

## **A MEETING OF THE REGULATORY BOARD**

### **WAS HELD ON 15 JANUARY 2008**

The Mayor (Councillor Gill) (ex-officio), Chairman of the Policy and Organisation Board (Councillor Cully) (ex-officio), Councillors Allen, Carter (P), Chegwyn (P), Davis (P), Farr (P), Foster, Hicks (P), Taylor (P), Train (P) and Ward (P).

#### **131 APOLOGIES**

Apologies for inability to attend the meeting were received on behalf of the Mayor and Councillors Allen, Cully and Foster.

#### **132 DECLARATIONS OF INTEREST**

- Councillor Ward declared a Personal and Prejudicial interest in item 7/02 (Land Adjacent to 90 Green Crescent)
- Councillors Carter, Taylor and Ward declared Personal and Prejudicial interests in item 7/11 (Court Barn, Court Barn Lane, Lee)

#### **133 MINUTES**

RESOLVED: That the Minutes of the Regulatory Board meeting held on 11 December 2007 be approved and signed by the Chairman as a true and correct record.

#### **134 DEPUTATIONS**

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

- Item 7/01 – K17320/1 – Land Adjacent to Huhtamaki
- Item 7/02 – K17387 – Land Adjacent to 90 Green Crescent
- Item 7/03 – K8699/2 – 1 Little Green
- Item 7/05 – K5744/16 – 24 Cresecent Road
- Item 7/07 – K5744/18 – Anglesey Hotel, 24 Crescent Road
- Item 7/10 – K17464 – 13 Bentham Road

#### **135 PUBLIC QUESTIONS**

No public questions had been received.

## **PART II**

### **136 THE STANDARD APPLICATION FORM AND VALIDATION OF PLANNING APPLICATIONS: PROPOSED LOCAL LIST OF REQUIREMENTS**

Members considered the report of the Development Services Manager (a copy of which is attached in the Minute Book as Appendix 'A') which recommended that the proposed list of documents required by Gosport Borough Council for the validation of planning applications as set out in Appendix A to the Manager's report be adopted for Development Control purposes. A consultation had been undertaken during the six weeks between 22 October and 10 December 2007. In the light of government issued guidance and comments received the 'Local List' had been finalised and was now before Members of the Board for consideration and determination. The new arrangements would apply from 6 April 2008 when use of the standardised national planning application form would become mandatory.

RESOLVED: That the proposed list of documents required for the validation of planning applications, as set out in Appendix A of the Manager's report, be adopted for Development Control purposes.

### **137 REPORT OF THE DEVELOPMENT SERVICES MANAGER**

The Development Services Manager submitted a report on applications received for planning consent setting out the recommendation in each case (a copy of which is attached in the Minute Book as Appendix 'B').

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

### **138 K17440 - ERECTION OF 3 STOREY NURSING HOME AND 3 STOREY HEALTH RELATED OFFICE BUILDING WITH ASSOCIATED ACCESS AND PARKING (as amended by information received 26.10.07, plans received 28.11.07 and information and plans received 4 January 2008) Land Adjacent To Huhtamaki Rowner Road Gosport Hampshire PO13 0PR**

It was noted that Members had attended an informal site visit.

Mr Meek, Highwood Group, was invited to address the Board in support of the application. Mr Meek's primary concerns were to allay fears that there was not adequate provision for parking and to give an overview of why the Nursing Home was required in the area. The parking requirement set by Traffic Management had been met and the site was in an accessible location with excellent public transport links. A green travel plan had also been agreed and would be implemented in due course. Mr Meek referred to the increasing numbers of elderly and retired people in the surrounding area and the need to house the growing numbers in suitable modern accommodation. He concluded by stating the main reasons for supporting the development: a state of the art campus; a planning compliant site in an ideal busy location; an accessible site; opportunities for the local workforce; the benefits of care provided by a PLC; that 85% of beds would be placed with NHS services; that *circa* 120 jobs would be created and the suitability of the flagship modern design of the

proposal.

It was clarified that the plans had been amended to provide 27 car parking spaces, 5 more than previously proposed.

**RESOLVED:** That application K17440 – Land Adjacent To Huhtamaki, Rowner Road, Gosport be approved subject to the provision of a Section 106 Agreement relating to the payment of a commuted sum towards the improvement of public transport and cycling facilities and the restriction of the use of the office to health and community facility provision, and subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i. That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location and will not be detrimental to the character and appearance of the street scene or amenities of adjoining occupiers. The proposed landscaping will encourage biodiversity and the design incorporates energy efficiency features. Measures have been put in place to ensure the safety and convenience of pedestrians and encourage other methods of transport than the private car. As such the proposal complies with Policies R/CF4, R/DP1, R/DP6, R/T3, R/T4, R/T5, R/T10, R/T11, R/ENV14, R/OS14, R/EMP6 and R/H8 of the Gosport Borough Local Plan Review.

**139 K14416/1 - ERECTION OF TWO PAIRS OF SEMI-DETACHED DWELLINGS (as amended by plans received 23.11.07)  
Land Adjacent To 90 Green Crescent Gosport Hampshire**

**Note: Councillor Ward declared a Personal and Prejudicial interest in this item, left the room and took no further part in the discussion or voting thereon.**

It was noted that Members had attended an informal site visit. Members were informed that 90 Green Crescent was in fact to the south of the site rather than the north as was stated in paragraph 2 of the report of the Development Services Manager.

Mr Simpson, 88 Green Crescent, was invited to address the Board in objection to the proposal. Mr Simpson explained that he had lived in Green Crescent for 7 years and that what had attracted him to this quiet corner of the area was that it was off the beaten track and had 2 car parking spaces. He had been informed by estate agents that his property would be devalued if the proposed development was approved. He believed that 2 spaces were now needed per family, rather than the 1.3 spaces recommended in 1982. With regard to the 2 metre boundary wall to be erected and the extent of the development, Mr Simpson felt that the foundations of his house would be at risk and that the sewer would not have the capacity to cope with an additional 4 properties. Mr Simpson was aggrieved as he felt he had not been consulted or informed of the proposal in the correct manner. He added that he agreed the area was untidy and had tried to get the landlord to rectify this, but the garages were well used and there were good reasons to refuse the application.

Officers explained the processes by which residents were informed of planning applications,

and the various circumstances in which certain methods of consultation were appropriate. The same procedures had been in place in the Borough for a long time and were recognised nationally as the ideal approach.

Members expressed their sympathy with Mr Simpson that his property is at risk of devaluation, but understood that this was not a planning issue and therefore not a reason they could use to refuse the application.

RESOLVED: That planning application K14416/1 – Land Adjacent To 90 Green Crescent, Gosport be approved subject to the provision of a Section 106 Agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase 2004 and all other material considerations, the proposal is at an acceptable density and will provide a sympathetic development in this area and will not have a detrimental impact on the amenities of neighbouring or prospective occupiers. Adequate provision is made for open space, car and cycle parking and refuse storage. As such the development complies with Policies R/DP1, R/DP6, R/H4, R/T11 and R/OS8 of the Gosport Borough Local Plan Review

**140 K8699/2 – RETENTION OF EXISTING WORKS AND FURTHER WORKS TO EXTENSIONS AND CONVERSION TO FORM TWO TERRACED HOUSES, ONE WITH 4no. BEDROOMS AND ONE WITH 2no. BEDROOMS (ADJOINING CONSERVATION AREA) (as amended by plans received 17.08.07 and by plans and Design and Access Statement received 28.11.07)**  
**1 Little Green Gosport Hampshire PO12 2EU**

Mr Redpath, 40 Little Green, was invited to address the Board in objection to the proposal. Mr Redpath expressed his concern that a Section 106 Agreement, the payment of a commuted sum towards the provision and/or improvement of outdoor playing space, was required in order for the application to be approved.

Officers explained that there was nothing unusual or untoward in Local Planning Authorities assessing an application and deciding that certain planning issues such as open space criteria were not satisfactory and unless overcome by a planning obligation the proposal would be refused. The power to require planning issues to be overcome by financial payments had been excisable by Local Planning Authorities since 1972. Members of the public should be reassured that the Board regularly approved applications subject to the completion of a Section 106 Agreement and that it was common practice throughout the country and specified in legislation.

Mr Robert Tutton, the planning agent representing the applicant, was invited to address the Board in support of the application. He stated that the site was in an accessible location and close to Alverstoke Village. The current density of the site was 17 dwellings per hectare (dph) and would increase to 33dph, well within the requirements made in the Gosport Borough Local Plan Review. He believed that the proposal represented a good use of space

and was of a sympathetic design. Mr Tutton referred to Policies contained in the Local Plan and comments made by the Traffic Management section to support his view that the application should be approved. He had read the letters of representation submitted by residents and was satisfied that the character of the proposal was in keeping with the area, that there would be no loss of amenities to residents and that there was no risk of flooding at the location.

Members were unhappy that the works had not been carried out as originally agreed, but appreciated that they had to assess the application as it was before them now.

RESOLVED: That planning application K8699/2 – 1 Little Green, Gosport be approved subject to the provision of a Section 106 Agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i. That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in principle this location. It is of an appropriate design and will not have a detrimental impact on the character and appearance of the adjoining Conservation Area, street scene, amenities of existing, adjoining or prospective residents or highway safety. Adequate provision is made for access, car parking, cycle parking, refuse storage and open space. As such the proposal complies with Policies R/DP1, R/DP7, R/BH1, R/H4, R/H7, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

**141 K2576/5 – DEMOLITION OF EXISTING DWELLING AND ERECTION OF 2.5 STOREY BUILDING COMPRISING 8NO.2 BED FLATS WITH ASSOCIATED PARKING, CYCLE AND REFUSE FACILITIES  
38 - 40 High Street Lee-On-The-Solent Hampshire PO13 9BZ**

Members were informed that amended plans had been received on 13 January 2008.

Members discussed the comments made by the Traffic Management section and asked whether a condition could be implemented to ensure that details of the lighting for the car park area could be submitted to the Council before commencement of any works.

RESOLVED: That planning application K2576/5 – 38 - 40 High Street, Lee-On-The-Solent be approved subject to the provision of a Section 106 Agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i. That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location and will not adversely impact on the character and appearance of the area, the amenities of adjoining occupiers or highway safety. Appropriate provision has been made for parking of vehicles, cycle storage, refuse

storage, amenity and open space and consideration of energy efficiency and use of renewables. As such the proposal complies with Policies R/DP1, R/H4, R/T11, R/ENV14, R/ENV15 and R/OS8 of the Gosport Borough Local Plan Review.

**Additional condition**

Details of the lighting for the car parking area shall be submitted to and approved by the Local Planning Authority in writing and shall be provided as approved before the development is first brought into use.

Reason – In the interests of the amenity of the area and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

**142 K5744/16 – RETENTION OF SINGLE STOREY REAR EXTENSION, EXTERNAL STAIRCASE AND 3NO. CONDENSER UNITS (AMENDMENTS TO CONSENT K5744/13) AND FURTHER WORKS FOR THE INSTALLATION OF A DOOR IN THE REAR ELEVATION OF THE MAIN BUILDING AND RETENTION OF BOUNDARY GATES (LISTED BUILDING IN CONSERVATION AREA) (as amended by plans received 20.07.07)**

**24 Crescent Road Gosport Hampshire PO12 2DH**

Members were advised that an additional letter of objection had been received which stated that the objector's original comments remained relevant.

Mr Holley was invited to address the Board in objection to the application. He was concerned that the fire escape had been permitted to run the entire length of the new extension and that the views of the Conservation Officer had not been taken into account. He stated that the assessment of the effect on 23 Crescent Road was in error and asked that Members visit the site in order to judge the impact for themselves. Mr Holley also stressed that he agreed with officers that the noise from the 2 original condenser units was acceptable, but that a third had since been added and that he was now experiencing intermittent, obtrusive noise.

Members felt a site visit would be appropriate in order to assess the impact of the fire escape and additional condenser unit on the amenities of nearby residents. It was agreed that Members would assess the four applications related to this site that had come before the Board at this meeting. Members were also of the opinion that additional advice was required from the Traffic Management section in order to assess the traffic impact on St Marks Road and Crescent Road, paying particular attention to the amount of parking available to hotel customers.

**RESOLVED:** That planning application K5744/16 – 24 Crescent Road, Gosport be deferred for a site visit.

- 143 K5744/17 - LISTED BUILDING APPLICATION - RETENTION OF SINGLE STOREY REAR EXTENSION, EXTERNAL STAIRCASE AND 3NO, CONDENSER UNITS (AMENDMENTS TO L.B. CONSENT K5744/14) AND FURTHER WORKS FOR THE INSTALLATION OF A DOOR IN THE REAR ELEVATION OF THE MAIN BUILDING AND RETENTION OF BOUNDARY GATES (CONSERVATION AREA) (as amended by plans received 20.07.07)**  
**24 Crescent Road Gosport Hampshire PO12 2DH**

RESOLVED: That planning application K5744/17 – 24 Crescent Road, Gosport be deferred for a site visit.

- 144 K5744/18 - ALTERATIONS AND EXTENSION TO EXISTING HOTEL TO PROVIDE DISABLED ACCESS VIA PASSENGER LIFT AND ADDITIONAL BEDROOM ACCOMMODATION (LISTED BUILDING IN CONSERVATION AREA) (as amended by plans and Design and Access Statement received 28.11.08)**  
**Anglesey Hotel 24 Crescent Road Gosport Hampshire PO12 2DH**

Members were informed that a BRE Digest 209 test had been undertaken and had now been received by the Council. The BRE test would assist Members in determining the impact on light to neighbouring properties as a result of the new development.

RESOLVED: That planning application K5744/18 – Anglesey Hotel, 24 Crescent Road, Gosport, be deferred for a site visit.

- 145 K5744/19 - LISTED BUILDING APPLICATION - ALTERATIONS AND EXTENSION TO EXISTING HOTEL TO PROVIDE DISABLED ACCESS VIA PASSENGER LIFT AND ADDITIONAL BEDROOM ACCOMMODATION (CONSERVATION AREA) (as amended by plans and Design and Access Statement received 28.11.07)**  
**Anglesey Hotel 24 Crescent Road Gosport Hampshire PO12 2DH**

RESOLVED: That planning application K5744/19 – Anglesey Hotel, 24 Crescent Road, Gosport be deferred for a site visit.

- 146 K7155/4 - ERECTION OF SINGLE STOREY SIDE/REAR EXTENSION**  
**12 Gull Close Gosport Hampshire PO13 0RT**

RESOLVED: That planning application K7155/4 – 12 Gull Close, Gosport be approved subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i. That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location and as such complies with Policies R/DP1 and R/DP7 of the Gosport Borough Local Plan Review.

**147 K17464 - ERECTION OF FIRST FLOOR REAR EXTENSION (as amended by plans received 3.12.2007)**  
**13 Bentham Road Gosport Hampshire PO12 2HN**

Mr Webb, 11 Bentham Road, was invited to address the Board in objection to the application. Mr Webb explained that his main objections were that of loss of light to his property; the mass of the brick wall that would protrude into the garden and further restrict light; the demolition of the existing one storey extension in favour of the proposed two storey; the increased size in footprint of the extension as a result of starting afresh and not building a second storey on top of the existing extension; that a precedent would be set for two storey extensions in the area and that the extension would also be out of character.

Mr Harper, 15 Bentham Road, was invited to address the Board in objection to the application. A digitally altered photograph was circulated to Members to show how Mr Harper expected the proposed extension to look once completed. Mr Harper felt that the report did not reflect concerns about the close proximity of the proposed extension to his property, as expressed in his letter of representation. The report stated that 'Party wall issues are not material planning considerations', but Mr Harper explained that he could rather have used the term 'boundary wall' in his letter and that the concern was that the extension would be overbearing in terms of size and proximity, which he believed were material planning considerations. Mr Harper raised other concerns, which were as follows: that the design of the proposal would be out of character with the surrounding area, and highly prominent; that there would be a significant loss of light and outlook contrary to Policy R/DP7 of the Gosport Borough Local Plan Review and that the length of the extension would be 40% over and above the existing footprint. He also referred to a comment in the report of the Development Services Manager which stated that the development's 'subservient hipped roof reduces its overall mass and therefore its potential to overshadow', but Mr Harper felt that the important issue was that there was no separation distance between his property and the proposed extension, which was contrary to Policy R/DP7 of the Local Plan. Mr Harper asked that Members visit the site to more accurately judge the scale and design of the proposal.

Mr Tutton, planning agent, was invited to address the Board in support of the application. Mr Tutton began by clarifying the size and scale of the proposed extension as well as separation distances. He stated that as the loss of light to 15 Bentham Road was to the bedroom, this was not a valid reason for refusal and as the windows in the extension looked down the garden there would not be any loss of privacy to neighbours. Mr Tutton was satisfied that the development would not cause undue overshadowing and that there would be no loss of amenities to neighbours having ensured adequate separation distances were in place and making good use of the space available.

Members were concerned that there would be a significant loss of light and amenities to neighbouring properties. It was moved that the application should be refused as it would cause significant harm to the character of the surrounding area, contrary to Policy R/DP1 of the Gosport Borough Local Plan Review, and be inappropriate to the existing building and neighbouring properties, contrary to Policy R/DP7 of the Local Plan; a vote was taken on the proposal and the application was refused.



RESOLVED: That planning application K17464 – 13 Bentham Road, Gosport be refused for the following reason:

- i. The proposed first floor extension rear extension by reason of its depth, siting, height and overall mass constitutes an alien form of development which has a detrimental impact on the character and appearance of the area and the amenities of the occupiers of the adjoining dwellings. As such, it would be contrary to Policies R/DP1 and R/DP7 of the Gosport Borough Local Plan Review

**148 K5353/17 - CHANGE OF USE FROM CLUB PREMISES AND ANCILLARY FLAT TO MIXED USE OF CLUB PREMISES AND FIRST FLOOR FINANCIAL AND PROFESSIONAL SERVICES OFFICE (CLASS A2) (LISTED BUILDING)  
Court Barn Court Barn Lane Lee-On-The-Solent Hampshire PO13 9NZ**

**Note: Councillors Carter, Taylor and Ward declared Personal and Prejudicial interests in this item, left the room and took no further part in the discussion or voting thereon.**

Members felt that the loss of residential accommodation to facilitate a self contained Class A2 office went against policies contained in the Gosport Borough Local Plan Review. It was moved that the application should be refused as it would be contrary to Policy R/H6 of the Gosport Borough Local Plan Review; a vote was taken on the proposal and the application was refused.

RESOLVED: That planning application K5353/17 – Court Barn, Court Barn Lane, Lee-On-The-Solent be refused for the following reason.

- i. The proposal would introduce a commercial use in an unsustainable location and would result in the loss of a residential unit and would therefore have an adverse effect on the character of the area contrary to Policy R/H6 of the Gosport Borough Local Plan Review.

The meeting commenced at 6pm and concluded at 7.15pm

CHAIRMAN