

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 11 MARCH 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).

168 APOLOGIES

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

169 DECLARATIONS OF INTEREST

- Councillor Taylor declared a Personal and Prejudicial interest in items 6/02 and 6/03 (The Slaughterhouse, Royal Clarence Yard, Weevil Lane, Gosport)

170 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 12 February 2008 be approved and signed by the Chairman as a true and correct record.

171 DEPUTATIONS

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

- Item 6/04 – K47/2 – Land to the Rear of 37 Carnarvon Road
- Item 6/05 – K1520/5 – Land to the rear of 63 Western Way
- Item 6/06 – K15058/4 – 28 Privett Road
- Item 6/09 – K17497 – 7 Esmond Close, Lee-on-the-Solent
- Item 6/10 – K8831/22 – Anglesey Lodge, Anglesey Road

172 PUBLIC QUESTIONS

No public questions had been received.

PART II

173 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:

- 174 K17147/1 - OUTLINE APPLICATION - PROPOSED DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 4no. TWO BEDROOMED AND 2no. THREE BEDROOMED RESIDENTIAL UNITS WITH CAR PARKING AND ALTERATIONS TO EXISTING VEHICLE ACCESSES (as amended by letter dated 27.02.08 and plans and revised Design and Access Statement received 28.2.08)
14 & 15 Dock Road Gosport Hampshire PO12 1SJ**

This application was withdrawn.

- 175 K16150/5 - MINOR EXTERNAL ALTERATIONS AND ADDITIONS AND CHANGE OF USE TO RESTAURANT/CAFE (CLASS A3) OR DRINKING ESTABLISHMENT (CLASS A4) (LISTED BUILDING) (CONSERVATION AREA)(as amended by plans received 12.02.08)
The Slaughterhouse Royal Clarence Yard Weevil Lane Gosport Hampshire**

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 K16150/5 – The Slaughterhouse, 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 development as proposed is acceptable in principle in this location and will not have a significant impact on residential amenity, traffic conditions in the locality and existing parking provision or highway safety or affect nature conservation interests. Measures have been undertaken to provide access to the coast, address the risk of contamination and flooding and mitigate against any archaeological implications as part of the overall development. The alterations are sympathetic to the architectural and historical integrity of the Listed Building and the proposal as a whole will preserve and enhance the Conservation Area by bringing this Grade II Listed Building back into use. As such the development complies with Policies R/CF9, R/BH1, R/BH3, R/BH8, R/CH1, R/CH2, R/OS10, R/OS11, R/OS13, R/OS14, R/DP1, R/DP4, R/T2, R/T4, R/T10, R/T11, R/ENV1, R/ENV5 and R/ENV14 of the Gosport Borough Local Plan Review

- 176 K16150/6 – LISTED BUILDING APPLICATION - EXTERNAL AND INTERNAL ALTERATIONS TO FACILITATE CHANGE OF USE TO RESTAURANT/CAFE (CLASS A3) OR DRINKING ESTABLISHMENT (CLASS A4) (LISTED BUILDING) (CONSERVATION AREA)**
The Slaughterhouse Royal Clarence Yard Weevil Lane Gosport Hampshire

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 K16150/6 – The Slaughterhouse, 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 alterations are sympathetic to the architectural and historical integrity of the Listed Building and the proposal as a whole will bring this Grade II Listed Building back into use. As such the development complies with Policy R/BH3 of the Gosport Borough Local Plan Review

- 177 K47/2 – DEMOLITION OF DETACHED GARAGE AND ERECTION OF 1no. TWO BEDROOMED CHALET BUNGALOW WITH ASSOCIATED PARKING AND AMENITY SPACE**
Land To Rear Of 37 Carnarvon Road Gosport PO13 3QP

Members were informed that three letters of objection had been received in which the following issues were raised: the scale of the proposed development; over development and high density of the area; impact on the character of the area; loss of light; adverse impact on highway safety; loss of car parking spaces for residents, and the disruption that would be caused during construction. Members were further advised that with regard to the required outdoor playing space and transport infrastructure contributions, a unilateral agreement had been received from the applicant but this had not been satisfactorily completed and therefore reason 3 for refusal remained relevant.

Mr Tutton, planning agent, was invited to address the Board in support of the application. Mr Tutton believed the site to be highly accessible with good transport links and he felt that the development would contribute towards a good mix of dwelling sizes and types in the area. With regard to the required financial contribution for the provision of outdoor playing space and transport and highways improvements, Mr Tutton advised Members that a completed unilateral agreement had been submitted.

Members were informed that the submitted unilateral agreement did not meet the requirements of Policy R/OS8 and that the Head of Traffic Management had advised that the car parking spaces were not deep enough, at 4.7m in length, and that cars could possibly overhang onto the highway.

RESOLVED: That planning application K47/2 – Land to rear of 37 Carnarvon Road, Gosport be refused for the following reasons:

- i. The proposed development by reason of its siting and the constrained nature of the site would result in an undesirable form of development out of keeping with the established pattern of development which would have a detrimental impact on the character and appearance of the area. As such, it is contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- ii. The proposed car parking spaces are not of sufficient length to ensure vehicles are able to park without overhanging the adjacent public highway and no provision is made within the proposed development for secure long term and visitor cycle parking facilities or for the storage of refuse bins. It is therefore contrary to Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.
- iii. The application does not provide the required outdoor playing space provision or contribution for transport and highway improvements, nor the payment of a commuted sum in lieu of the provision, contrary to Policies R/OS8 and R/T4 of the Gosport Borough Local Plan Review.

**178 K1520/5 – ERECTION OF 1NO.DETACHED FOUR BEDROOM CHALET BUNGALOW INCLUDING DOUBLE GARAGE AND ASSOCIATED AMENITY SPACE
Land To The Rear Of 63 Western Way Gosport Hampshire PO12 2NF**

Members were informed that 12 additional letters of objection had been received in which the following new issues were raised: loss of green space and landscaping and contribution this makes to global warming and impact it has on wildlife; the change it will effect on the established community and deterrent on certain socio-economic groups from moving to the area; noise during building works; access for emergency vehicles; unacceptable appearance of gates and wall which are not in accordance with the approved plans of a previous planning permission; facilitating access to the back of Western Way will increase potential for criminal activity; scale position and size of new dwelling do not constitute good design; speculative development; and lack of infrastructure.

An amended plan had been submitted to confirm that long term cycle storage would be available in the garage and subsequently reason 3 of the recommended reasons for refusal contained in the report of the Development Services Manager had been removed. Whilst the applicant's agent had written to confirm that the applicant was willing to make the payment of a commuted sum for the provision of outdoor playing space and transport and highway improvements, that willingness had not been confirmed by the completion of a Section 106 obligation.

Dr Dean, 65 Western Way, was invited to address the Board in objection to the proposal. Dr Dean expressed his concern that a precedent would be set by allowing the erection of a 4 bedroom house in a back garden. He stated that the proposal was out of character with the surrounding area. There were various styles of houses fronting Western Way and each possessed a long garden. There was said to be a feeling of spaciousness in Western Way that would be lost by allowing the proposed development to be built. Dr Dean believed that there would be an adverse impact on the amenities of neighbouring residents with the building being close to boundaries causing overshadowing. He also drew attention to the

installation of a drive alongside the boundary and the obtrusive noise that could affect neighbouring properties.

Mr Tutton, planning agent, was invited to address the Board in support of the application. Mr Tutton drew attention to the officer's recommended reasons for refusal and stated that a cycle rack would be affixed to the garage to mitigate reason 3 for refusal, and that a BACS payment had been made to the Council which would negate reason 4 for refusal. Mr Tutton believed the location to have good transport links and advised that it was close to a public corridor highway. He discussed separation distances and the density of the area and drew attention to a previous application further to the east of the site, 77a Western Way, which he believed had not harmed the area and set a precedent for development. Mr Tutton concluded by stating that overlooking as a result of the development would be minimal and that there would be no loss of amenities to neighbours.

Members asked Mr Tutton to clarify points he made with regard to density and also why the application for 77a Western Way had any relevance to the proposal under consideration. Members did not believe there were any similarities between the proposal under consideration and the development at 77a Western Way and it was agreed that to allow the application would set a bad precedent for backland development and not be in keeping with the character of the area.

RESOLVED: That planning application K1520/5 – Land to the rear of 63 Western Way Gosport be refused for the following reasons:

- i. The proposed development by reason of its siting would result in an undesirable form of development out of keeping with the established pattern of development which would have a detrimental impact on the character and appearance of the area. As such, it is contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- ii. The use of the proposed driveway whether in a vehicle or on foot will result in a disturbance to adjacent residents, contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- iii. Adequate provision has not been made for outdoor playing space or transport and highway improvements, nor the payment of a commuted sum in lieu of the provision, contrary to Policies R/OS8 and R/T4 of the Gosport Borough Local Plan Review.

**179 K15058/4 - ERECTION OF SINGLE STOREY AND TWO STOREY REAR EXTENSION
28 Privett Road Gosport Hampshire PO12 3SU**

Mr Walker, 26 Privett Road, was invited to address the Board in objection to the application. Photographs of the site to show the impact of the proposed development were circulated amongst Members. Mr Walker advised that rather than there being no windows in the western elevation of 26 Privett Road facing the application site, as stated in paragraph two of the report of the Development Services Manager, there were in fact two windows and he believed that he would suffer a loss of light and privacy as a result of the development. He felt that the installation of a Juliette balcony on the western elevation of the proposed

development would create a loss of privacy and that there should be a normal bedroom window installed instead. In response to paragraph two of the report, Mr Walker argued that even though the extension would be sited at the rear of the property there would still be a detrimental impact on the character of the area.

Mr Kent, planning agent, was invited to address the Board in support of the application. Photographs intended to show the expected loss of light to neighbouring properties were circulated amongst Members. Mr Kent urged Members to support the recommendation of the planning officers and stated that the application had been tailored so as not to be in breach of planning policies detailed in the Gosport Borough Local Plan Review.

Mr Langran, applicant, was invited to address the Board in support of the proposal. Mr Langran began by saying that he was disappointed to encounter opposition from his neighbours at this stage as he had offered ample opportunity for them to voice their concerns and make suggestions throughout the application process. He was happy to install a normal window rather than a Juliette balcony if this was to become a reason to refuse the application. Mr Langran referred to the pictures circulated by Mr Kent and stated that there would be no further loss of light to the North facing gardens as they were already in shadow for the entire day. He concluded by stating that the proposed development would not be a 'prison cell' as described in a letter of representation, and that the size of the footprint was acceptable.

Members asked Mr Kent what refinements had been made to the current application in order to appease neighbours and were informed that the depth of the proposed development had been reduced by 2 metres. Members agreed that it was difficult to judge potential loss of light from the information that was before them and it was therefore moved that a site visit should be conducted to assess the impact on the amenities of neighbours; a vote was taken and the proposal to hold a site visit was agreed.

RESOLVED: That planning application K15058/4 - 28 Privett Road, Gosport be deferred for a site visit.

**180 K4303/9 - RETENTION OF GARDEN SUMMERHOUSE AND LEAN TO PORCH TO KITCHEN DOOR
10 Britten Road Lee-On-The-Solent Hampshire PO13 9JU**

Members were informed that an additional letter of representation had been received in which the following new issues were raised: the appearance of the development being detrimental to the surrounding area; the incompatibility of the design and materials with the existing building and surrounding dwellings; the development covers an existing parking bay and has electrical wiring hanging from it; overdevelopment of the site; individuals in the shelter would be in the path of oncoming vehicles; and the inconsistencies between the development and GBC planning policies.

RESOLVED: That planning application K4303/9 – 10 Britten Road, 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 development is acceptable in this location. It is of an appropriate and acceptable design and does not have any detrimental impact on the visual amenities of the area, the amenities of adjoining residents or the previously approved level of on site car parking provision. As such it complies with Policies R/DP1, R/DP7 and R/T11 of the Gosport Borough Local Plan Review.

181 K15967/1 - ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSION, ATTACHED GARAGE AND ALTERATION TO EXISTING ROOF TO FACILITATE LOFT CONVERSION
19 Lulworth Road Lee-On-The-Solent Hampshire PO13 9HU

RESOLVED: That planning application K15967/1 – 19 Lulworth Road, 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 materials considerations, the development as proposed is acceptable in this location, it is of an appropriate design and will not have a detrimental impact on the amenities of the occupiers of the adjoining dwellings or highway safety. As such, it complies with Policies R/DP1, R/DP7 and R/T11 of the Gosport Borough Local Plan.

182 K17497 - ERECTION OF A TWO STOREY SIDE AND REAR EXTENSION AND SINGLE STOREY FRONT EXTENSION (as amended by plans received 07.02.08)
7 Esmond Close Lee-On-The-Solent Hampshire PO13 8JW

Members were informed that an additional letter of objection had been received from the Lee Residents Association in which no new issues had been raised.

Mrs Roast, Lee Residents Association, was invited to address the Board in objection to the proposal. Mrs Roast stated that the proposed extension was out of keeping in terms of scale, design and layout. She believed that the proposal would change the character of the house and that the reduction in length of the garden would be unacceptable. Mrs Roast also felt that there would be a loss of privacy to residents of Gibson Close and a loss of light to neighbouring properties. She asked that Members defer making a decision on the application in order to attend a site visit.

Mr Barker, planning agent, was invited to address the Board in support of the application. Mr Barker disagreed that there would be any loss of privacy to residents of Gibson Close and stated that the separation distances between properties were within the guidelines set out in the Gosport Borough Local Plan Review. Mr Barker agreed that access was a problem at the location, but did not feel this constituted a reason for refusal. He said that construction work would be carried out during working hours and that disruption due to the development of the site would be kept to a minimum.

Councillor Burgess, ward councillor for Lee East, was invited to address the Board in

objection to the application. Councillor Burgess informed Members that he had been contacted by residents in Gibson Close and Esmond Close who feared that they would be overlooked by the development and would also suffer loss of light. Councillor Burgess also highlighted the access and parking difficulties at the site. He proposed a site visit so that Members could judge his concerns at first hand.

It was moved that a site visit be held so that Members could see for themselves any potential loss of amenities to neighbouring residents as a result of the development; a vote was taken and the proposal was approved.

RESOLVED: That planning application K17497 – 7 Esmond Close, Lee-on-the-Solent be deferred for a site visit.

**183 K8831/22 - IMPLEMENTATION OF TREE MAINTENANCE SCHEME (TPO.G8)
(CONSERVATION AREA) (as amended by details and plan received 19.02.08)
Anglesey Lodge Anglesey Road Gosport Hampshire PO12 2DX**

Mr Eckersley, 70 Anglesey Road, was invited to address the Board in objection to the proposal. Mr Eckersley felt that the application was unnecessary and would be to the detriment of wildlife and drew attention to inconsistencies between the tree survey carried out for this application and previous planning applications. Whilst one survey conducted in 2004 had deduced the trees to be healthy, the survey used for the above application had recommended that certain trees be removed due to ill health and risk of failure. In view of these inconsistencies Mr Eckersley questioned whether the felling of these trees was for the purpose of creating an open space on which to further develop the site. He confirmed to Members that 8 metres of his boundary was in common with the application site.

Mr Clark, the applicant, was invited to address the Board in support of the proposal. Mr Clark informed Members that the reason for the application was for health and safety, with three trees falling down recently; two near to the bungalow and one into the playground. Mr Clark believed he would be unable to maintain the site and ensure the health and safety of the children without the removal of the trees.

Officers clarified the difference between the current application to carry out works to the trees and the previous planning application to develop the site. Members were advised that the selective thinning would allow the remaining trees to establish and that an open space would not be created as a result of the removal. It was confirmed that the Council's tree expert supported the proposal.

RESOLVED: That planning application K8831/22 – Anglesey Lodge, Anglesey Road, Gosport be approved subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i. The felling of the Holm oak and Bay trees which are inappropriately located will not have a detrimental impact on the appearance of the area and the proposed dead wooding will have a beneficial impact on the health and amenity value of the trees. The proposal therefore complies with Policy R/DP8 of the Gosport Borough Local Plan Review.

184 K7817/1 - REGULATION 3 APPLICATION - DEMOLITION OF EXISTING COMMUNAL WC/LAUNDRY BUILDING AND ERECTION OF PREFABRICATED LAUNDRY/MEETING ROOM AND BOUNDARY WALLS (as amplified by letter dated 14.02.08)
Stokes Bay Mobile Home Park Stokes Bay Road Gosport Hampshire PO12 2QU

RESOLVED: That planning application K7817/1 – Stokes Bay Mobile Home Park, 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. It is of an appropriate design and will not have any detrimental impact on the visual amenities of the area or the amenities of nearby residents. As such, the proposal complies with Policies R/DP1, R/CH1, R/H10, R/OS1, R/OS2 and R/ENV1 of the Gosport Borough Local Plan Review.

185 ANY OTHER BUSINESS

K9356/1 – 116-118 Priory Road, Gosport

Members were advised that the S106 Agreement was not completed for application K9356/1 – 116-118 Priory Road, Gosport, which was considered at the 12 February 2008 Regulatory Board meeting (Minute number 168), and therefore an additional reason for refusal has been added to the decision reflecting this.

Planning appeals

Members were advised that the decision to refuse application K4528/2, 27 Clifton 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 informed that there would be an appeal hearing for application K17384/1, 63-65 Fareham Road, to be held on 15 and 16 April 2008 in the Town Hall Council Chamber.

Public information

Councillor Chegwyn questioned why applicants and agents were allowed to know which Councillor had requested that a planning application be determined by the Board, rather than being delegated for a decision to be made by officers. He believed this put the Councillor in an invidious position. He requested this matter be addressed at a future meeting.

Regulatory Board
11 March 2008

The meeting commenced at 6pm and concluded at 7.20pm

Chairman