

**A MEETING OF THE REGULATORY BOARD  
WAS HELD ON 18 APRIL 2018 AT 6PM**

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

It was reported that in accordance with Standing Order 2.3.6, Councillors Hook had been nominated to replace Councillors Carter for this meeting.

**116. APOLOGIES**

Apologies for inability to attend the meeting were received from Councillor Carter.

**117. DECLARATIONS OF INTEREST**

Councillor Ronayne declared a personal interest in grey pages agenda item 2 and advised he would be speaking as ward Councillor.

Councillor Beavis declared a personal interest in item 4 and declared that he would not be taking part in the discussion or voting, but would remain in the room.

Councillor Allen declared that he had relatives in Hazeldene rest home but that he would remain in the room and take part in the discussion and voting.

**118. MINUTES**

**RESOLVED:** That the Minutes of the Regulatory Board meeting held on 28 February 2018 be approved and signed by the Chairman as a true and correct record.

**119. DEPUTATIONS**

Deputations had been received on the following items:

- Agenda Item 1 of the grey pages – 17/00502/FULL – 9 Harwood Road
- Agenda Item 2 of the grey pages – 17/00579/FULL – 35 Elmhurst Road
- Agenda Item 4 of the grey pages – 17/00498/FULL – 1 Nottingham Place
- Agenda Item 5 of the grey pages – 18/00012/FULL – Hazeldene Rest Home, 20 Bury Road

**120. PUBLIC QUESTIONS**

There were no public questions

**121. LAND AT THE FORMER HMS DAEDALUS**

Consideration was given to a report of the Borough Solicitor advising the Board of a request from Wates Ltd to vary the section 106 Agreement dated 28 January 2016 (the 'Agreement') relating to the redevelopment of land at the former HMS Daedalus.

In answer to a Member's question, the Board was advised that Radian had been appointed as the long term manager for the affordable housing and that this was not to pre-empt the decision, but was necessary to allow planning permission for the shared ownership homes to be delivered within the required timescale.

The necessary regulations from central government had not been brought forward and therefore it was not possible to provide Starter Homes on the site at this time. The shared ownership dwellings would provide greater benefit as affordable housing would continue to be provided even if the shared ownership were to be sold on, allowing greater benefit to more people.

RESOLVED: That the planning obligations relating to the provision of affordable housing contained in the agreement and set out in paragraphs 2.3 and 2.8 of the report be agreed.

## **122. REPORTS OF THE HEAD OF PLANNING AND REGENERATION**

The Head of Planning and Regeneration 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:

### **123. 17/00502/FULL - RETENTION OF FRONT AND REAR DORMER WINDOWS AND HIP TO GABLE ROOF EXTENSION 9 Harwood Road Gosport Hampshire PO13 0TU**

Consideration was given to the report of the Head of Planning and Regeneration requesting that consideration be given to planning application 17/00502/FULL.

The Board was advised that Members had attended a site visit at the property.

Miss Briggs was invited to address the Board; she thanked members for their attendance at the site visit and advised that she had spent a lot of time and money on the development and that it would be the only 101 facility in Gosport, Fareham and Portchester.

Members felt that the proposal was acceptable, but expressed concern at the levels of parking available at the property. Members advised that they were supportive of the approval of the application, but requested that the provision of an additional parking space at the rear of the property be secured through an additional condition.

The Board also agreed to delegate authority to the Head of Planning and Regeneration to conclude the wording of and attach appropriate conditions to the application.

**RESOLVED:** That planning application 17/00496/FULL be approved subject to an additional condition requiring a parking space to be provided at the rear of the property with authority delegated to the Head of Planning and Regeneration to formulate and attach the condition.

### **124. 17/00573/FULL - CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION WITH SEVEN BEDROOMS (SUI-GENERIS) 35 Elmhurst Road Gosport Hampshire PO12 1PQ**

Consideration was given to the report of the Head of Planning and Regeneration requesting that consideration be given to planning application 17/0573/FULL.

The Board were advised that Members had undertaken a site visit to the property and that an additional letter of representation had been received from an existing objector raising the issue that the site visit should have taken place at 6pm when on street parking was not readily available and raising the fact that the work on the dwelling was nearly completed suggesting that the developer may have acted improperly.

The Board was advised by officers that the car parking issues had been addressed in the report and that the work undertaken on site did not require planning permission, the application was not retrospective and did not seek to regularise any work already undertaken, the application under consideration was for the change of use of the property only.

Tanya McDermott was invited to address the Board. She thanked Members for attending the site visit and meeting the landlord and hoped that in meeting them Members could see that he genuinely cared about the development and residents.

She reiterated to the Board that the enlargement of the property was permitted development and that a change of use to a six bedroomed HMO did not require planning permission and that the Board was being asked to consider the difference between a 6 bedroomed HMO and a seven bedroomed HMO and the impact that one additional bedroom would have.

The Board was advised that the tenants would be on low incomes and would not usually own cars and that the extra bedroom would not cause significant harm and that there was no evidence that the garage was required for off-street parking space and that one off street space was suitable provision for the 7 bedroomed HMO.

In answer to a Members question, and to provide clarity, the Board was advised by the planning officer that the Supplementary Planning Document relating to Parking advised that the parking requirement for a four or more bedroomed dwelling house was three car parking spaces. However, the use of the property could be changed to a HMO within class C4 for use by six people without the need for the provision of car parking, the existing garage was not being used as a car parking space and there was no requirement for it to be. It was considered that given this fall-back position, the implementation of a suitably worded planning condition for the provision of one off street parking space would be satisfactory and not conflict with LP23 of the Local Plan.

In answer to a Members question, the Board was advised that it would be difficult to require the demolition of the garage and the inclusion of a second parking space to the rear as this could present difficulties with the rear access way and access for bins and would be possible but not be a practicable arrangement.

Councillor Ronayne was invited to address the Board as ward Councillor. He thanked Members for attending the site. He advised that he was disappointed that the visit had not taken place at a later time when the parking problems were more severe. He advised the Board that parking was tight within the whole vicinity and that this proposal would exacerbate the problem.

He advised the Board that he accepted that the proposal was located close to Stoke Road, but that this brought its own problems with cars being damaged and an increase in traffic. He advised the Board that the granting of the application would set a dangerous precedent for the area and the Borough and that he felt that the fact that it was acceptable to change the property to a six bedroomed HMO under permitted development was inconceivable particularly as other, minor alterations such as some gazebos required a full planning application.

Councillor Ronayne advised the Board that the change from a two and a half bedroomed property to a seven bedroomed property would inevitably have an effect on the parking provision.

He advised the Board that the applicant had stated that the property could be used by transient workers and that by the very nature of that, they would have vehicles, as most people in Gosport did to travel to work and that an application for a seven bedroomed property would have to be considered by Hampshire County Council as to whether there was adequate parking provision.

Councillor Ronayne advised the Board that the additional window increased the scale and size of the development and reiterated that an application for a new property of this size would require full planning permission and the provision of more off street parking and objected to applicants proposing additional rooms to make additional profit.

A Member advised that they had found the site visit useful to get a full understanding of the site. They advised that they felt that it was unrealistic to suggest the proposal would not generate additional car users and suggested that there would be a mixture of cars and vans associated with the use.

They reiterated that the application for consideration was the change in use from a six bedroomed HMO to a 7 bedroom HMO and that planning permission was not required for a six bedroomed HMO,

or the physical work to the building and that consideration should only be given to the planning matters presented.

Members recognised that the property was located close to the Town Centre and HMOs were an important provision for housing in the Borough. It was recognised that there had to be a point at which planning applications needed to be submitted for HMOs to allow formal consideration and that the application for consideration was only for one additional bedroom above that what could be used without needing planning permission, however, Members recognised that the parking within the locality was already at breaking point.

Members expressed concern that if the property had been a new build the requirement would have been for 3 off road spaces and advised that they were uncomfortable with the proposal as there was no room to create off road parking..

Members recognised that the locality and the properties in it had been built when there were very few cars and vehicles and that as a result, the vicinity was not best placed to cope with modern vehicle ownership levels.

Members debated whether the additional bedroom would have significant impact . It was acknowledged that the Board was only being asked to consider one additional bedroom, however, Members also recognised that the any increase to parking would add pressure to the surrounding area.

It was proposed and seconded that the application be refused as it did not comply with Policies LP10 and LP23 of the Local Plan in that adequate provision had not been made for off street parking and that as a result the proposal was detrimental to the amenity of the neighbouring properties.

**RESOLVED:** That planning application 17/00573/FULL be refused as it does not comply with Policies LP10 and LP23 of the Local Plan in that adequate provision had not been made for off street parking and that as a result the proposal was detrimental to the amenity of the neighbouring.

**125. 17/00540/FULL- ERECTION OF DETACHED DWELLING Land To Rear Of 181 Portsmouth Road Lee-On-The-Solent Hampshire**

Consideration was given to the report of the Head of Planning and Regeneration requesting that consideration be given to planning application 17/00540/FULL

Members advised that the site visit was helpful in appreciating the proposed changes.

**RESOLVED:** That planning application 17/00540/FULL be approved subject to the conditions contained in the report.

**126. 17/00598/FULL - ERECTION OF A TWO STOREY DWELLING AND AMENDED ACCESS FOR 1 NOTTINGHAM PLACE (as amended by plans received 24.01.2018 and amplified by plans received 06.03.2018) 1 Nottingham Place Lee-On-The-Solent Hampshire PO13 9LZ**

Consideration was given to the report of the Head of Planning and Regeneration requesting that consideration be given to planning application 17/00598/FULL.

The Board was updated that further to the report, in order to further safeguard the residential amenities of the occupiers of neighbouring properties, it was proposed that the upper floor windows in the flank elevations of the proposed dwelling, as shown on the submitted plans, be obscure glazed and that this be secured by the imposition of a suitably worded planning condition.

The Officer's recommendation remained unchanged with the additional following condition added.

All side facing windows above ground floor level shall be obscure glazed to a minimum of level 3 on the Pilkington Scale (or any other equivalent that may be agreed in writing by the Local Planning Authority) and shall not open below a height of 1.7 metres above the finished floor level adjacent to the window. These obscure glazed and non-openable windows shall thereafter be retained.

Reason - In order to protect the residential amenities of the occupiers of neighbouring properties and to comply with Policy LP10 of the Gosport Borough Local Plan, 2011 - 2029.

Mrs Carter was invited to address the Board.

She thanked the Board for allowing her to speak as a resident of No. 3 Nottingham Place.

She advised the Board that the application was originally submitted in October 2017 and that there had been a number of subsequent design changes that had introduced significant amendment following her objections.

The Board was advised that this had not been easy to follow as there had been no additions to the Architect Design and Access Statement dated 25<sup>th</sup> October 2017. Mrs Carter advised that she agreed that the design was innovative and that it was commendable that it would utilise sustainable energy features and felt that development of this type should be encouraged but advised that it was unfortunately being squeezed onto a garage plot to the detriment of the existing property.

Mrs Carter advised that the architect statement referred to 1 Nottingham Place being dealt with under a separate application so felt it was relevant to comment on the impact to that existing property. 1 Nottingham Place was a character four bedroom imposing property from the early 20<sup>th</sup> century built equidistant upon an east / west plot. It was possibly unique to the area in that it did not face the road. The proposed new dwelling would be upon the existing garage and garden site of No1 and would include tandem parking for two vehicles.

The Board was advised that in order to provide continued parking for number 1 for three vehicles in accordance with the SPD a tandem parking arrangement would be required- across the front of the property. There would then be on site adjacent tandem parking of up to five vehicles and visitor parking would be off site.

Whilst it was noted that the Officer report stated “-The proposal would not harm the character and setting of 1 Nottingham Place” Mrs Carter advised that she would challenge that view, as in her opinion the proposal, by reason of its form and incongruous location, would represent an unacceptable and prominent addition to the curtilage of 1 Nottingham Place and would detract from the characteristics of that property and the sense of place of the surrounding area. She noted the Local Highway Authority raised no objection and the Officer report considered the “parking provision to be acceptable and would not harm the amenity of occupants of the local area nor highway safety”

Mrs Carter advised that she would strongly challenge this statement as there were parking restrictions in Nottingham Place which could be expected to be enforced when and if the access to the Daedalus site was reopened. She advised that there was regular on street parking on the Northern side and that Nottingham Place was a surprisingly busy road and there were now an increased numbers of pedestrians. 1 Nottingham Place also straddled the Milvil Road corner junction with Nottingham Place, where there are existing double yellow lines.

Mrs Carter suggested that if the proposal proceeded and there were tandem parked vehicles reversing and manoeuvring on to Nottingham Place this would create an unnecessary highway safety issue.

Mrs Carter advised that she wished to refer to the impact upon 3 Nottingham Place. The report stated, there were three small obscure east facing windows that fulfil a primary function of bringing sunlight into the ground floor living area and noted that -the report stated that light into these windows was already compromised by the existing boundary and garage.

She advised that it was unclear upon what basis the statement could be made and stated that sun light was presently received through those windows and did not accept as the report suggested that No3 Nottingham Place would benefit from reflected ambient light to the extent that there would be no harm to the amenity of number 3 Nottingham Place.

Mrs Carter concluded by referring to the spiral stairway, which was a later change and not mentioned in the Design and Access Statement.

She advised that there was much concern to her as it would look down into her property and rear garden. An obscured screen was proposed but that would not work unless it was completely enclosed and this was not evident from the plan.

She advised that she noted that in the conditions the report stated "the obscure glazed screen shall thereafter be retained in that condition". But questioned how this would be enforced.

She summarised by objecting to the proposal because

- 1 It would detract from the established character of No1 Nottingham Place.
- 2 Could result in Highway safety issues resulting from tandem parked vehicles manoeuvring on to Nottingham place.
- 3 Would be detrimental to the amenity of No. 3 Nottingham Place.

She advised that if the Board were minded to grant the application she hoped that Members would first consider visiting the site.

Mr Roberts was invited to address the Board. He advised that there was no intention to damage 1 Nottingham Place and that the application had been developed to be sympathetic to 1 Nottingham Place and that he was happy to answer any questions.

Members welcomed the opportunity to question the applicant, and questioned whether the applicant had engaged with neighbours and were advised that prior engagement had taken place and had been positive.

In answer to a Member's question, the Board was advised that the parking provision was for two cars, but that Mr Roberts advised that he only had one car and there was no plan to increase this as he was a keen cyclist and mainly cycled.. He advised that there would be five spaces for the two properties and that on road parking would seldom be required.

It was proposed and seconded that the proposal be deferred for a site visit.

**RESOLVED:** That application 17/00598/FULL be approved deferred for a site visit.

- 127. 18/00012/FULL - ERECTION OF A SINGLE STOREY REAR EXTENSION AND ROOF EXTENSION; INSTALLATION OF DORMERS, A THIRD FLOOR WINDOW AND ROOF LIGHTS; AND INCREASE IN HEIGHT OF LIFT TOWER TO FACILITATE THE CREATION OF 5 NEW BEDROOMS TO INCREASE THE NUMBER OF RESIDENTS FROM 29 TO 34 (CONSERVATION AREA) (RESUBMISSION OF 17/00323/FULL) (amended by plans received 02.03.2018)**

**Hazeldene Rest Home 20 Bury Road Gosport Hampshire PO12 3UD**

Consideration was given to the report of the Head of Planning and Regeneration requesting that consideration be given to planning application 18/00012/FULL.

Mr Jones was invited to address the Board.

He advised that he lived at 18A Bury Road, adjacent to the proposal, and advised that he was representing both 18A and 18 Bury Road. He advised that the property was a large detached property that had been divided into 2 semi-detached properties that were grade two listed and much loved. He advised that the residents had strived to maintain the integrity of such properties.

He advised the Board that the side wall of 20 Bury Road was an eyesore, that it was pebble dashed and had large levels of moss damage. He advised that when the property had been purchased he had accepted the unsightly view as it offered some level of privacy. He advised the Board that the photographs he had provided to the Board showed why he objected to the proposal as it would affect the privacy and light of his property and that it would affect his enjoyment of his garden. He advised that a previous application had been turned down and that the proposed east and west dormers had been ruled to have an overbearing impact on 18/18A Bury Road affecting the privacy and outlook of the properties and would harm amenity, not complying with policy LP10 of the Local Plan.

Mr Jones advised the Board that the new proposed dormer would overlook the grassed area of his property and that the glass was only required to be the third level of obscurity.

He advised the Board that the previous application proposed a dormer in an area that had caused noise nuisance to neighbouring properties as the residents were often hard of hearing so had louder television sets and there had also been noises from residents screaming and that as a result he was shocked that a dormer was still proposed and that there would still be an effect on the properties at 18/18A Bury Road. The boundary would still be the same and that he was surprised that this proposal was recommended for approval as the affect on his property would be the same.

In answer to a Member's question, Mr Jones advised that the upgrading of the glazing to a level 5 would not reduce the impact as it was the presence, position and proximity of the proposal that was the issue.

Martin Critchley and Allen McGregor were invited to address the Board.

Mr Critchley thanked the Board for allowing him to speak and thanked officers for their patience and help in processing the application.

Mr McGregor advised the Board that he was the owner of the property and that it was a small family owned facility that provided specialist dementia care. He advised the Board that in the long term there would be a greater demand for such services as there was an aging population and there was predicted to be a growth in over 85 year olds between 2015 and 2025 and that there had been increases in both over 65s and over 85s at the last census, as well as an increase in those with dementia, most of which were over 80.

The lack of suitable residential care was a major cause of bed blocking in hospitals and it was hoped the proposals could in some way alleviate this.

The Board was advised that the residents in the property were entering the final chapter of their lives and that the proposal would allow them to live safely and happily with dignity. The Board was advised that the extension would provide 5 new rooms, all with wet rooms, two large activity rooms and a store for 6 mobility scooters. The access would have better disabled facilities and the staff would have a better work place. Residents would be able to safely walk from one end of the property to the other, from the front lounge to the garden and the second floor would provide the activity rooms and reading lounge allowing for greater stimulation and higher standards of care and support.

The proposal would allow for better ambulance access and would make the facility the optimum size for such a facility providing the best ratio of nurses to patients. The Board was advised that the applicant worked hard to ensure that the frontage of the building was in keeping with the area and attractive and that they tried hard to maintain the style of the property

The Board was advised that the photographs provided were inaccurate and did not show the correct impact of the dormer.

In answer to a Member's question, the Board was advised that the dormer would contain 2 bathrooms and toilets as it was acknowledged that when families looked for care facilities for their relatives they look for en-suite facilities for their family members.

The rooms proposed were not viable without the toilet facilities and could not be located elsewhere

In answer to a Member's question, the Board was advised that there had never been any issue with odours from the bins and that there would be an increase in pick ups of waste from the site to accommodate the extra rooms.

In answer to a Members question, the Board was advised that the highest level of obscure glass was always used and that windows could not be opened any greater than two inches and whilst the owner could not guarantee that there would be no noise from the property the noise would be managed as far as possible.

In answer to a further question, the Board was advised that the application differed from the previous one refused in October 2017 as it had removed the front and rear dormers and front conservatory and would retain and improve the boundary screening along Bury Road and alter the position of the parking, scooter store, bin and cycle store provision.

Members thanked officers for their clarification and felt that the application should be deferred to allow a site visit to take place. This was proposed, seconded and subsequently agreed.

**RESOLVED:** That application 18/00012/FULL be deferred for a site visit.

## **128. ANY OTHER BUSINESS**

The Chairman thanked officers and Members for their work over the municipal year and welcomed that there had been members of the public in attendance.

Members thanked the Chairman and Vice Chairman for their work and professionalism over the year.

The meeting concluded at 19.22

CHAIRMAN