SUI GENERIS) WITH ASSOCIATED ACCESS, SERVICING, CAR PARKING AND LANDSCAPING
154 (Site A) Fareham Road Gosport Hampshire PO13 0AU**

Members were informed that, amended plans had been received showing the proposed areas for the storage of materials in the open. Condition 7 of the report of the Development Services Manager had been amended accordingly. It was also noted that the wording for the Section 106 obligation had been finalised.

RESOLVED: That planning application K16756/1 – 154 (Site A), Fareham Road, Gosport be approved subject to the provision of a Section 106 Agreement relating to the obligation to control the way the use operates with regards to sales to the general public and the owners have also undertaken to safeguard land should the Highway Authority require it for improvements to the A32, and subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i. That having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other considerations, the use and design are appropriate in this location and the limited sale to the public will not have an adverse impact on the retail function

of the designated shopping centres within the Borough. Measures to restrict access and egress will mitigate against any impact on highway safety and a travel plan will discourage reliance on the private car. Adequate provision is made for car and cycle storage. As such the proposal complies with Policies R/DP1, R/CH1, R/T2, R/T3, R/T10, R/T11R/EMP3, R/EMP5, R/EMP7, R/S1 and R/S2 of the Gosport Borough Local Plan Review.

Amended condition 7

No goods, plant or material shall be deposited or stored in the open or displayed for sale in the open on the site other than in the areas hatched green on Drawing PL101 H to a height no greater than 2.4 metres above ground level.

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

163 K9356/1 - ERECTION OF SECOND FLOOR AND CONVERSION OF EXISTING DWELLING TO 6 SELF CONTAINED ONE BEDROOM FLATS (CONSERVATION AREA)

116 - 118 Priory Road Gosport Hampshire PO12 4LQ

Members were informed that two additional letters of objection had been received in which the following new issues were raised: the additional traffic flow that would result from the development; the possibility that the pavement would be used for car parking, and the dust and noise that would be generated during construction. Officers advised members that unacceptable dust and noise during construction could be dealt with under the Environmental Health legislation. In addition comments had been received from the Head of Traffic Management raising concerns regarding car parking provision and lack of bicycle storage. Furthermore the Head of Streetscene had advised that there were no trees on the site that warranted protection. Members were advised that reason for refusal three had been amended to reflect these comments.

Jeremy Tyrrell, Architect, was invited to address the Board in support of the application. With regard to the density of the proposal, Mr Tyrrell felt that surrounding open space had not been adequately considered in the report of the Development Services Manager and stated that the proposal would result in the addition of only one habitable room compared to the existing building. Furthermore in his opinion the location was in fact accessible. In response to the second recommended reason for refusal, Mr Tyrrell stated that he would be happy to reduce the scale of the proposal by way of an additional planning condition. He added that the intention had been for the West elevation of the proposal to be featureless to highlight the design of the front elevation and to ensure the occupiers of adjacent buildings were unaffected. In response to the third recommended for refusal, Mr Tyrrell stated that the development would be no closer to existing buildings and would not result in overshadowing, obscure glazing of the upper floor windows could be required by means of a planning condition, the separation distance to neighbouring properties was more than that required in the Local Plan Review and that access for residents to amenity space was sufficient. In response to the fourth recommendation for refusal, My Tyrrell stated that he felt there was adequate provision for car parking. In response to the fifth reason for refusal, My Tyrrell said that the management company who would be responsible for the development would wheel the refuse bins to the desired position each week.

In response to points made by My Tyrrell, officers reiterated that the area in question was not highly accessible and that the proposed density would be too high. Amending the scale of the development by means of a planning condition was not possible and a new planning application would be required. Officers stated that, rather than being subservient, the design for the west elevation was too bland, and the provision made for car parking was unacceptable. However, it was agreed that there would be no additional loss of light and the third reason for refusal was amended accordingly.

RESOLVED: That planning application K9356/1 – 116-118 Priory Road, Gosport, be refused for the following reasons:

- i. The density of the proposed development is too high in this inaccessible location and results in an unsustainable form of development which is likely to increase the reliance on the private car. As such the proposal is contrary to Policies RT2 and R/H4 of the Gosport Borough Local Plan Review.
- ii. The proposal by reason of its height, design and overall mass would have a detrimental impact on the street scene and neither preserve or enhance the character and appearance of the Hardway Conservation Area. As such it is contrary to Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.
- iii. Having regard to its fenestration, its relationship to the adjoining development and lack of amenity space the proposal would result in an unsatisfactory living environment for existing and prospective residents in terms of their privacy contrary to Policies R/DP1 and R/H7 of the Gosport Borough Local Plan Review.
- iv. The proposal by reason of its layout does not provide sufficient access and manoeuvring space for the safe and convenient use of parking spaces contrary to Policy R/T11 of the Gosport Borough Local Plan Review.
- v. The proposal does not make satisfactory provision for refuse and cycle storage, contrary to Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

**164 K17348/1 - ERECTION OF A TERRACE OF THREE HOUSES (2no. 2 BEDROOM AND 1no. 3 BEDROOM)
77A Clayhall Road Gosport Hampshire PO12 2AH**

Note: Councillor Taylor declared a Personal and Prejudicial interest in this item, left the room and took no further part in the discussion or voting thereon.

RESOLVED: That planning application K17348/1 – 77A Clayhall Road, Gosport be approved subject to the provision of a Section 106 Agreement relating 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 acceptable in this location. It is of an appropriate design and will have no adverse effect on the character and appearance of the area, the amenities of occupiers of adjoining properties, or highway safety. Adequate provision is made for open space, car parking, cycle and refuse storage. As such the development complies with Policies R/DP1, R/DP8, R/H4, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

**165 K12222/2 - ERECTION OF A FIRST FLOOR REAR EXTENSION, SINGLE STOREY FRONT AND REAR EXTENSIONS AND CONVERSION OF EXISTING DWELLING TO CREATE TWO FLATS
13 Ford Road Gosport Hampshire PO12 3ET**

Members were informed that an additional letter of objection had been submitted in which no new issues were raised.

RESOLVED: That planning application K12222/2 – 13 Ford Road, Gosport be approved subject to the provision of a Section 106 Agreement relating 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 the Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material planning considerations, the proposal is acceptable in this 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, cycle parking 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.

**166 K6290/7 - ERECTION OF TWO STOREY LINK EXTENSION BETWEEN RUSSELL CHURCHER COURT AND GOYDA HOUSE AND INTERNAL ALTERATIONS TO PROVIDE 2NO.SINGLE BEDSITS AND ALTERATIONS TO EXISTING DISABLED ACCESS RAMP (as amended by plans received 28.02.08)
Russell Churcher Court / Goyda House Melrose Gardens Gosport Hampshire PO12 3BE**

RESOLVED: That planning application K6290/7 – Russell Churcher Court/ Goyda House Melrose Gardens, 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 the occupiers of Russell Churcher Court, Goyda House or any other property, the visual amenity of the area and traffic conditions in the locality. As such, the development complies with Policies R/DP1, R/DP7, R/H8 and R/T11 of the Gosport Borough Council Local Plan Review.

167 K6607/11 - REGULATION 4 - ERECTION OF REPLACEMENT RAILINGS (LISTED BUILDING)
Alverbank Country House Hotel Stokes Bay Road Gosport Hampshire PO12 2QT

Members were advised that a letter of objection had been received which claimed there to be a lack of detail and clarity in the design of the proposed replacement railings. Officers advised that adequate detailing had been provided

RESOLVED: That planning application K6607/11 – Alverbank Country House Hotel, Stokes Bay 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. The railings are of an appropriate design and will not have a detrimental impact on the setting of the listed building or the Park and Garden of Local Historic Interest. As such, the proposal complies with Policies R/DP1, R/BH3 and R/BH7 of the Gosport Borough Local Plan Review.

167 ANY OTHER BUSINESS

Planning appeals decisions

Members were advised that the decision to refuse application K7888/3, 179 Forton Road, had been overturned by the Planning Inspector. It was confirmed that this appeal was determined by way of written representations and that there would be no costs to the Council.

Members were advised that in considering the appeal against the refusal of K3851/6, 1 Prince Alfred Street, the Planning Inspector concluded that the density and design of the scheme was acceptable and that the proposal would improve the living conditions of adjoining occupiers.

The appeal against the refusal of application K17000/2, Rowner Recreation Centre, had been withdrawn.

The meeting commenced at 6pm and concluded at 7.20pm

CHAIRMAN

