

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 17 FEBRUARY 2009**

The Mayor (Councillor Kimber) (ex-officio), Chairman of Policy and Organisation Board (Councillor Smith) (ex-officio) (P), Councillors Allen, Mrs Bailey (P), Carr (P), Carter (P), Dickson (P), Forder (P), Geddes (P), Hicks (Chairman) (P), Mrs Searle (P) and Miss West (P).

It was reported that, in accordance with Standing Orders, notice had been received that Councillor Burgess would replace Councillor Allen for this meeting.

142 APOLOGIES

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

143 DECLARATIONS OF INTEREST

- Councillor Dickson declared a Personal and Prejudicial Interest in item 6/2 (35 St Thomas's Road, Gosport)

144 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 20 January 2009 be approved and signed by the Chairman as a true and correct record.

145 DEPUTATIONS

It was reported that a deputation had been received on application:

- K110/3 – 35 St Thomas's Road, Gosport

A late request to make a deputation had been received on application:

- K10487/5 – 27 Anglesey Road, Gosport

Members agreed that permission to make this deputation be granted.

146 PUBLIC QUESTIONS

No public questions had been received.

PART II

147 REPORTS 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 the decisions be taken on each application for planning consent as detailed below:

148 **K6814/11 - OUTLINE APPLICATION - PART DEMOLITION OF EXISTING BUILDING AND ERECTION OF 2 STOREY BUILDING TO PROVIDE 1NO.3 BEDROOMED DWELLING AND 2NO.FLATS** **108 Queens Road Gosport Hampshire PO12 1LH**

Members were advised that an additional letter of objection had been received but no further issues had been raised. They were further advised that the Section 106 Agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and transport and highway improvements had not yet been completed. Should it not be completed by 24 February 2009, officers requested delegated authority to add an additional reason for refusal relating to this issue.

Members were of the opinion that this proposal constituted over development of this site. They also noted that there were existing car parking problems in the area.

RESOLVED: That planning application K6814/11 – 108 Queens Road, Gosport, Hampshire be refused for the following reasons:

- i The proposal by reason of the constrained size of the plot in relation to the amount of development proposed is likely to result in a cramped and congested layout which would be out of keeping with the established pattern of development in the locality and detrimental to the character and appearance of the area. As such, it is contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- ii Due to the amount and scale of the development and the constrained size of the plot any amenity space will be overshadowed for long periods of the day, creating an unsatisfactory and undesirable environment for the users of this space. As such the proposal is contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- iii Due to the constrained size of the plot and the scale of the development proposed there will be an insufficient level of on-site car parking. This is likely to result in overspill car parking in the surrounding road network to the detriment of local amenity. The proposal therefore conflicts with Policy R/T11 of the Gosport Borough Local Plan Review.

- iv Due to the constraints of the plot and the amount of development proposed there is likely to be an insufficient level of intervisibility between vehicles exiting the site and all other users of the public highway. The proposal will therefore be detrimental to highway and pedestrian safety, contrary to Policy R/T11 of the Gosport Borough Local Plan Review.
- v Due to the constrained size of the plot and the amount and scale of the development proposed there will be insufficient space on the site to make adequate provision for cycle storage and parking and refuse storage contrary to Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.
- vi The applicant has not provided sufficient information to justify the loss of the existing community facility or that appropriate alternative facilities are available elsewhere in the locality. The proposal therefore conflicts with Policy R/CF2 of the Gosport Borough Local Plan Review.
- vii Additional Reason
In the event that the Section 106 Agreement is not completed by 24 February 2009, authority be delegated to the Head of Development Control to add an additional reason for refusal relating to this issue as follows:
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, R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

**149 K110/3 - ERECTION OF EXTENSION AND CONVERSION OF GARAGE TO
 CREATE A ONE BEDROOM BUNGALOW
 35 St Thomas's Road Gosport Hampshire PO12 4JU**

Note: Councillor Dickson declared a Personal and Prejudicial Interest in this item, left the meeting room and took no part in the discussion and voting thereon.

Mrs Dunne was invited to address the Board. She explained that she and her husband had occupied 37 St Thomas's Road for 6 years. During that time they had renovated the property and made it suitable for Mr Dunne who suffered from Multiple Sclerosis and was wheelchair bound. The present garage at No. 35 was visible from the dining room and bedroom. The proposed development would be visible from the living room, cutting out light and restricting the view to a brick wall. People entering and exiting the proposed property would walk past the windows of No. 37. Mrs Dunne circulated a photograph showing the existing view from her property of No. 35's garage wall.

In answer to a Member's question, Mrs Dunne confirmed that privacy was not of concern. It was the enclosed view and loss of light to which she was objecting.

Mr Niall Tutton was invited to address the Board. He was shown the photograph that Mrs Dunne had circulated to the Board. He advised that St Thomas's Road was an area of mixed development and the proposal would not be out of character and would fall within the property density guidelines contained in the Local Plan. Due to the orientation of the properties, he did not consider the light entering the windows of No. 35 would be noticeably impaired to the

extent that it would constitute a reason for refusal. Mr Tutton advised that the Section 106 agreement had been completed.

Members considered the significance of the loss of light and outlook and asked officers how this has been assessed. Officers referred to the orientation of the application property in relation to the adjoining property to the west and the fact the windows facing onto the application site from number 37 were high level.

Members requested that a decision on this application be deferred until a site visit had taken place.

RESOLVED: That planning application K110/3 – 35 St Thomas’s Road, Gosport, Hampshire be deferred pending a site visit by Members of the Board.

**150 K6359/1 - CHANGE OF USE FROM RETAIL SHOP (CLASS A1) TO HOT FOOD TAKEAWAY (CLASS A5) AND ERECTION OF EXTERNAL EXTRACTION FLUE (as amplified by details received 27.01.09)
145 Rowner Lane Gosport Hampshire PO13 9SP**

Members were pleased to note that the premises would be brought into use and considered a takeaway business suitable on this site.

RESOLVED: That planning application K6359/1 – 145 Rowner Lane, Gosport, Hampshire be approved subject to the conditions set out in the report of the Development Services Manager, for the following reasons:

- 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 proposal will not adversely affect the amenities of nearby residents through noise or smell generation and will not have a detrimental impact on the visual amenity of the locality, traffic conditions, or parking and access arrangements. As such, the proposal complies with Policies R/DP1, R/S3, R/T11 and R/ENV10 of the Gosport Borough Local Plan Review.

**151 K15583/1 - ERECTION OF SINGLE STOREY REAR EXTENSION AND TWO STOREY SIDE EXTENSION TO PROVIDE 2NO.TWO BEDROOM DWELLINGS WITH ASSOCIATED AMENITY SPACE AND PARKING (as amended by plans received 05.02.2009)
1 Homer Close Gosport Hampshire PO13 9TJ**

Members were advised that an additional letter of objection had been received citing issues previously raised with the addition of a query concerning a down pipe which was not a planning issue. In addition amended plans had been received showing the width of the dormer windows reduced in width. However the amendment did not overcome the reason for refusal as there were no other properties with dormer extensions in the immediate vicinity and the development would appear incongruous and out of character. Further, officers advised that the Section 106 Agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and transport and highway improvements had not yet been completed. Should it not be completed by 4 March 2009 officers requested delegated authority to add an additional reason for refusal relating to this issue.

Members were of the opinion that this would be an inappropriate over-development for this area which was out of character with the layout of the estate.

RESOLVED: That application K15583/1 – 1 Homer Close, Gosport, Hampshire be refused for the following reasons:

- i The proposed development, by reason of its design, siting and layout would be out of keeping with the established open plan pattern of development and would be detrimental to the character and visual amenity of the area, contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- ii No provision has been made for visitor cycle parking. The proposal therefore conflicts with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.
- iii Additional Reason
In the event that the Section 106 Agreement is not completed by 4 March 2009, authority be delegated to the Head of Development Control to add an additional reason for refusal relating to this issue as follows:
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, R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

**152 K10487/5 - ERECTION OF FIRST FLOOR REAR EXTENSION AND EXTENSION OF ROOF TO REAR THROUGH HALF-HIP AND HALF GABLE TO ALLOW FOR CONVERSION INTO LIVING ACCOMMODATION (as amplified by letter dated 14.01.09 and amended by plans received 15.01.09)
27 Anglesey Road Gosport Hampshire PO12 2EG**

Mr Ellis was invited to address the Board. He thanked Members for allowing him to speak to them. He stated that his architect had advised him that the proposed barn hip roof would allow more practical use of the roof space compared with the design approved by the Board on 16 January 2006. Work had already begun on the extensions given approval at that time. He had circulated to the Board copies of photographs taken of roofs within the locality of No. 27 which reflected the varying designs to be found in the area.

Mr Ellis stated that the amended roof design did not differ materially from the height and length of the design previously approved. Discussion had been held with Planning Control officers concerning the Velux windows in order to make them more acceptable. Care had been taken to source local bricks for the extensions which would blend with the original house and the insulation material to be used was of a higher specification than was necessary to comply with building regulations.

Members requested clarification as to the differences between the roof design approved in 2006 and that being proposed now. Officers circulated a copy of the 2006 plans and the present plans, drawing attention to the north and south elevations of the roof.

In answer to a Member's question officers advised the proposal unbalanced the appearance of the building and to redress this issue the design would need to be revised to the extent it would be the same as that previously approved.

Members were of the opinion that, whilst appreciation of a design could be a matter of personal taste, they concurred with the professional opinion put forward by the officers.

RESOLVED: That planning application K10487/5 – 27 Anglesey Road, Gosport, Hampshire be refused for the following reasons:

- i The depth and form of the proposed roof design with the incorporation of 4 roof lights to either side compared to the existing roof form will appear as an unattractive and incongruous addition that undermines the character of the existing building and the surrounding area. The extended roof is inappropriate in terms of its form, scale, design and external appearance and will be detrimental to the street scene and visual amenities of the area. It will also have a detrimental impact on the outlook from adjoining residential properties and their gardens. As such the proposal is contrary to Policies R/DP1 and R/DP7 of the Gosport Borough Local Plan Review.

**153 K12761/1 - ERECTION OF TWO STOREY SIDE AND REAR EXTENSIONS, SINGLE STOREY SIDE EXTENSION AND PROVISION OF COVERED AREAS FOR CYCLE AND BIN STORAGE (CONSERVATION AREA) (as amended by plans received 06.10.08)
1 Spring Garden Lane Gosport Hampshire PO12 1HY**

In answer to a Member's question, it was confirmed that cream brick and light coloured grey stone were to be used on the proposed extension to reduce the impact of the mass of the building and to be in keeping with the appearance of surrounding buildings.

Members were pleased to have the opportunity to support the expansion of a Gosport business.

RESOLVED: That planning application K12761/1 – 1 Spring Garden Lane, Gosport, Hampshire be approved subject to the conditions set out in the report of the Development Services Manager, for the following reasons:

- i That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposal is acceptable for this particular location and will increase employment opportunities. The scale and design of the extensions are acceptable and will sit well within the overall street scene and enhance the character and appearance of the Conservation Area, and will not have a detrimental impact on the amenities of nearby residents. Adequate provision is made for car and cycle parking and refuse storage. As such the development complies with Policies R/DP1, R/DP7, R/DP8, R/BH1, R/BH2, R/EMP5, R/T2 and R/T11 of the Gosport Borough Local Plan Review.

**154 K12613/1 - ERECTION OF REAR AND SIDE SINGLE STOREY EXTENSION
3 Blackbird Way Lee-On-The-Solent Hampshire PO13 8HJ**

RESOLVED: That planning application K12613/1 – 3 Blackbird Way, Lee-on-the-Solent, Hampshire be approved subject to the conditions set out in the report of the Development Services Manager, for the following reasons:

- 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 as such complies with Policies R/DP1, R/DP7 and R/T11 of the Gosport Borough Local Plan Review.

155 ANY OTHER BUSINESS

K17173 and K17173/1 GPDO Part 24 Consultation – Erection of 12 Metre High Monopole Telecommunications Mast, 3 Antennae, 1x200mm Dish Aerial and 3 Equipment Cabinets – North of Western Way Junction with Gomer Lane Gosport.

Members were reminded that in July 2006 the Board had considered the siting and appearance of a mast and associated equipment at the junction of Gomer Lane and Western

Way unacceptable on the grounds of highway safety and the impact on the street scene (application reference K17173). An amended application was submitted and was considered by the Board on 21 May 2007 (application reference K17173/1). Although the siting had been altered to address the impact on highway safety the siting and appearance were still found to be unacceptable because of the impact on the street scene.

Officers advised that under the provisions of Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) Local Planning Authorities are required to inform the applicant of the decision within 56 days. In the event the applicant does not receive written notification of the decision within this timescale the siting and appearance of the mast is deemed to have been approved. Consultation K17173/1 was received on 30 March 2007. The Board meeting was held on 21 May 2007. The Decision Notice was date stamped 24 May which was the 56th day. The envelope in which the Decision Notice was sent to the applicant informing them of the Board decision was postmarked the 25 May which was the 57th day. The decision was received by the applicant on the 26 May which was the 58th day. The applicant subsequently advised the Council that as the written decision had not been received by the 56th day consent was deemed to have been granted because the notification of the decision had not been received with the requisite 56 days. Officers immediately entered into negotiations with the applicant to find an alternative site but shortly afterwards the operators indicated that they were no longer intending to site a mast in this area and the matter went into abeyance. In the meantime measures were put in place to ensure that decisions on Part 24 Consultations were e mailed to applicants as soon as the decision was made by the Board.

However the Mobile Operators roll out plan for 2009 -10 received at the end of October 2008 included this site as part of the programme. Negotiations immediately resumed to try to identify another suitable site within the locality. Unfortunately no suitable sites are available and the operator has indicated that work will commence on erecting the mast at the junction of Western Way and Gomer Lane towards the end of this year. Officers apologised for the administrative error which would result in the erection of a mast with inappropriate siting and an intrusive appearance.

Members accepted officers' apologies and noted that administrative changes had been made to ensure this error would not reoccur.

The Board was advised that there remained no guarantee that the operator would construct the mast installation. Within this context, the Chairman suggested that the operator be requested to give at least 3 weeks notification of any intention to implement the consent to enable the Ward Councillors of Alverstoke and Privett Wards to be informed of the situation, to enable them to respond to any concerns expressed by local residents. Members concurred with this course of action.

The meeting commenced at 6.00pm and concluded at 6.58 pm

CHAIRMAN