

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 10 AUGUST 2010**

The Mayor (Councillor Allen) (ex-officio), Chairman of the P & O Board (Councillor Hook) (ex-officio); Councillor Ms Ballard, Carter CR (Chairman) (P), Edwards (P), Henshaw, Hylands (P), Langdon (P), Ronayne (P), Scard, Miss West (P) and Wright (P).

It was reported that, in accordance with Standing Orders, Councillors Burgess and Beavis had been nominated to replace Councillors Scard and Henshaw respectively for this meeting.

52 APOLOGIES

Apologies for inability to attend the meeting were received from Councillors Scard and Henshaw.

53 DECLARATIONS OF INTEREST

Councillors Carter, Wright and Edwards declared personal and prejudicial interests in the following item;
K17788 – 36 St Mary's Avenue, Gosport

54 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 13 July 2010 be approved and signed by the Chairman as a true and correct record.

55 DEPUTATIONS

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

K17788 – 36 St Mary's Avenue, Gosport;
K14416/3 - Land Adjacent To 90 Green Crescent, Gosport
K17819 – Land at HMS Daedalus, Gosport

56 PUBLIC QUESTIONS

No public questions had been received.

PART II

57 REPORT OF THE BOROUGH SOLICITOR

The Borough Solicitor 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:

**58 K17788 - ERECTION OF TWO STOREY REAR EXTENSION AND FRONT ROOFLIGHT (as amended by plans received 09.06.10)
36 St Mary's Avenue Gosport Hampshire PO12 2HX**

Note: Councillors Carter, Edwards and Wright declared personal and prejudicial interests in this item, left the meeting room and took no further part in the discussion or voting thereon. Councillor Beavis Chaired the meeting for the duration of item K17788.

Members of the Regulatory Board had attended a site visit at 8.30am on the day of the meeting. Members had visited the garden in question, 36 St Mary's Avenue, and the neighbouring gardens, 34 and 38 St Mary's Avenue.

Mr Mitchell was invited to address the Board. He advised that he resided at 34 St Mary's Avenue and distributed photographs to the Board and to the applicant's representative, Mr Jacobs.

Mr Mitchell thanked the Board for their site visit that morning and was sorry that the applicants, Mr and Mrs Galloway, were unable to attend Regulatory Board that evening. Mr Mitchell noted that the strength of objection felt by local residents to this application was represented by the number of objections received and the number of residents present at the meeting that evening. He advised the Board that the main concerns were the loss of light and amenity, change of character to the house and the negative affect the proposal would have on the building line.

Mr Mitchell felt that the proposal did not comply with policy R/DP1 of the Gosport Borough Council Local Plan Review and that it would be grossly overbearing and a significant breach of the existing southern building line.

Mr Mitchell highlighted the loss of light as a key concern, with sunlight to the patio and bay window of number 34 St Mary's Avenue blocked out, especially in winter months.

Mr Mitchell suggested various possibilities for extension within the property; into the attic or over the garage as an existing resident of St Mary's Avenue had already done.

Mr Jacobs was invited to address the Board. He advised that he was representing Mr and Mrs Galloway as they were unable to attend and circulated the loss of light and amenity survey. He advised that, as part of their preparations for the application, the applicant had undertaken extensive research and consultation to ensure that the proposal was acceptable and had also made the following amendments to the proposal:

- Depth of extension had been reduced by 0.5 metres so that it would not

- be unduly overbearing;
- Three windows had been removed from the western side elevation;
- The front dormer window had been replaced by the single rooflight on the front roofslope;
- Design of the hipped roof had been amended to soften the appearance of the extension.

Mr Jacobs advised that a local architect had been employed to reduce any negative effects and keep the extension in character with the rest of the property.

Mr Jacobs noted that the applicants realised that loss of light was an important issue of their neighbours, but highlighted that they had undertaken a loss of light survey which determined that loss of light created by the extension for number 34 and 38 St Mary's Avenue was minimal and therefore passed the survey.

Mr Jacobs also highlighted what the Galloway's considered to be false representation of the extension in photographs circulated by Mr Mitchell at the last Regulatory Board. The applicant believed that the diagrams overemphasised the effect of the extension.

Mr Jacobs concluded that the Galloway's bought 36 St Mary's Avenue to be a family home and were building the extension to make the house into that. They were sad that the neighbours opposed that extension, but stated that they had a legitimate right to build on their land, especially as the plans submitted had met the necessary guidelines.

Councillor Forder, Ward Councillor for Anglesey was invited to address the Board. He advised the Board that he was representing the views of a number of constituents in objecting to the proposal.

Councillor Forder wished to reiterate his statement from the last Regulatory Board as he noticed that there were a number of substitutes on the Board whom he wished to address. He also noted two amendments on a letter he circulated to Members before the meeting.

Councillor Forder advised that he felt that the proposal would create a significant loss of amenity to neighbouring residents, particularly those at numbers 34 and 38 St Mary's Avenue.

He also felt that the proposal did not comply with policy R/DP1 of the Gosport Borough Council Local Plan Review and noted the subjective use of the policy.

In answer to a Member's question, officers explained that a two storey extension with a depth of 3 metres could be built without planning permission.

In an answer to a Member's question, officers acknowledged that the proposal would result in a certain level of overshadowing but did not consider this to be significant. Councillor Burgess stated that this loss of light would occur when the residents of 34 and 38 St Mary's Avenue would be at home, in the early morning and late evening.

Members reiterated Councillor Forder's concern that R/DP1 was not complied with.

RESOLVED: That application K17788 – 36 St Mary's Avenue, Gosport be refused for the reason below:

- i The proposed two storey rear extension by reason of its inappropriate size, scale, mass and proximity to the shared boundaries will result in an unacceptable feeling of enclosure for the occupants of numbers 34 and 38 and would be detrimental to their living environment with regard to loss of daylight to, and outlook from, the rear windows and most private areas of the rear gardens. The development is therefore contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.

**59 K14416/3 – ERECTION OF 5NO. DWELLINGS WITH ASSOCIATED AMENITY SPACE AND PARKING
Land Adjacent To 90 Green Crescent, Gosport**

Members were informed that following the distribution of the agenda, new information had come to light. A protective species had been discovered on the site and an ecological survey needed to be completed.

RESOLVED: That application K14416/3 be deferred pending the completion of an ecological survey.

**60 K17786 - CHANGE OF USE FROM RESIDENTIAL GARAGES TO ONE BEDROOM RESIDENTIAL UNIT, INCLUDING ALTERATIONS TO FRONT ELEVATION TO INCORPORATE NEW FRONT DOOR, WINDOWS AND 3NO. ROOF LIGHTS (CONSERVATION AREA) (as amplified by email dated 14.06.10 and amended by plan received 14.06.10)
Garage Site Opposite 1 Ashburton Road, Gosport, PO12 2LH**

Members were informed that the Section 106 had been progressed. Technically it cannot be completed until Members resolve to grant planning permission.

RESOLVED: That application K17786 – Garage site opposite 1 Ashburton Road, Gosport be approved subject 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 subject to the conditions set out in the report of the Borough Solicitor for the reason below:

- 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 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 conversion is compatible with the simple form of the building and is acceptable and will enhance the character and appearance of the

Conservation Area. The proposal will not have a detrimental impact on the amenities of neighbouring residents or prospective occupiers or the nearby habitat supporting a protected species. 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, R/OS8 and R/OS13 of the Gosport Borough Local Plan Review.

**61 K17819 - CONSTRUCTION OF PROPOSED MARITIME RESCUE COORDINATION CENTRE (MRCC) BUILDING, SINGLE STOREY SECTOR BASE BUILDING, COMMUNICATIONS TOWER AND ASSOCIATED ON SITE PARKING AND LANDSCAPING
Land At HMS Daedalus, Chark Lane, Lee-On-The-Solent, Hampshire, PO13 9FL**

Members were advised that a Section 106 agreement was being pursued by all parties. They were also advised that an additional condition requiring further details of light on the communications mast should be imposed.

Mr Spittel was invited to address the Board. He advised that he was representing the applicant. He informed the Board that the planning for this applicant had taken three years. Mr Spittel outlined the need to update the site as the existing site has reached the limits of its work. The land where the current site was located was not owned by the Maritime and Coastline Agency (MCA), but the land at HMS Daedalus was. In addition to this the operations of the Maritime Rescue Coordination Centre could be incorporated with the work of HM Coastguard who were also located on land at HMS Daedalus. Finally upgrades in technology would be made to the centre and mast.

Mr Spittel informed the Board that the development would enable the effective delivery of the MRCC.

In answer to a Member's question, Mr Spittel informed the Board that he was not aware of any other sub stations being closed.

Members welcomed the development especially with the possibility of more jobs for local people.

In response to a question relating to the provision of a pair of bus stops as identified in the report, members were advised that the County Council would determine what the transport contribution would be allocated to, however, consultation between the applicant and the County suggested that the provision of the bus stops was an possibility from a number of schemes.

RESOLVED: That application K17819 – Land at HMS Daedalus, Gosport be approved subject to the payment of a commuted sum towards transport infrastructure, services and facilities and the implementation of the Travel Plan and subject to the conditions set out in the report of the Borough Solicitor for the reason below and that authority be delegated to the Borough Solicitor to add an additional condition requiring details of lighting to the mast:

- i Having due regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations the development falls outside of the Urban Area and within the Strategic Gap but is essential to public services and will not diminish the visual appearance of the area. The design of the building and landscaping of the site are acceptable and the proposal will preserve the character of the Conservation Area. There will be limited impact on neighbouring properties and the impact and management of ecology and protected species is considered to be acceptable. There is not likely to be a harmful impact in respect of traffic and transport, flooding, land contamination or archaeology. The proposal therefore complies with Policies R/DP1, R/DP3, R/BH1, R/BH8, R/OS1, R/OS2, R/OS11, R/OS13, R/OS14, R/T2, R/T3, R/T4, R/T10, R/T11, R/ENV2, R/ENV4, R/ENV5, R/ENV7, R/ENV10, R/ENV11 and R/ENV14 of the Gosport Borough Local Plan Review.

**62 K16983/1 - ERECTION OF REPLACEMENT 15M HIGH TELECOMMUNICATIONS COLUMN AND EQUIPMENT CABINET (CONSERVATION AREA)
Highway Verge At Grange Lane, Gosport, Hampshire, PO13 9UR**

Members were informed that one letter of representation had been received advising that the telecommunication column be moved closer to the bowling green. As this did not fall within the scope of the current application and there was no material planning justification to refuse the current application, the proposal and recommendation remained as set out in the report.

RESOLVED: That application K16983/1 – Highway Verge at Grange Lane, Gosport be approved subject to the conditions set out in the report of the Borough Solicitor for the reason below:

- 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 as such complies with Policies R/DP1, R/BH1 and R/ENV13 of the Gosport Borough Local Plan Review.

63 ANY OTHER ITEMS

There were no other items.

The meeting commenced at 6.00pm and concluded at 7.03pm.

CHAIRMAN