

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 8 DECEMBER 2015 AT 6PM**

The Mayor (Councillor Farr)(ex-officio);Councillors Allen, Bateman, Carter (P), Dickson (P), Ms Diffey, Hicks (P), Hazel (P), Mrs Hook (P), Jessop (P), Langdon (P), Mrs Wright (P) and Wright (P)

It was reported that in accordance with Standing Order 2.3.6, Councillors Burgess, Philpott, and Hylands had been nominated to replace Councillors Allen, Bateman and Ms Diffey for this meeting.

59. APOLOGIES

Apologies for inability to attend the meeting were received by Councillors Allen, Bateman and Mrs Diffey.

60. DECLARATIONS OF INTEREST

- Councillors Hook and Mrs Hook declared a personal interest in respect of item number 1 of the grey pages of the report of the Borough Solicitor & Deputy Chief Executive.
- Councillors Hook, Mrs Hook, Carter and Dickson declared a personal interest in respect of item number 3 of the grey pages of the report of the Borough Solicitor & Deputy Chief Executive.
- Councillors Hook, and Mrs Hook, declared a disclosable pecuniary interest in respect of item number 6 of the grey pages of the report of the Borough Solicitor & Deputy Chief Executive.
- Councillors Burgess, Carter, Dickson, Hazel, Hylands, Hicks, Jessop, Langdon and Philpott declared a personal interest in respect of item number 6 of the grey pages of the report of the Borough Solicitor & Deputy Chief Executive.
- Councillor Carter declared a personal interest in respect of item number 9 of the grey pages of the report of the Borough Solicitor & Deputy Chief Executive.
- Councillors Hook, Mrs Hook, Burgess, Carter, Dickson, Hazel, Hylands, Hicks, Jessop, Langdon and Philpott declared a personal interest in respect of item number 10 of the grey pages of the report of the Borough Solicitor & Deputy Chief Executive.

61. MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 27 October 2015, be approved and signed by the Chairman as a true and correct record.

62. DEPUTATIONS

Deputations had been received on the following items:

- Item 1 of the grey pages - 14/00590/FULL – 35 High Street, Gosport
- Item 2 of the grey pages – 15/00499/FULL – Cordite Building No.2 Britannia Way
The Chairman asked the Board, under Standing Order 6.3.6, to consider receiving the deputation despite notice under Standing Order 3.5.1 not being given. The Board agreed to receive the deputation notwithstanding the notice under Standing Order 3.5.1 had not been given.
- Item 3 of the grey pages – 15/00388/FULL – Land to the Rear of 3-11 Elmhurst Road

63. PUBLIC QUESTIONS

There were no public questions.

PART II

64. REPORTS OF THE BOROUGH SOLICITOR AND DEPUTY CHIEF EXECUTIVE

The Borough Solicitor and Deputy Chief Executive submitted a report on applications received for planning consent setting out the recommendation.

RESOLVED: That a decision be taken on each application for planning consent as detailed below:

It was proposed and agreed that the meeting be adjourned when considering agenda item number 7 15/00117/DETS to allow Members of the Board the opportunity to read the addendum report before consideration of the application.

65. 14/00590/FULL - CONVERSION OF STOREROOM AND ERECTION OF FIRST FLOOR REAR EXTENSION TO PROVIDE 1 NO. TWO BEDROOM FLAT (CONSERVATION AREA) (as amended by plan received 05.06.15) 35 HIGH STREET, GOSPORT

Councillors Hook, and Mrs Hook declared a personal interest in respect of this item

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 14/00590/FULL.

The applicant Mr Khan was invited to address the Board.

Members were advised that a site visit was held at 2:30pm on 8 December, in the presence of the Applicant, where Members viewed the application site and the adjacent church. It was further advised that Officers had reviewed their records and could confirm that all relevant parties were informed of the previous Regulatory Board meeting and likewise had been informed of this meeting.

Mr Khan advised Members that due to the positioning of the buildings he felt the Church would not be affected by any overshadowing or loss of light.

Members discussed the potential for loss of light but noted that the building already lost some direct light due to the height of the buildings on the High Street and concluded that the proposal would not exacerbate the situation unacceptably.

RESOLVED: That planning application 14/00590/FULL, be approved subject to a Section 106 Agreement relating to the payment of a commuted sum towards infrastructure, services and facilities to secure transport and green infrastructure improvements to the Gosport Waterfront and Town Centre and subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

66. 15/00499/FULL - CHANGE OF USE OF FORMER CORDITE MAGAZINE (NUMBER TWO) TO 1 NO. THREE BEDROOM DWELLING CORDITE BUILDING NO.2 BRITANNIA WAY, GOSPORT

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 15/00499/FULL.

Members were advised that since the publication of the report, one additional letter of objection had been received. The following issues were raised:

- The building is on a smaller site than building no.1 and will, therefore, have more impact on the surrounding area and in particular the residents in Grafton Close, notably 1, 3, 5 and 7

- Proposed entrance in onto a narrow road and impact, especially during construction, would be considerable.
- Impact from sound and light pollution due to proximity to adjacent houses
- The height of the mound would also overlook adjacent gardens in winter when the trees are bare
- Agree with the case put forward in the report in respect of flora, fauna, heritage and open space

The Planning Officer advised that the issue relating to the size of this site and the additional impacts that this may have on wildlife and the Site of Interest for Nature (SINC) were addressed within the report, as were the issues raised in respect of the proposed entrance which forms reason for refusal 4.

The impacts of the proposals on the surrounding properties were also addressed within the report. Whilst lighting could be visible from outside of the site, this would be more limited in view of the height of the building and banks being similar which also prevent overlooking of adjacent properties. Overall it was not considered that any impacts from the proposed use of the site on the occupiers of adjoining properties would be harmful.

Dr Hudson was invited to address the Board and thanked Members for allowing his deputation to be considered.

Dr Hudson advised Members that he was representing over 80 local residents who had expressed concerns that the proposed development would have a harmful impact on wildlife habitats and protected species, in particular a badger sett which was semi-detached to the building and a bat roost which had been identified in the building.

He advised Members that the site was a site of interest for nature and known to contain reptiles, newts, lizards, slow worms, adders and other protected species and felt that excavating the sett and roosts would be contrary to protection laws.

Dr Hudson further advised that the site was known to contain blue asbestos and was heavy polluted with blue soil in places and apart from newts the undulating site was unsuitable for removal and implementation of new topsoil.

Dr Hudson felt that if this application were to be approved, traffic and pedestrians would be put in danger by having to exit onto a narrow part of road.

Members were further advised that the site was known to contain unexploded shells and had been attended to by bomb disposal teams.

In conclusion Dr Hudson advised the Board that he felt this application should be refused as the development would not meet Natural England standing rules for a grant of licence.

Following discussions Members felt that this development was inappropriate and recognised the ecological importance of the site and felt that it should be retained.

RESOLVED: That planning application 15/00499/FULL, be refused for the following reason(s):-

1. The proposed residential development would result in an incompatible use, within this designated Site of Nature Conservation Importance (SINC), where there is no overriding need and would not provide any benefits to outweigh the need to protect the nature conservation value of the site, contrary to Policies LP43 and LP44 of the Gosport Borough Local Plan 2011-2029.
2. Insufficient information has been submitted to fully assess the impacts of the proposals on the wildlife interests of the site, including those protected species and the proposals, therefore, fail to demonstrate that the proposals would not result in harm to protected species living on, or utilising the site, contrary to Policy LP44 of the Gosport Borough Local Plan 2011-2029.

3. The proposed residential development is in an incompatible and unacceptable use within the Existing Open Space, contrary to Policy LP35 of the Gosport Borough Local Plan 2011-2029.
4. The proposal would result in an unacceptable increase in vehicular traffic using this sub-standard access resulting in undue interference with the safety and convenience of other highway users, contrary to Policy LP23 of the Gosport Borough Local Plan 2011-2029.
5. Adequate provision has not been made for Infrastructure, Services and/or Facilities, nor the payment of a commuted sum in lieu of the provision, contrary to Policy LP2 of the Gosport Borough Local Plan 2011-2029.
6. Adequate provision has not been made for mitigation against the harmful impacts of recreational disturbance in the Portsmouth Harbour and Solent and Southampton Water SSSI/SPA/Ramsar sites detrimental to the protected and other species for which these areas are designated and contrary to Policies LP2 and LP42 of the Gosport Borough Local Plan 2011-2029

**67. 15/00388/FULL - DEMOLITION OF EXISTING OUTBUILDINGS AND EXTERNAL FIRE ESCAPE AND ERECTION OF 5 NO. THREE BEDROOM DWELLINGS WITH ASSOCIATED ACCESS AND CAR PARKING (CONSERVATION AREA) (as amplified by ecological information received 15.10.15 and 20.11.15)
LAND TO THE REAR OF 3-11 ELMHURST ROAD GOSPORT**

Councillors Hook, Mrs Hook, and Carter declared a personal interest in respect of this item

Councillor Dickson declared a personal interest in respect of this item; he left the meeting room and took no part in the discussion or the voting thereon.

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00388/FULL.

Mrs Imber was invited to address the Board.

Members were advised that there were no updates.

Mrs Imber advised the Board that she was speaking on behalf of concerned residents in Elmhurst Road/Leventhorpe Court.

Mrs Imber advised Member's that 5 badgers frequently visited the site and felt that the habitat survey carried out was out of date. She requested that a new report be compiled before determination of the application.

Mrs Imber further advised that Elmhurst Road was heavily trafficked and served as parking for many users of Stoke Road. She informed Members that residents had concerns with emergency access to the houses being restricted by the additional congestion and proposed narrow access road.

The Agent Mr Lawrence was invited to address the Board. He advised Members that he had 30 years' experience with knowledge of the local area. He advised Members that the development would enhance the character of the area and that his client had worked with Planning Officers to adjust the proposal to accommodate neighbouring properties.

Members were advised by Mr Lawrence that an ecological report had been prepared and that an Ecologist had visited the site on three separate occasions to survey the site. It was acknowledged that the badger sett was in-situ and that a set of works, agreed by the Hampshire County Council Ecologist, would be carried out to mitigate any disruptions. It was further advised that a licence from Natural England would be required for the works proposed.

Mr Lawrence informed Members that he felt this development would not have a harmful impact on the area and would provide a positive contribution.

Officers clarified that the proposal included three off-road parking spaces per dwelling (including one in the garage) and that an appropriate badger survey had been recently undertaken and the Hampshire County Council ecologist had no objections.

Following discussions, Members recognised the importance in providing additional housing in the Borough and felt that precautions were in place to protect potential wildlife on the site.

RESOLVED: That planning application 15/00388/FULL, be approved subject to a Section 106 Agreement relating to the payment of a commuted sum towards infrastructure, services and facilities to secure transport and green infrastructure improvements within the locality and subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

**68. 15/00473/FULL - ERECTION OF PART TWO STOREY AND SINGLE STOREY SIDE EXTENSIONS ROOF CANOPY ALTERATIONS TO EXISTING WINDOWS AND DOORS AND ERECTION OF REPLACEMENT DETACHED GARAGE (as amended by plans received 28.10.15)
27 LONGWATER DRIVE, GOSPORT**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00473/FULL.

There were no updates.

RESOLVED: That planning application 15/00473/FULL, be approved subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

**69. 15/00309/FULL - ERECTION OF PART SINGLE, PART TWO STOREY REAR EXTENSION (as amended by plans received on 28.08.15)
5 ROSEMARY WALK, LEE-ON-THE-SOLENT**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00309/FULL.

There were no updates.

A Member sought clarification with respect to the proposed depth of the extension and the overall footprint of the building. The Planning Officer advised that as the size, scale and mass of the proposed extension was subservient to the existing dwelling and the first floor element was set in from the boundary it would not have a harmful impact on neighbouring properties.

Following discussions it was proposed and agreed that the item be deferred to allow Members of the Regulatory Board to undertake a site visit.

RESOLVED: That a site visit be arranged and that planning application 15/00309/FULL, 5 Rosemary Walk, be deferred to a future meeting of the Regulatory Board.

**70. 15/00547/VOC - VARIATION OF CONDITIONS 2 AND 11 OF PLANNING PERMISSION 15/00247/FULL TO AMEND APPROVED SITE LAYOUT AND SOFT LANDSCAPING SCHEME (as amended by information received 09.11.15 and 17.11.15)
DAEDALUS PARK LEE-ON-THE-SOLENT**

Councillor Carter declared a personal interest in respect of this item

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00547/VOC.

RESOLVED: That planning application 15/00547/VOC be approved subject to a Section 106 Agreement relating to the payment of a commuted sum towards the provision of transport infrastructure to be spent on improving cycle routes in the vicinity to improve connectivity and provide improved options for travel and subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

**71. 15/00509/FULL – ERECTION OF REAR CONSERVATORY (CONSERVATION AREA) (as amplified by plans received 19.11.2015)
12 ST MARKS ROAD, GOSPORT**

Councillors Hook, Mrs Hook, Burgess, Carter, Dickson, Hazel, Hylands, Hicks, Jessop, Langdon, Philpott, Wright and Mrs Wright declared a personal interest in respect of this item.

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00509/FULL.

There were no updates.

RESOLVED: That planning application 15/00509/FULL be approved subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

72. 15/00117/DETS - DETAILS PURSUANT TO 12/00591/OUT - EIA OUTLINE APPLICATION WITH ALL MATTERS RESERVED - MIXED USE DEVELOPMENT INCLUDING DEMOLITION AND PART DEMOLITION OF LISTED BUILDINGS AND BUILDINGS WITHIN A CONSERVATION AREA AND CONVERSION OF EXISTING BUILDINGS AND ERECTION OF NEW BUILDINGS TO COMPRISE 286 NO. RESIDENTIAL UNITS (CLASS C3); A CONTINUING CARE RETIREMENT COMMUNITY CONTAINING A 60NO. BED CARE HOME, COMMUNAL FACILITIES AND 244 NO. SELF-CONTAINED RETIREMENT UNITS (CLASS C2); OFFICES AND BUSINESS UNITS (CLASS B1); A HEALTH CENTRE (CLASS D1); HOTEL (CLASS C1); TEAROOMS AND RESTAURANT/BAR (CLASS A3/A4); CONVENIENCE STORE (CLASS A1); CHURCH, PUBLIC HALL AND HERITAGE CENTRE (CLASS D1) TOGETHER WITH ALTERATIONS TO EXISTING VEHICLE AND PEDESTRIAN ACCESS ARRANGEMENTS, OPEN SPACE PROVISION AND LANDSCAPING AND PARKING (as amplified by email dated 4.7.13 and amplified and amended by letters dated 19.12.13, 10.02.14, 17.3.14 and 7.7.14, emails dated 3.3.14, 19.3.14 and 24.6.14 and plans and information received 12.02.14, 3.3.14, 18.3.14 and 12.5.14)

**DETAILS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR PHASE 2 - DEMOLITION OF 3NO BUILDINGS AND CONVERSION OF CANADA BLOCK AND THE ERECTION OF 2NO. BUILDINGS TO PROVIDE 93NO. RETIREMENT APARTMENTS (CLASS C2), CONVERSION OF G BLOCK TO PROVIDE 8NO. RESIDENTIAL UNITS (CLASS C3) AND THE ERECTION OF A 60NO. BED CARE HOME (CLASS C2) WITH ANCILLARY LEISURE FACILITIES AND ASSOCIATED WORKS TO INCLUDE CAR AND CYCLE PARKING, REFUSE STORAGE AND LANDSCAPING (LISTED BUILDINGS AND LISTED PARK IN CONSERVATION AREA) (as amplified and amended by plans and information received 7.10.15, 17.11.15 and 19.11.15)
ROYAL HASLAR HOSPITAL HASLAR ROAD, GOSPORT**

The meeting adjourned at 7.15pm to allow Members to consider the addendum report.

The meeting reconvened at 7.25pm

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00117/DETS.

Members were advised that the Applicant had, since the publication of the report, requested that the Section 106 Agreement dated 25 September 2014 (required as part of the determination of the Outline Application) be varied to firstly allow the remaining 3 dwellings forming part of Haslar Terrace to be occupied before works to the Main Hospital building are completed and secondly to allow the demolition of one of the Zymotic ward buildings before the repairs and refurbishment of the remaining Zymotic hospital buildings have been completed.

An additional recommendation was therefore proposed in the Addendum Report, along with details of the drawings to be approved if Members resolved to approve the application.

RESOLVED: That planning application 15/0011/DETS be approved subject to the additional recommendation as amended as set out below:-

1. The full proceeds of the sale of the 3 dwellings forming part of Haslar Terrace are to be paid to the Council who will release it on once they confirmed they accept the report from the Independent Architect. Interest accruing to the money will be paid to the Applicant less the Council's cost of managing the money and complying with this provision when the money is released by the Council;
2. Copies of the contracts for the sale of each dwelling showing details of the purchaser and the purchase price are to be provided to the Council within 24 hours of exchange of contracts;
3. Each dwelling cannot be occupied until written confirmation the Council has confirmed in writing that the full sale proceeds have been paid to the Council;
4. The Council will not be release the money until an Independent Architect, approved by the Council, has submitted a report to the Council certifying that the Heritage Works are complete and the Council confirm in writing to the Applicant that the report is accepted. The money will be released within 20 working days of this written confirmation;
5. The Zymotic Hospital Building is not to be demolished until details of the award of the contract for the Zymotic Works have been submitted to and approved by the Council. The details shall include the name and address of the contractor and proposed date for starting the Zymotic Works on site;
6. The Zymotic Hospital Building shall not be demolished until a scheme for the demolition and dismantling of the Zymotic Building; the recovery of materials; appropriate and secure storage of the materials to be reused; and how the materials are to be reused have been submitted to and approved in writing by the Council. The demolition, dismantling, storage and reuse of materials shall be in accordance with the approved scheme;
7. The Zymotic Hospital Building shall not be demolished more than 6 weeks before the proposed date for starting the Zymotic Works on site;
8. Notice is to be given 15 working days before the start of the demolition/dismantling of the Zymotic Hospital Building;
9. Notice is to be given 5 working days before the Zymotic Works start on site.

- 73. 15/00127/LBA - LISTED BUILDING APPLICATION - DEMOLITION OF GALLEY AND GENERAL STORES, ALBERT BLOCK AND NO.3 SUBSTATION AND PART OF BOUNDARY WALL AND INTERNAL AND EXTERNAL ALTERATIONS TO FACILITATE THE CONVERSION OF CANADA BLOCK TO PROVIDE 36NO. RETIREMENT APARTMENTS (CLASS C2) AND CONVERSION OF G BLOCK TO PROVIDE 8NO. RESIDENTIAL UNITS (CLASS C3) (LISTED PARK IN CONSERVATION AREA) (as amplified and amended by plans and information received 7.10.15, 17.11.15 and 19.11.15)
ROYAL HASLAR HOSPITAL HASLAR ROAD, GOSPORT**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00127/LBA.

Officers advised that the list of documents to be provided under the previous item also applied to this application.

RESOLVED: That planning application 15/00127/LBA be approved subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

**74. 15/00470/FULL - ERECTION OF TWO STOREY REAR EXTENSION TO ENCLOSE EXISTING EXTERNAL STAIRCASE
THE ENCLOSURE PRIVETT PARK, PRIVETT ROAD, GOSPORT**

Councillors Hook and Mrs Hook declared a disclosable pecuniary interest in respect of this item; they left the meeting room and took no part in the discussion or the voting thereon.

Councillors Burgess, Carter, Dickson, Hazel, Hylands, Hicks, Jessop, Langdon, Philpott, declared a personal interest in respect of this item

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00470/FULL.

A Member raised concerns with the outstanding enforcement issue relating to conditions imposed on the existing external staircase and it was confirmed that the notice would only be withdrawn once the works to enclose the staircase were completed.

Members were advised that the application was to seek permission to enclose the staircase to mitigate any residents concerns regarding overlooking into adjacent gardens.

RESOLVED: That planning application 15/00470/FULL, be approved subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

75. ANY OTHER BUSINESS

The Planning Inspectorate had determined to dismiss the appeal at 7 Monckton Road, Alverstoke (15/00053/OUT) which sought Outline planning permission to replace the existing single dwelling with two dwellings. The Planning Inspector recognised that there was no objection to the removal of the existing bungalow and the redevelopment of the site but noted that the northern part of Monckton Road was formed of detached houses, within wide plots that contribute to a sense of openness, and the proposal would unacceptably harm this character. Furthermore, the Planning Inspector agreed with the Council that the ecological reason for refusal could have been avoided had the applicant submitted information during the application process, as requested, that they later submitted at the appeal stage. Therefore, a partial award of costs was awarded against the applicant on this ground.

The meeting concluded at 8.06pm

CHAIRMAN