

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 10 NOVEMBER 2009**

The Mayor (Councillor Mrs Searle) (ex-officio), Chairman of the P & O Board (Councillor Hook) (ex-officio), Councillors Allen (P), Mrs Bailey (P), Carr (P), Carter (Chairman) (P), Dickson (P), Geddes (P), Hicks (P), Hylands (P), Miss West (P) and Wright (P).

101 APOLOGIES

An apology for inability to attend the meeting was received from the Mayor.

102 DECLARATIONS OF INTEREST

- Councillor Dickson declared a personal and prejudicial interest in item K17720 - 2 Longdon Drive
- Councillor Geddes declared a personal and prejudicial interest in item K17720 – 2 Longdon Drive
- Councillor Carter declared a personal and prejudicial interest in item K8041/11 – Shangri-La, 17 Milvil Road

103 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 6 October 2009 be approved and signed by the Chairman as a true and correct record.

104 DEPUTATIONS

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

- K17720 – 2 Longdon Drive, Lee-on-the Solent
- K8041/11 – Shangri-La 17 Milvil Road, Lee-on-the-Solent
- K3996/5 – Warren Meade Ellichae Road, Gosport

105 PUBLIC QUESTIONS

No public questions had been received.

PART II

106 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:

107 K17720 ERECTION OF TWO STOREY REAR EXTENSION 2 Longdon Drive Lee-On-The-Solent Hampshire PO13 8LR

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

Members of the Regulatory Board had attended a site visit at 3pm on the day of the meeting. They viewed the site for the proposed extension from the rear garden of 2 Longdon Drive and the garden, conservatory and kitchen of 4 Longdon Drive.

Miss Edwards, of 4 Longdon Drive, was invited to address the Board. She thanked the Members for attending the site visit and advised that her primary concern was not that of being overlooked by the windows of the extension, but loss of light.

Miss Edwards acknowledged that the loss of light would be most significant during the winter but felt that during these months when light was at a premium it would be most appreciated and therefore greatly missed.

Miss Edwards advised the Board that she felt that the proposal would have a hugely detrimental effect on her quality of life and that a two storey extension would change the pleasant outlook from her property to a mass of bricks.

She hoped that the site visit had enabled Members to build a mental picture of the proposed development and would consider this when reaching a decision.

Mrs Gilbertson was invited to address the Board. She advised that she did not have anything to add to her deputation made at the previous meeting of the Regulatory Board, but would like to reiterate that she had sought professional advice to minimise inconvenience and to ensure that the proposal met current guidelines.

Members acknowledged that the outlook of neighbouring properties was often affected when planning permission was sought for developments of this type. However, it was felt that this proposal was similar to others within the locality for which approval had been granted.

RESOLVED: That application K17720 – 2 Longdon Drive, Lee-on-the-Solent, be approved subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i The 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 Policy R/DP1 of the Gosport Borough Local Plan Review.

**108 K8041/11 - ERECTION OF 2NO.SINGLE STOREY REAR/SIDE EXTENSIONS (as amended by plans received 14.10.09)
Shangri-La 17 Milvil Road Lee-On-The-Solent Hampshire PO13 9LU**

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

Mr Brown was invited to address the Board. He advised that he resided at 15 Milvil Road and that he objected to the proposal as he did not accept that the application complied with the requirements of the Gosport Borough Local Plan Review Policy R/DP1.

Mr Brown acknowledged that the proposal was architecturally in keeping with the existing design, but felt that it was out of scale with the plot size and would result in the overdevelopment of a property within a residential area.

He felt that the proposed extensions would lead to a loss of amenity to neighbouring properties, 15 Milvil Road and 3 Nottingham Place. He was particularly concerned that the proposed 10 metre extension of the lounge towards the southern boundary of 15 Milvil Road would result in a separation of just over one metre, repositioning the rear access of Shangri-La very much closer to the boundary.

Mr Brown felt that there was already a loss of amenity to 15 Milvil Road and that the proposed extension, the additional six residents and the associated noise and existing overlooking from the balcony all would result in a further loss of amenity.

Mr Brown advised the Board that he felt that consideration should be given to the external space surrounding the building as the proposal would result in development almost to the boundary on three sides of the site. As the site was located in a residential area, Mr Brown felt the proposals constituted overdevelopment.

Mr Brown advised the Board that Policy R/H8 of the Gosport Borough Local Plan Review specifically related to accommodation for the elderly. He advised the Board that the recommended guidance for communal outdoor amenity space was 20 square metres per bedroom.

Mr Brown advised that Shangri-La had previously been developed to increase occupancy to 20 residents and that at the time of the application and subsequent granting of planning permission, the front area of the site had been included to ensure that the requirement for communal outdoor amenity space was satisfied.

Mr Brown advised the Board that at the time of the previous application the front area was laid to lawn and that it had since been laid to tarmac. He therefore felt that the space could no longer contribute to the recommended communal outdoor amenity space.

Mr Brown felt that the 170 square metres of outdoor space was inadequate and that this would reduce further following the landscaping of the rear garden.

The Board were advised that the laying of tarmac had lead to an increase in flooding within the gardens of 15 Milvil Road and Mr Brown expressed concern that the applicant would seek to develop the site further as he had previously approached him with regard to purchasing part of his rear garden.

Mr Brown's final concern was with regard to the trees on the site and the need to remove them should the proposal be approved.

He requested that the Board consider deferring the application and undertake a site visit.

Mr Reay was invited to address the Board. He advised that the applicant was aware that the building was Locally Listed and had made efforts to safeguard the character of the building.

He advised that the proposed extension would not be visible from the road and that the site was in an ideal location for the elderly as it was within walking distance of Lee-on-the-Solent High Street.

He acknowledged that a single storey extension would cover a larger proportion of the ground space; however it would be more appropriate for elderly people with limited mobility. In addition, a single storey extension would create less loss of amenity to the surrounding properties than one with two storeys as it would not overlook or block light from the properties.

The proposed extension would be inward facing, so as not to overlook adjacent properties, the gardens would be landscaped to ensure accessibility for elderly residents and the trees on site were not subject to Tree Preservation Orders.

Mr Reay concluded by advising the Board that Hampshire Fire and Rescue and the Local Highway Authority had no objections to the proposal and that he felt it was sympathetic to the amenity of the surrounding properties.

A Member queried whether the proposal met the guidelines of policy RH/8 of

the Gosport Borough Local Plan review as it was recommended that 460 square metres of outdoor space be available for a development containing 23 bedrooms.

The Board were advised that the rear garden provided 230 square metres of outdoor space and that this figure did not include balconies that were available for use by residents. The new rooms would also have direct access to the courtyard and given its accessibility and user friendly design it made adequate provision for the needs of residents.

Members acknowledged that the policies of the Gosport Borough Local Plan Review offered guidelines for planning applications, but expressed concern that they were not always adhered to.

The importance of provision for the elderly was recognised and it was proposed that the application be deferred to allow Members of the Regulatory Board to visit the site.

RESOLVED: That application K8041/11 – Shangri-La 17 Milvil Road, Lee-on-the-Solent, be deferred pending a site visit by Members of the Regulatory Board.

**109 K4909/3 - CHANGE OF USE FROM SHOP (CLASS A1) TO TAKEAWAY (CLASS A5) AND INSTALLATION OF EXTRACTION SYSTEM (as amplified by plan received 23.10.09)
188 Nobes Avenue Gosport Hampshire PO13 0HY**

Members were advised that a response from the Crime Prevention Officer at Hampshire Constabulary had been received and there was no objection to the proposal.

Councillor Wright, Ward Councillor for Bridgemary South, advised that he had been contacted by residents, particularly those residing in the flats above the application site, concerned as to what type of take away would be introduced. Concern had also been expressed that the proposal would create the potential for fumes, disorder and congregating groups of people.

Councillor Wright advised that concern had been expressed regarding the ventilation system to be installed. The existing Chinese take away and fish and chip shop used extraction systems that included upward directed funnels. It was hoped that the proposal could be amended to include a similar system of extraction rather than the extraction of the grill exiting directly on to the rear access way.

Councillor Wright advised the Board that the Greengrocer shop adjacent to the proposed site had been granted permission for change of use to Class A5 and that should this be implemented alongside this application, five of the 10 units in the parade would be in non-retail use.

Members acknowledged the concerns but were encouraged that the shop

would no longer be empty.

Members queried as to whether conditions could be included within the recommendation to address residents' concerns surrounding the extraction system. The Board were advised that details of the extraction system for the premises would be controlled by condition and that extraction technology had developed recently and there has been a general shift away from the use of external vertical extraction flues towards more efficient, internal systems with small flush fitting vents located on an external wall.

It was clarified that for the purposes of Policy R/S4, the percentage of retail use within a shopping centre was calculated on the basis of actual shopping frontage, measured in metres, and not on numbers of units, It was further clarified that should the proposal be approved, 42.4% of the retail frontage within the centre would comprise non-A1 uses taking into account the existing permission for the neighbouring property.

RESOLVED: That application K4909/3 – 108 Nobes Avenue, Gosport be approved subject to the conditions set out in the report of the Development Services manager, for the following reason:

- i Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location and will not prejudice the retail function of the Neighbourhood Shopping Centre. The proposal will not adversely affect the amenities of nearby residents through noise or smell generation, the visual amenity of the area, or traffic conditions in the locality. As such, the proposal complies with Policies R/DP1, R/S4, R/T11, R/ENV10 and R/ENV12 of the Gosport Borough Local Plan Review.

**110 K3996/5 - ERECTION OF FIRST FLOOR REAR EXTENSION OVER EXISTING GARAGE TO PROVIDE ADDITIONAL BEDROOMS AS PART OF EXISTING DWELLING (CONSERVATION AREA) (as amended by plans received 16.09.09)
Warren Meade Ellachie Road Gosport Hampshire PO12 2DP**

Duncan Chilvers was invited to address the Board. He advised that he resided at 1 Ellachie Road and that he was concerned that the proposal would reduce the light to the property.

He advised that the majority of the windows on his property were south facing and that the proposal would block the light to them. He also felt that it was inappropriate and would be overbearing.

In answer to a Member's question Mr Chilvers advised the Board that his property, 1 Ellachie Road, and Warren Meade were separated by the road Ellachie Mews.

It was proposed that a visit be made to the application site but Members did not consider that it would be necessary for this application.

RESOLVED: That application K3996/5 – Warren Meade, Ellachie Road, Gosport be approved subject to Section 106 agreement relating to the use of the first floor rear extension as ancillary accommodation to the existing dwelling house and 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, by reason of its design and location will not have a detrimental impact upon the appearance of the property or the visual appearance of the area or the amenities of the occupiers of neighbouring properties. It will enhance the character and appearance of the Conservation Area. As such, the proposal complies with Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review

**111 K5576/10 - ERECTION OF DETACHED DWELLING ON LAND ADJACENT TO FORT COTTAGE (CONSERVATION AREA)
Fort Cottage Crescent Road Gosport Hampshire PO12 2DN**

RESOLVED: That application K5576/10 Fort Cottage, Crescent Road, Gosport, be approved subject to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space, the payment of a commuted sum towards transport infrastructure, services and facilities 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 of one additional dwelling in this existing residential area is appropriate and will assist in providing a variety of residential accommodation to meet the housing needs of the Borough. The detailed design of the proposed dwelling is to a very high standard and is compatible with the mix of properties on the south side of Crescent Road and acceptable. It will enhance the character and appearance of the Conservation Area and not harm the setting of the Listed Buildings to the north. The proposal will not have a detrimental impact on the amenities of neighbouring residents or prospective occupiers. Adequate provision is made for open space, transport infrastructure, car and cycle parking and refuse storage. As such the development complies with Policies R/DP1, R/DP3, R/BH1, R/H4, R/T4, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

**112 K7154/3 - ALTERATION AND CONVERSION OF EXISTING GARAGE/WORKSHOP TO FORM 2NO. 2 BEDROOM DWELLINGS
172A Anns Hill Road Gosport Hampshire PO12 3RE**

Members welcomed the proposal and felt that it would improve the appearance of the area.

RESOLVED: That application K7154/3 172A Anns Hill Road, Gosport, be approved subject to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space, the payment of a commuted sum towards transport infrastructure, services and facilities 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 of two dwellings in this existing residential area is appropriate and will assist in providing a variety of residential accommodation to meet the housing needs of the Borough. The minor external alterations to the building are acceptable within the overall street scene and will improve the appearance of the area and the use will not have a detrimental impact on the amenities of neighbouring residents or prospective occupiers. Adequate provision is made for open space, transport infrastructure, car and cycle parking and refuse storage. As such the development complies with Policies R/DP1, R/DP3, R/H4, R/T4, R/T11 and R/OS8 of the Gosport Borough Local Plan Review

**113 K12345/75 - ERECTION OF TWO STOREY INDUSTRIAL UNIT (CLASS B2 AND B8) WITH ASSOCIATED PARKING AND ACCESS (Amended Scheme to K.12345/73)
Plot 2b Regent Trade Park Barwell Lane Gosport PO13 0FZ**

Members were advised that the required legal agreement had not yet been completed. The recommendation was therefore amended to request that authority be delegated to the Head of Development Control to refuse the application on the grounds of non-compliance with Policies R/DP3 and R/T4 relating to the payment of a commuted sum towards highway infrastructure improvements if the completed document was not received by 23 November 2009.

RESOLVED: That planning application K12345/75 – Plot 2B, Regent Trade Park, Barwell Lane, Gosport, Hampshire be approved subject to a 106 Agreement relating to the payment of a commuted sum towards transport infrastructure, services and facilities, and subject to the conditions set out in the report of the Development Services Manager for the following reasons below. In the event that the legal agreement is not received by 23 November 2009, authority is delegated to the Head of Development Control to refuse the application.

- 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 development is acceptable in this location. It will provide additional employment opportunities and will not have an

adverse impact on nature conservation interests, controlled waters, biodiversity, the character and appearance of the area or highway and pedestrian safety. Appropriate facilities are available for vehicular and bicycle parking and refuse storage and provision is made for highway and infrastructure improvements. The proposal therefore complies with Policies R/DP1, R/DP3, R/EMP1, R/EMP3, R/EMP7, R/CH1, R/T2, R/T3, R/T4, R/T11, R/OS11, R/OS12, R/OS13, R/ENV2, R/ENV4, R/ENV5, R/ENV14 and R/ENV15 of the Gosport Borough Local Plan Review.

**114 K6640/3 - ERECTION OF DETACHED 2 BEDROOM DWELLING
97 Fareham Road Gosport Hampshire PO13 0XN**

Members were advised of the following updates:

The applicant was unable to enter into a section 106 Agreement to secure the payment of commuted sums towards the provision and/or improvement of an outdoor playing space and transport infrastructure, services and facilities due to a problem with the Mortgagee.

It was therefore proposed to amend the recommendation by removing the reference to the Section 106 Agreement and inserting 2 additional conditions as detailed below, and re-numbering the remaining conditions 2-7, as numbers 4-9.

RESOLVED: That application K6640/3 – 97 Fareham Road, Gosport, be approved subject to the conditions set out in the report of the Development Services manager, and additional conditions relating to arrangements being put into place to secure contributions towards the provision of outdoor playing space within the Borough and transport infrastructure, services and facilities in compliance with Policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review, 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 development is acceptable in this location. It will provide additional employment opportunities and will not have an adverse impact on nature conservation interests, controlled waters, biodiversity, the character and appearance of the area or highway and pedestrian safety. Appropriate facilities are available for vehicular and bicycle parking and refuse storage and provision is made for highway and infrastructure improvements. The proposal therefore complies with Policies R/DP1, R/DP3, R/EMP1, R/EMP3, R/EMP7, R/CH1, R/T2, R/T3, R/T4, R/T11, R/OS11, R/OS12, R/OS13, R/ENV2, R/ENV4, R/ENV5, R/ENV14 and R/ENV15 of the Gosport Borough Local Plan Review.

Additional Condition 2

No development shall begin until arrangements have been put in place to secure a contribution towards the provision of outdoor playing space

within the Borough in compliance with Policy R/OS8 of the Gosport Borough Local Plan Review.

Additional Condition 3

No development shall begin until arrangements have been put in place to secure a contribution towards transport infrastructure, services and facilities in compliance with policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

The meeting commenced at 6.00pm and concluded at 6.53 pm

CHAIRMAN