

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 12 JULY 2017 AT 6PM**

The Mayor (Councillor Mrs Batty)(ex-officio); Councillor Hook (ex-officio), Councillors Allen (P), Beavis (P), Bergin (P), Carter (P), Ms Diffey, Earle (P), Farr (P), Foster-Reed, Hicks (P), Mrs Hook (P), Jessop (P), Raffaelli (P), Ronayne (P), Wright (P)

It was reported that in accordance with Standing Order 2.3.6, Councillors Chegwyn and Miss Kelly had been nominated to replace Councillor Ms Diffey and Foster-Reed respectively for this meeting.

23. APOLOGIES

Apologies for inability to attend the meeting were received from The Mayor and Councillors Ms Diffey, and Foster-Reed.

24. ELECTION OF VICE-CHAIRMAN

It was proposed and seconded that Councillor Mrs Hook be elected as Vice-Chairman for the municipal year 2017-2018.

25. DECLARATIONS OF INTEREST

- In respect of item 5 of the grey pages of the report of the Head of Planning Services, Councillor Raffaelli advised that he lived opposite the application site but there was no impact of the proposal on his property and he would therefore remain in the room and take part in the discussion and voting thereon.
- In respect of item 7 of the grey pages of the report of the Head of Planning Services, Councillor Mrs Hook advised that she knew the applicant and therefore would not take part in the discussion or vote.

26. MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 31 May 2017 be approved and signed by the Chairman as a true and correct record.

27. DEPUTATIONS

Deputations had been received on the following items:

- Item 1 of the grey pages 16/00602/FULL – Land to the Rear of 107 Elson Road, Gosport
- Item 3 of the grey pages 16/00390/FULL – Unit 3-4 Camden Street, Gosport –
- Item 4 of the grey pages 16/00169/FULL – Marycourt Co-Educational School – 27 Crescent Road, Gosport
- Item 6 of the grey pages 17/00208/FULL – 19 Amersham Close, Gosport
- Item 8 of the grey pages 17/00156/FULL – Land South of Netherton Road, Gosport
- Item 9 of the grey pages 17/00224/FULL – 11 North Close, Gosport

28. PUBLIC QUESTIONS

There were no public questions

PART II

29. LAND TO THE SOUTH AND WEST OF 15 ST THOMAS'S ROAD, GOSPORT

Consideration was given to a report of the Borough Solicitor and Deputy Chief Executive advising the Board of a request from the Radian Housing Group to vary the unilateral undertaking given on 21 December 2006 relating to the redevelopment of land lying to the south and west of 15 St. Thomas's Road, Gosport, now known as Somerset Court, Heritage Way.

RESOLVED: That the variation of the mortgagee exclusion clause in 4.2.5 of the Undertaking be agreed to ensure that it meets the needs of the Radian Housing Group.

30. LAND AT ST GEORGE'S BARRACKS (SOUTH)

Consideration was given to a report of the Borough Solicitor and Deputy Chief Executive advising the Board of a request from the Radian Housing Group to vary the section 106 agreement dated 14 March 2003 relating to the redevelopment of St. George's Barracks (South).

RESOLVED: That the variation of the mortgagee exclusion clause in 5.2 of the agreement be agreed to ensure that it meets the needs of the Radian Housing Group.

31. REPORTS OF THE HEAD OF PLANNING SERVICES

The Head of Planning Services submitted a report on applications received for planning consent setting out the recommendation.

The Board were advised that application 16/00599/FULL had been withdrawn from the agenda.

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

32. 16/00602/FULL – ERECTION OF BUILDING TO PROVIDE 4 NO. TWO BEDROOM FLATS AND 2 NO. ONE BEDROOM FLATS WITH ASSOCIATED PARKING, BIN AND CYCLE STORAGE AND LANDSCAPING (as amended by plan received 23.01.17) – RETENTION OF AND FURTHER WORKS TO A DETACHED GARAGE 107 Elson Road, Gosport

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00602/FULL.

The Board was advised that a site visit had taken place earlier in the day and that Members had viewed the site from the application site, and from the rear of 80 Elson Lane.

Mr Keith Oliver, the agent for the applicant, was invited to address the Board.

Mr Oliver advised the Board that he welcomed the Officer's recommendation of approval for the development, he advised that the proposal sat comfortably with the existing development and that the dormer windows and Juliet balconies were proposed to compliment this.

He advised the Board that the proposals were of similar density and build as those already on site.

He advised the Board that he accepted the neighbours' concern with regard to the loss of light, but that this was in part due to the large trees. Mr Oliver advised the Board that the applicant was prepared to enter into negotiations to prune the trees and clad or render the end of the building with a light coloured cladding/render to help alleviate any concerns.

Mr Oliver advised the Board the Local Highway Authority had no objection to the proposal and that the speed of any approaching traffic was a Police matter.

Mr Oliver advised the Board that the proposed eight parking spaces would provide enough additional parking and that traffic movements would be reduced as a result of the amended access to the site.

The Board was advised that the provision of parking spaces met local requirements and was not detrimental to the application.

In answer to a Member's question, the Board was advised that proposed Condition 3 would allow for the cladding or light coloured render to be applied to the end of the building.

A Member expressed concern that the markings on the highway outside the site would seem to indicate that the proposed splay at the entrance would not be achievable. Mr Oliver responded that the demolition of the toilet block and the removal of the wall would allow for two cars passing at the entrance.

A Member expressed concern that the dropped kerb and increased splay would only be marked with 'H' markings and therefore not enforceable and that as a result the marked bays could be blocked preventing two cars from passing.

Mr Oliver advised the Board that the Highway Authority were satisfied with the proposal.

In answer to a Member's question, the Board were advised that although the proposed development did not meet the guideline figures for space in the Design SPD, on balance, and for the application presented, the design was acceptable. The guidelines for space were used, amongst other things, as guidance for the planning officers.

Members accepted that the proposed sizes were comparable to those of the existing development.

In answer to a Member's question, the Board was advised that obscure glazing was acceptable for some of the bedroom windows of the proposal, as light could still get in and they could still function and be used for ventilation.

A Member thanked the applicant and neighbours for the opportunity to visit the site and the neighbouring properties. They expressed concern at the speed that traffic passed along Elson Road and that parked cars would create visibility difficulties for those exiting the site. They advised the Board that there had been a number of accidents on the road in the past three years and there was concern that this would increase if the proposed development went ahead. Concern was also expressed that it was a major access route to both Elson Schools.

It was suggested that to mitigate the potential traffic concerns double yellow lines could be added on the surrounding roads, but it was acknowledged that this would have an impact on the shop trade.

Members also expressed concern at the impact of the proposal on the neighbouring properties, particularly those in Elson Lane and loss of amenity and light to those properties. It was acknowledged that there had been an ongoing issue with regard to the trees, which were particularly tall, and Members welcomed the offer of the applicant to reduce them, at their expense, although it was accepted that this was not enforceable. In addition, concern was expressed at the height of the proposed building and the impact this would have on neighbouring properties, particularly in the Spring and Summer.

A Member advised the Board that following the site visit they had been reassured that the proposal was acceptable and, in any event, the site had previously been subject to heavy use from traffic when it was in use as a Public House.

In answer to a Member's question, the Board was advised that the impact of loss of light on a garden was a material planning consideration. It was also clarified that the building could be rendered in a light colour as part of the existing planning application.

RESOLVED: That planning application 16/00602/FULL be approved subject to the conditions in the report of the Head of Planning Services.

**33. 16/00390/FULL – ERECTION OF FENCE AND GATES
Unit 3-4 Camden Street, GOSPORT**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00390/FULL. Mr Rick Miles was invited to address the Board. Mr Miles advised the Board that he and the local residents were objecting to the design of the green mesh fence proposed to be erected outside of their properties. He felt that the fence was being erected to prevent children from playing on the land in front of the factory and that if it was for security reasons that it should be better in keeping with security fencing in the neighbouring area.

Mr Miles advised the Board that he felt that the occupiers of the factory had been aggressive towards the children and were not being considerate neighbours as they often played music loudly, slammed car doors and revved motorbike engines.

Mr Miles advised the Board that the land marked on the addendum was not owned by the applicant and that it had historically been used as a safe line of sight for those exiting the terrace in vehicles. He advised the Board that the presence of a safe line of vision had been a feature of a previous application for houses and a fence and that the recommendation for that proposal had been to refuse the application, Mr Miles advised that he was disappointed that this did not feature in the Highway Authority comments for this application.

Mr Miles advised the Board that if they felt need for a fence remains that due consideration be made for it to be in keeping with those security style fences within the community such as those shown in photographs handed to Board Members and with the original highway safety concern being fully incorporated and implemented into the design.

He also requested that consideration be given to residents' concerns that the proposal would make it difficult for emergency services to reach both the factory and the properties. In answer to a Member's question, Mr Miles advised that his objection was against the design of the fence, and the potential disruption to the route taken by emergency services vehicles to reach some of the properties in Camden Street and the factory. He added that he considered that the design was not appropriate and that consideration should be given to allowing a safe exit from the site.

In answer to a Member's question, it was clarified by officers that planning permission was only required for the end two metres of the proposed application and the gates and that fencing along the rest of the boundary could be erected without planning permission.

The Board was advised that the initial application was for a spiked fence and that it had been amended and that the green mesh fence was considered acceptable to balance security needs and the appearance of the fence.

Members understood that the residents had concerns about the proposal, but it was accepted that for the most part a fence could be erected without planning permission. It was also felt that a style of fencing similar to that in neighbouring Elizabeth Court would be preferable but Members understood that they could only determine the application before them, which was for mesh fencing.

Members felt that this was a further chapter in the dispute between the applicant and the neighbours which had arisen from disagreements over previous applications for the site.

RESOLVED: That planning application 16/00390//FULL be approved subject to the conditions in the report of the Head of Planning Services.

**34. 16/00169/FULL – DEMOLITION OF EXISTING SCHOOL BUILDING AND
ERECTION OF 4 NO. DWELLINGS (CONSERVATION AREA) (as amended)**

by plans and amplified by bat survey report received 27.06.16, 10.04.17, 26.04.17 and 30.05.17))

**Marycourt Co-Educational School 27 Crescent Road Gosport
Hampshire PO12 2DJ**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00169/FULL.

The Board was provided with an update from the Planning Officer as follows:-

1. Paragraph 6 of the 'Site and Proposal' section of the report states that the proposal is for "four 2.5 storey five bedroom dwellings". The proposal, however, is for two four-bedroom and two five-bedroom houses.

The Board was advised that, under the Parking SPD, the parking requirements for four and five bedroom dwellings are the same and so this had no bearing on the assessment or recommendation put forward in the Officer's report.

Mr Tutton was invited to address the Board. He advised that he was speaking in support of the application and that the existing building on site was 2.5 storeys tall and located to the North East of the site. He advised that it had previously been used as a private school but that this had closed seven years previously and that the County Council had advised that it was not required by them for education purposes.

The Board was advised that the building had been marketed since 2015 and that there had been initial interest to convert the building into use as a veterinary surgery, nursery or residential care home but that these interests had been withdrawn as it was felt the building was beyond reasonable repair.

Mr Tutton advised the Board that the applicants had sought advice from chartered surveyors that had also confirmed the building was beyond economic repair.

The Board were advised that the building was uninhabitable and that the layout and the format of the building was wrong for development.

Mr Tutton advised the Board that the Local Plan for Gosport stated that there should be good quality housing within the Borough and that the opportunity to provide this development would help to address the shortage of larger 4 bedroom properties required in the Borough.

Mr Tutton advised that he did not feel that the proposal was detrimental to the area, but would in fact enhance it, and requested that the Board approve the application.

In answer to a Member's question the Board was advised that the building was not a listed building but was situated in a Conservation Area and that the Council's conservation officer and structural engineer had assessed the building. It was felt by the Officers that the building was not beyond economic repair and that there was still value in the building remaining.

In addition to this, the Board was advised that the owner's inaction in allowing the building to fall into disrepair in the seven years it had been unused was not justification for deeming it irreparable or not retainable.

RESOLVED: That planning application 16/00169/FULL be refused for the following reason.

1. The application fails to justify with sufficient and appropriate evidence the loss of the important historic building which would significantly harm the setting of adjacent buildings and fail to preserve or enhance the character and appearance of the Anglesey Conservation Area, contrary to Policy LP12 of the Gosport Borough Local Plan, 2011-2029.

**35. 17/00208/FULL – RETENTION OF A CHANGE OF USE OF LAND FROM AMENITY INTO RESIDENTIAL DRIVEWAY AND 1.8 METRE HIGH FENCE (AMENDED SCHEME TO 16/00146/FULL)
19 Amersham Close Gosport Hampshire PO12 2RU**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00208/FULL.

The Planning Officer updated the Board that the applicant had submitted a rebuttal statement in relation to the letters of representation received. This was made public on 26.07.2017 at the request of the applicant and the contents of the statement did not materially alter the proposal or the officer's recommendation.

Janice Bromback was invited to address the Board.

She thanked the Board for allowing her to speak and advised that she lived at 6 Amersham Close and that prior to the erection of the fence the view from her window was across open space towards Gomer Lane and included a tree that had since been removed.

Mrs Bromback advised that the storage area that was visible above the fence had now been removed but that it was felt that this was a token gesture.

Members felt that the land should remain open and green as this was the original plan and design for the estate.

RESOLVED: That planning application 17/00208/FULL be refused for the following reasons:

1. The fence, by reason of its height and alignment represents an unduly prominent and incongruous feature that is not reflective of the established pattern of development in the area. It would be harmful to the character and visual appearance of the area and is contrary to Policy LP10 of the Gosport Borough Local Plan, 2011-2029 and the Gosport Borough Council Design Guidance: Supplementary Planning Document.
2. The fence and use of the hardstanding for the parking of large vehicles would detrimentally impact on the outlook of the occupiers of 6 Amersham Road and is contrary to Policy LP10 of the Gosport Borough Local Plan, 2011-2029.
3. The fence, by reason of its height and proximity to the edge of the public footpath to the north, creates an enclosed environment reducing intervisibility along the footpath which would be harmful to the safe movement of pedestrians. The proposal is therefore, contrary to Policy LP23 and Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

**36. 17/00156/FULL - ERECTION OF A DOUBLE GARAGE (as amended by plan received 23.05.17 and amplified by email received 23.05.17)
Land South Of Netherton Road Gosport Hampshire**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00156/FULL.

Mr Grubb was invited to address the Board. He advised that he resided in Avery Lane and that he used the land in question to access the rear of his property by vehicle and park off road in his garden and that there had been vehicular access to the rear of his property in this way for 40 years.

He advised the Board that he had removed the fence to the rear of his property to allow him to park in his garden and that this was important as the surrounding roads were overcrowded with cars and there were schools in the vicinity of Avery Lane. He advised the Board that he parked his work van in his garden and the removal of access would create further parking problems in the area.

The Board was advised that the owner of the land in question also owned the adjacent garages which had been left in a state of disrepair.

In answer to a Member's question, Mr Grubb explained that he did not have anything in his deeds that gave him a legal right to vehicular access. The Board was also reminded that rights of access were private legal matters and not material considerations for planning applications.

Mr Critchley was invited to address the Board. He advised that he was the agent for the applicant.

He thanked the Board for the opportunity to speak and advised the Board that he felt that it was clear from the report that there was no harm to amenity from the application, but rather the opposite as the land would be transformed from a scruffy wasteland.

Mr Critchley advised that the land in its current state had no beneficial use; the garage would provide spaces for two cars so there would be no change in the parking level.

Members were advised that a one metre gap would remain along the side of the proposed garage to allow for pedestrian access to the rear gardens of the properties 17-19 Avery Lane.

Mr Critchley advised that the 17 other garages located further along the access path that belonged to his client did not form part of the planning application and that he had no information about his client's intentions with respect to their future..

Mr Critchley advised that the height of the garage would be sufficient to accommodate a small panel van.

Mr Critchley also confirmed that there was not any legal right to vehicular access across the land.

Members expressed concern at the proposal and, whilst it was accepted that the garages were not part of the application, Members would nevertheless like more information on their use.

Members were unclear about the location of the site and how the proposed garage would fit into the area, and it was proposed and seconded that determination of the application be deferred for a site visit.

RESOLVED: That application 17/00156/FULL be deferred for a site visit.

**37. 17/00224/FULL – ERECTION OF SINGLE STOREY REAR EXTENSION,
FIRST FLOOR REAR EXTENSION AND FRONT CANOPY PORCH AND
BAY WINDOW
11 North Close Gosport Hampshire PO12 2PH**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00224/FULL.

Mr Valente-Mitchell was invited to address the Board.

He advised the Board that since moving to the property he had always been approachable and courteous to neighbour's and that he was largely satisfied with the proposal with the exception of the proposed size of the second storey rear extension as he had initially been informed that the proposal would be for 0.5 to 1 metre in depth, however the application submitted was for double that depth. He advised the Board that he felt this was excessive and was disappointed that the neighbours had not approached him directly to discuss the proposals.

Mr Valente-Mitchell advised the Board that the properties were south facing and that the proposed second storey extension would have a significant impact on the loss of natural light and heating to the rear of his property. He felt that the proposal would cause the heating and lighting in the rear of

his property to be required to be switched on at least two hours earlier than present in the winter and would therefore detrimentally impact on his family's finances and energy consumption.

Mr Valente-Mitchell felt that this went against the Local Authority's commitment to making homes in the Borough more efficient and reducing carbon footprints. He also expressed concern that the maintenance costs for his property would increase and that splash back would increase along with the risk of damp.

Mr Valente-Mitchell advised the Board that a proposal for a 2.5m extension would have a significantly detrimental impact on their standard of living. It will impact on family life (Article 8 of the Human rights act) but also the first protocol which is the protection of property with the right to enjoy our home. He also advised that he felt the proposal would have a detrimental impact on the value of his home and that he was disappointed that the application had been recommended for approval as no one had visited his property to see the impact that the proposal would have.

Mr Valente-Mitchell advised that as a family, the conservatory was often used for them to spend time in in the evenings, but that the proposal would render it useless. In addition, he advised that he also enjoyed eating his evening meal in evening sun on the patio area, something that his family would not be able to do if the proposal went ahead. He also felt that there would be an impact on the view from the back bedroom window as the proposal would be in close proximity and affect the currently good view and light afforded to it.

Mr Valente-Mitchell advised that he believed there was a forty-five degree rule from the centre of any window and questioned whether this had been applied in relation to his conservatory as it was the main source of light for the property.

Mr Valente-Mitchell advised that he did not wish to prevent his neighbours from developing their property, but had no choice to object as he felt the proposal was detrimental to him and would impact him financially. He advised that no other properties in the Close had extended in the way proposed, but had given due consideration to the light required by neighbouring properties.

Mr Valente-Mitchell advised the Board that he felt that plans could be amended to suit both parties to continue to enjoy their homes by reducing the depth of the extension, limiting the extension to match others in the close and applying the 45 degree rule to his conservatory. He requested that the amendments be made to allow sufficient light to his home and that full consideration be given to the amenity on his property.

In answer to a Member's question, Mr Valente-Mitchell advised the Board that the proposed extension would be detrimental to his conservatory and would increase his heating and lighting costs as a result of blocked light.

Mr Paul Pack was invited to address the Board. He advised that the proposals were intended to improve and modernise their home.

Mr Pack advised that the proposal would increase the size of their very small kitchen and to add an ensuite to their bedroom. The Board was advised that this was to allow them to host their family and enjoy spending time with their grandchildren in the summer holidays.

Mr Pack advised the Board that he had appointed an experienced architect to design the proposals that had undertaken similar projects in the area and was knowledgeable about the principles and regulations. Mr Pack advised the Board that he had offered his neighbours the opportunity to meet and discuss the proposal but this had not been taken up and he subsequently submitted his proposed plans to the Council.

Mr Pack advised that the properties were south facing and that the loss of light would therefore be minimal.

In answer to a Member's question, the Board was advised that the 45 degree rule was a rule of thumb in order to assess the likely effect of a development on light to adjoining properties.

Members were advised that as the property was south facing and the depth of the projection would be limited therefore the impact on neighbouring properties was not significant enough to justify refusal.

RESOLVED: That planning application 17/00224/FULL be approved subject to the conditions in the report of the Head of Planning Services.

38. 17/00087/FULL ARTICLE 4(2) DIRECTION - ALTERATIONS TO FRONT ELEVATION AND COVERSION OF DWELLINGHOUSE INTO TWO DWELLINGS WITH EXISTING COACH HOUSE RETAINED AS ANNEXE (CONSERVATION AREA) (as amended by plans received 18.04.17)

15 St Marks Road Gosport Hampshire PO12 2DA

Councillor Raffaelli advised that he lived opposite the property in question but that it had no impact on his property. He remained in the room and took part in discussion and voting thereon.

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/0087/FULL.

In answer to a Member's question, the Board was advised that an Article 4(2) direction removed specified permitted development rights in certain areas, often in conservation areas.

RESOLVED: That planning application 17/00087/FULL be approved subject to the conditions in the report of the Head of Planning Services.

39. 17/00146/FULLL – RETENTION OF AND FURTHER WORKS FOR THE ERECTION OF A SINGLE STOREY REAR EXTENSION 7 Vernon Close, Gosport, PO12 3NU

Councillor Mrs Hook declared that she knew the applicant and took no part in the discussion or voting thereon.

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to application 17/300146/FULL.

RESOLVED: That application 17/300146/FULL be approved subject to the conditions in the report of the Head of Planning Services.

40. 16/00446/FULL– LANDSCAPE IMPROVEMENT WORKS TO INCLUDE REPROFILING AND RESURFACING OF PROMENADE, NEW SEATING AND LIGHTING AND ALTERATIONS TO FLOOD DEFENCE WALL AND PROVISION OF GATES (LISTED BUILDING AND LISTED GARDEN IN A CONSERVATION AREA) (as amended by landscape details received 22.5.17 and flooding/sea wall details received 24.5.17 Royal Hospital Haslar Haslar Road Gosport Hampshire PO12 2AA

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00446/FULL

In answer to a Member's question about development of another part of the Haslar site, the Board was advised that this application related to the waterfront area of Haslar and that end users had not yet been identified for individual former hospital buildings.

Members welcomed the protection of the railway line.

RESOLVED: That application 16/00446/FULL be approved subject to the conditions in the report of the Head of Planning Services.

41. ANY OTHER BUSINESS

Members were advised appeals against decisions to refuse planning permission at 2 Warwick Close and 69 Seymour Road, Lee-on-the-Solent had been allowed.

The meeting concluded at 19.47

CHAIRMAN