

**A MEETING OF THE REGULATORY BOARD  
WAS HELD ON 8 DECEMBER 2009**

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

It was reported that, in accordance with Standing Orders, notice had been received that Councillor Ms Ballard would replace Councillor Mrs Bailey for this meeting.

**115 APOLOGIES**

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

**116 DECLARATIONS OF INTEREST**

- Councillor Carter declared a personal and prejudicial interest in item K8041/11 – Shangri-La, 17 Milvil Road

**117 MINUTES**

RESOLVED: That the Minutes of the Regulatory Board meeting held on 10 November 2009 be approved and signed by the Chairman as a true and correct record.

**118 DEPUTATIONS**

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

- K8041/11 – Shangri-La, 17 Milvil Road, Lee-on-the-Solent

**119 PUBLIC QUESTIONS**

No public questions had been received.

## **PART II**

### **120 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:

#### **121 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.**

Members of the Regulatory Board had attended a site visit at 10.30am on the day of the meeting. They viewed the site of the proposed extension from the rear garden of the application site and the rear of 15 Milvil Road.

Mr Brown, of 15 Milvil Road, was invited to address the Board. He advised that he felt the proposal was an overdevelopment of a residential area and that the intention of the owners was to destroy the garden for commercial gain.

He felt that the character of the building would be destroyed and that the proposed extension resembled prison buildings.

He advised the Board that the 2 metre high wall was not continuous along the entire length of the boundary as indicated in the report of Development Services Manager, as it consisted partly of fencing. In addition, he advised of his concern surrounding the repositioning of the lounge, that it would be close to the boundary of 15 Milvil Road and an obtrusive height of 3 metres. As a result he felt noise from the relocated lounge would have a detrimental impact on his property.

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. The extension would also be within close proximity of the property at 3 Nottingham Place.

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 had calculated that 170 square metres of outdoor amenity space would provide 6.3 square metres per bedroom, far short of the recommendation in

Policy R/H8 of the Gosport Borough Local Plan Review.

He expressed concern and that a reduction in the size of the rear garden would intensify the flooding experienced as a result of the front of the proposal site being laid to tarmac.

He advised the Board that he felt the owners were unsympathetic to local residents and the residential area in which the property was situated.

In answer to a Member's question, Mr Brown advised that his property had not experienced flooding prior to tarmac being laid at the front of the proposal site.

Mr Brown also advised that the pathway leading to the rear garden of the site from the repositioned lounge would run the length of the boundary with 15 Milvil Road. This would lead to loss of amenity for him due to increased noise.

Mr Reay, Planning Consultant for the application, was invited to address the Board. He advised that the proposed extension had been designed as a single storey development to allow direct, level access for residents to the shared outdoor amenity space. A single storey development would ensure that neighbouring properties would not be overlooked. He reiterated that the proposed extension would not be visible from Milvil Road.

He advised the Board that a two storey design would be possible, but that it would be more intrusive to neighbouring properties, less suitable for residents and would be detrimental to the design of the existing building.

Mr Reay advised that the outdoor amenity space was to be a central courtyard that was south facing and ideal for elderly residents wishing to sit outside. Access from the bedrooms would be inwards and would not overlook the surrounding properties. It was felt that direct access to the user friendly space would compensate for the reduction in size.

He felt that the space provided would be quality space, reflecting the needs of the elderly, less mobile residents in line with the guidance of policy R/H8 of the Gosport Borough Local Plan Review.

In answer to a Member's question, Mr Reay advised that the proposed extension would be rendered and painted and included a flat felted roof. This would replicate the external form of the existing building.

Members sought clarification on the recommendation for the provision of outdoor space and were advised that the policies quoted provided guidelines to assist in the consideration of the application. It was highlighted that the quality of the space provided was an important consideration due to the type of residents.

Members acknowledged that the reduction in outdoor amenity space was a concern for local residents but recognised that it was a well designed proposal which had drawn no objection from statutory consultees.

RESOLVED: That application K8041/11 – Shangri-La, 17 Milvil 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 The 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 in this location. The single storey extensions are located in a discreet location and will not harm the special character of the Local List building. The development will provide accommodation for the elderly within an accessible location. There will be no adverse effect on the character and appearance of the area, the amenities of occupiers of adjoining properties or future residents. Adequate provision is made for car and cycle parking. As such the development complies with Policies R/DP1, R/BH5, R/H8 and R/T11 of the Gosport Borough Local Plan Review.

**122 K5261/8 - INTERNAL AND EXTERNAL ALTERATIONS, INCLUDING ALTERATIONS TO THE ROOF, AND USE OF PREMISES AS A DAY NURSERY (USE CLASS D1) (as amended by plans received 21.10.09 and 23.11.09, Travel Plan received 18.11.09, landscape scheme received 19.11.09 and noise impact assessment received 20.11.09)  
13 High Street Lee-On-The-Solent Hampshire PO13 9BS**

Members were advised of the following updates:

Two additional letters of representation had been received but no additional issues had been raised.

The Local Highway Authority had accepted the proposals for the provision of cycle parking/storage.

Environmental Services had accepted the conclusions of the submitted noise assessment that the use would not give rise to any loss of amenity for the nearest local residents arising from noise.

Members recognised that concerns previously highlighted relating to noise and disturbance likely to be associated with the proposal, together with parking, traffic congestion and safety issues had been satisfactorily addressed by the applicant.

Members acknowledged the concerns of local residents but were encouraged that the proposal would bring a vacant building into use, providing a much needed childcare facility.

RESOLVED: That application K5261/8 – 13 High Street, Lee-on-the-Solent, be approved subject to a section 106 agreement relating to the implementation of a travel plan and 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 use as proposed will provide an important community facility and

employment opportunities for residents of the Borough. The site is located in an accessible location and the proposal will not have a detrimental impact on the visual amenity of the locality, the amenities of the occupiers of neighbouring residential properties, or highway and pedestrian safety. As such the proposal complies with Policies R/DP1, R/CF5, R/ENV10 and R/T11 of the Gosport Borough Local Plan Review.

**123 K15318/3- INTERNAL AND EXTERNAL ALTERATIONS AND DIVISION OF PROPERTY TO CREATE 1NO.THREE BEDROOMED DWELLING AND 1NO.SIX BEDROOMED DWELLING  
71 Manor Way Lee-On-The-Solent Hampshire PO13 9JQ**

RESOLVED: That application K15318/3– 71 Manor Way, Lee-on-the-Solent be approved subject to a section 106 agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and the payment of a commuted sum towards transport infrastructure, services and facilities 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 is acceptable in this location. The proposed internal and external alterations will preserve the architectural character and setting of the Locally Listed building and the development will not have a detrimental impact on the amenities of existing, adjoining or prospective occupiers or highway and pedestrian safety. Adequate provision is made for bicycle parking, refuse storage, open space and highway and infrastructure improvements. As such the proposal complies with Policies R/DP1, R/BH5, R/H4, R/T11, R/DP3, R/T4, and R/OS8 of the Gosport Borough Local Plan Review.

**124 K13045/10- CHANGE OF USE FROM DRIVING TEST CENTRE (SUI GENERIS) TO PHYSIO/MEDICAL CENTRE (USE CLASS D1) AND EXTERNAL ALTERATIONS INCLUDING THE PROVISION OF 2NO. NEW WINDOWS AND 3NO. VELUX SUN TUNNELS (CONSERVATION AREA) (as amended by plan received 20.11.09)  
Driving Test Centre South Street Gosport Hampshire PO12 1EL**

Members were advised that an additional letter of representation had been received indicating that the building should be used for retail purposes, rather than private health care. In addition, as the site was in a Conservation Area, further publicity arrangements had been required that would expire on 22<sup>nd</sup> December 2009.

It was therefore requested that authority be delegated to the Head of Development Control to determine the application once the publicity period had expired.

Members welcomed the proposal to bring a vacant building into use and employment opportunities to the Borough.

It was proposed and agreed that the recommendation be accepted and that the necessary delegated authority be given to the Head of Development Control.

RESOLVED: That Authority is delegated to the Head of Development Control to determine the application once the publicity period has ended. And that in principle application K13045/10– Driving Test Centre, South Street, Gosport, is acceptable subject to the conditions set out in the report of the Development Services Manager, for the following reason below.

- 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 use as proposed will provide an important community facility and employment opportunities for residents of the Borough. Appropriate facilities are available for vehicular and bicycle parking and refuse storage. The proposal will preserve the character and appearance of the High Street Conservation Area and will not have a detrimental impact on the amenities of the occupiers of neighbouring properties, or highway and pedestrian safety. As such the proposal complies with Policies R/DP1, R/BH1, R/S3, R/EMP5 and R/T11 of the Gosport Borough Local Plan Review.

**125 K16770/11- REGULATION 13 - LISTED BUILDING APPLICATION - INTERNAL REPAIR AND STRENGTHENING OF EXISTING TIMBER ROOF STRUCTURE, MINOR INTERNAL REPAIRS TO SUPPORTING BRICKWORK, LOCALISED RE-FIXING OF EXISTING/NEW SLATES AND REPLACEMENT HIGH LEVEL ENTRANCE DOOR TO UPPER ROOF VOID AT THE SOUTH END OF THE BUILDING (CONSERVATION AREA)**

**Grand Magazine Explosion The Museum Of Naval Firepower Priddy's Hard Heritage Way Gosport Hampshire PO12 4LE**

In answer to a Member's question the Board were advised that it was understood that the intention of the Portsmouth Naval Base Property Trust was for Grand Magazine to continue to be used as a museum.

RESOLVED: That Listed Building application K16770/11, Grand Magazine, Explosion The Museum of Naval Firepower, Priddy's Hard, Heritage Way Gosport, be approved subject to no direction from the Secretary of State calling in the application Grant Listed Building Consent 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 works proposed are the minimum required to ensure the stability of the roof structure to this Grade I Listed Building. The works are acceptable due to their limited nature and as they take place within the hidden upper roof space. They are of an appropriate design and will not adversely affect the historic character and appearance of 'A' Magazine or its setting. As such the proposal complies with Policy R/BH3 of the Gosport Borough Local Plan Review.

The meeting commenced at 6.00pm and concluded at 6.42 pm

CHAIRMAN