

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

### **WAS HELD ON 15 APRIL 2008**

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

#### **186 APOLOGIES**

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

#### **187 DECLARATIONS OF INTEREST**

Councillor Carter declared a Personal and Prejudicial interest in item 7/11 (Haslar Marina, Haslar Road, Gosport).

#### **188 MINUTES**

RESOLVED: That the Minutes of the Regulatory Board meeting held on 11 March 2008 be approved and signed by the Chairman as a true and correct record.

#### **189 DEPUTATIONS**

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

- Item 7/01 – K17497 – 7 Esmond Close, Lee-on-the-Solent
- Item 7/02 – K15058/4 – 28 Privett Road, Gosport
- Item 7/03 – K17504 – 2 Magister Drive, Lee-on-the-Solent
- Item 7/06 – K3851/7 – 1 Prince Alfred Street, Gosport

#### **190 PUBLIC QUESTIONS**

No public questions had been received.

#### **191 HISTORIC BUILDINGS GRANT OFFER**

Consideration was given to a report of the Development Services Manager (a copy of which is attached in the Minute Book as Appendix 'A') requesting approval for the offer of an historic buildings grant towards the reinstatement of historic railings to numbers 5a to 22 Crescent Road.

RESOLVED: That the offer of an historic buildings grant to the Crescent Owners Association of £500 for each of the 18 properties in Crescent Road participating in the restoration of the railings be approved.

## **PART II**

### **192 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:

#### **193 K17497 - ERECTION OF A TWO STOREY SIDE AND REAR EXTENSION AND SINGLE STOREY FRONT EXTENSION (as amended by plans received 07.02.08) 7 Esmond Close Lee-On-The-Solent Hampshire PO13 8JW**

A site visit to this property had taken place during the morning of the Board meeting and was attended by Councillors Allen, Carter and Taylor. Councillor Kimber attended as Ward Councillor.

Mrs Roast, Lee Residents Association, was invited to address the Board. She handed a series of photographs to Members to illustrate the points she wished to make. She said that, because the property was at the end of a terrace, it would change the character of the area and be harmful to local amenities, especially to those enjoyed by residents of 5 Esmond Close. There would be considerable loss of light to Number 5 and she considered the scale and density of the proposed development would not comply with the Local Plan.

Mr Barker, Agent for the applicant, replied that the objection to the proposed development was based on its size but, following consultation with planning officers, he considered his design complied with the policies in the Local Plan. He said that the access to the development site for construction materials was restricted but that this was not a planning consideration. However, he was willing to submit a construction schedule and for any conditions to be placed on this should the planning officers consider it necessary.

Councillor Kimber, in his capacity of Ward Councillor, was invited to address the Board. He cited the Prescription Act 1832 which legislated on the right to light that can be acquired after a period of 20 years. He said that the rear extension would block the light both to the windows of the neighbouring dwelling and to the gardens of numbers 5 and 3 Esmond Close. He considered that the footprint of the proposed extensions was too large for the location.

The Borough Solicitor advised that the right to light described in the Prescription Act 1832 was a private right and not a planning consideration. The owners of 5 Esmond Close would need to take legal advice themselves should they wish to pursue a claim under this Act. The amount of light that would be available to the adjoining property following the construction of the proposed extension was considered by planning officers to comply with the policies contained in the Local Plan.

RESOLVED: That planning application K17497 – 7 Esmond Close, Lee-on-the-Solent 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. It is of an appropriate design and will not have a detrimental impact on the amenities of neighbouring residents. As such, the proposal complies with Policies R/DP1 and R/DP7 of the Gosport Borough Local Plan Review.

**194 K15058/4 - ERECTION OF SINGLE STOREY AND TWO STOREY REAR EXTENSION**  
**28 Privett Road Gosport Hampshire PO12 3SU**

A site visit to this property had taken place during the morning of the Board meeting and was attended by Councillors Allen, Carter, Carr and Taylor.

Mr Walker was invited to address the Board. He said that the applicants had agreed not to build a 'Juliette' balcony on their extension but that this had not been put in writing and had not been changed on the plans submitted with the application. He would like to see confirmation of this agreement in writing.

The applicant, Mrs Langran, advised the Board that a standard window would be installed instead of a 'Juliette' balcony as indicated in the plans and she was willing to confirm this in writing. Following negotiation with neighbours to the rear of the property, they had withdrawn their objection to the plans and agreement had been reached concerning the trimming of certain trees. Mrs Langran distributed photographs indicating the shadow lines in the rear gardens for the information of the Board.

It was confirmed that a letter had been received by the planning officer from the residents of 8 Arden Close withdrawing their objection to the development.

The Borough Solicitor advised that amended plans would need to be submitted showing the change from 'Juliette' balcony to window. She confirmed that if the Board were minded to approve the application, they could delegate approval of the amended plans either to herself or the Head of Development Control.

RESOLVED: That planning application K15058/4 – 28 Privett Road, Gosport be approved subject to receipt of amended plans and that the Head of Development Control be authorised to issue the decision notice on receipt of satisfactory amended plans showing the removal of the Juliet balcony 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 and all other material considerations, the development as proposed by reason of its design, location and orientation, will not have a detrimental impact on the amenities of the occupiers of the neighbouring properties or the visual amenity of the

area. As such, the proposal complies with Policies R/DP1 and R/DP7 of the Gosport Borough Local Plan Review.

**195 K17504 – CHANGE OF USE FROM DOMESTIC GARAGE TO OFFICE (B1)  
2 Magister Drive Lee-on-the-Solent Hampshire PO13 8GE**

It was confirmed that one of the objectors maintained an objection relating to the parking of vehicles outside 2 Magister Drive, on days other than Thursday afternoons that the applicant had indicated would generally be the only time vehicles would visit the property. The permission, if granted, was personal to the applicant and for a maximum of 5 years.

The applicant, Mr Churcher, was invited to address the Board. He said that he ran his business from home and his office was the administrative base for the business which undertook maintenance around the Cherque Farm estate. He employed 11 people who came to the office on Thursday afternoons to hand in their timesheets and collect their work lists for the coming week. The vehicles seen parked around the estate at other times belonged to his operatives who parked outside the house they were working on at the time. Should an employee wish to visit him at any other time of the week, they would park in his own private parking space outside his house. He was planning a system whereby, in the future, he would visit his employees so that they would not need to come to his house, even on a Thursday afternoon.

In answer to Members' questions, Mr Churcher confirmed that he owned 7 vans that were used by his employees. He also said that after the period of 5 years to which the application referred, he hoped he could retire or downsize his business so that the office was no longer required. He would not wish to expand the business as this would necessitate employing more people and buying larger premises whereas he wished it to remain a family business.

RESOLVED: That temporary planning application K17504 – 2 Magister Drive, Lee-on-the-Solent be approved until 31 May 2013 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. By reason of the administrative nature of the use and the way it is operated it would not adversely affect the residential character of the property, residential amenities of adjoining occupiers or traffic conditions in the locality. As such it complies with Policies R/DP1, R/T11, and R/EMP6 of the Gosport Borough Local Plan Review.

**196 K17520 - USE OF LAND FOR SITING OF BUILDING TO ACCOMMODATE  
EDUCATIONAL FACILITY AND ASSOCIATED ACCESS, PARKING, BOUNDARY  
TREATMENT AND LANDSCAPE PLANTING (as amended by emails received  
11.3.08 and 1.4.08 and plans and letters received 31.3.08)  
Bay House School Sports Field Military Road Gosport**

Members were advised that a further letter of objection had been received expressing

concern over highway safety, vandalism, staff safety, the impact on geese using the field as a winter feeding ground and the setting of a precedent for future development on the field. Many of these issues had been addressed in the report.

Members expressed support for this development and the planned Enterprise Academy. The previous application for the Academy to be sited at Brodrick Hall had been turned down because the site was considered unsuitable. However, Members fully supported the siting of the Academy in this proposed position on the Bay House School playing field.

RESOLVED: That temporary planning application K17520 – Bay House School, Military Road, Gosport be approved until 31 May 2013 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 proposal is an acceptable use within an Existing Open Space and will not detract from its character or function, or the appearance of the area, or highway safety conditions in the locality. The proposal will not have an adverse affect on the over-wintering Brent Geese feeding within the designated SINC or the associated Ramsar Site/Special Protection Area/SSSI. The proposal also includes energy conservation measures and provides an opportunity to improve local biodiversity. As such, the proposal complies with Policies R/DP1, R/DP6, R/OS4, R/OS10, R/OS11, R/OS12, R/OS13, R/OS14, R/T2, R/T3, R/T10, R/T11 and R/ENV14 of the Gosport Borough Local Plan Review.

**197 K15650/18 - ERECTION OF COMMERCIAL/INDUSTRIAL UNIT (CLASS B1 & B8) AND RELOCATION OF 12 CAR PARKING SPACES (UNIT 7 - SITE A - FRATER GATE)**  
**Land At Frater Gate Aerodrome Road Gosport**

RESOLVED: That planning application K15650/18 – Land at Frater Gate, Aerodrome Road Gosport be approved subject to a Section 106 agreement relating to the payment of a sum towards the funding of a Traffic Regulation Order 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 proposed development is acceptable in this location in land use terms. It is also acceptable in terms of its siting, design and appearance and makes adequate provision for car and cycle parking, and will not adversely impact on highway safety. As such the development complies with Policies R/DP1, R/DP3, R/EMP1, R/T3, R/T4, R/T11, R/ENV9 and R/ENV14 of the Gosport Borough Local Plan Review.

**198 K3851/7 - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 4NO. DWELLINGS WITH CYCLE STORE AND CAR PARKING**  
**1 Prince Alfred Street Gosport Hampshire PO12 1QH**

Members were advised that a further 4 letters of objection had been received after the date the agenda was despatched. Concerns included security and parking issues, disruption

during construction, the height of the boundary wall and the re-siting of the lighting column to create access to car parking spaces. Many of the issues raised were covered in the report.

Members were further advised that this application was identical to a previous application that had been refused by the Board. On appeal, the inspector had indicated that he would have allowed the appeal had the Section 106 Agreement been in place. This Agreement had now been completed and the application needed to be considered in the light of the planning inspector's comments.

Mr Wilson was invited to address the Board. He urged them to reject the application on the grounds of town cramming and concerns over highway safety due to the lack of adequate parking space. The Stone Lane car park frequently had 10 to 13 cars parked in it when there was provision for only 8. The proposed development had 2 parking spaces but could result in an additional 4 to 8 cars requiring parking spaces. He was concerned over the safety of children being dropped off at the nearby school if the Stone Lane car park should become even more congested.

Mr Jeffs, owner of the adjoining property, was invited to address the Board. He reiterated comments made in a letter to the planning officers in which he expressed concern that the new shared party wall should be sufficiently sound proofed as his property could be effected from noise from the new development. He was also concerned that the foundations of his property should be protected during the construction phase of the new building.

In answer to Members' questions, it was confirmed that sound proofing was a matter for Building Control to address and that the moving of the lamp standard and the creation of a dropped kerb were matters for Hampshire County Council as Highway Authority to determine.

RESOLVED: That planning application K3851/7 – 1 Prince Alfred Street, Gosport be approved subject to a Section 106 agreement relating to the payment of a commuted sum towards the provision and 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 in terms of its scale and design and will not have a detrimental impact on the character and appearance of the area, or the amenities adjoining or prospective residents or traffic conditions in the locality. The development also makes satisfactory provision for outdoor playing space. As such the proposal complies with Policies R/DP1, R/DP6, R/H1, R/H4, R/T2, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

**199 K17448/1 - OUTLINE - PROPOSED REDEVELOPMENT TO PROVIDE 3no. 1 BEDROOM FLATS WITH ACCESS FROM JAMAICA PLACE (CONSERVATION AREA)**

**Land Rear Of 21 & 23 Stoke Road Gosport**

RESOLVED: That planning application K17448/1 – 21 & 23 Stoke Road, Gosport be approved subject to 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 proposal is at an acceptable density for this particular location and will assist in providing a variety of residential accommodation to meet the housing needs of the Borough. The development will be acceptable within the overall street scene and enhance the character and appearance of the Conservation Area, and will not have a detrimental impact on the amenities of neighbouring or prospective occupiers. Adequate provision is made for open space, car parking and cycle and refuse storage. As such the development complies with Policies R/DP1, R/BH1, R/BH2, R/H4, R/S6, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

**200 K13143/1 - DEMOLITION OF GARAGE AND ERECTION OF TWO STOREY 3 BEDROOMED DETACHED DWELLING WITH ASSOCIATED PARKING AND AMENITY SPACE (as amended by plan received 2.04.08)**

**Land To The Rear of 26 Bracklesham Road Gosport Hampshire PO13 0EN**

RESOLVED: That planning application K13143/1 – Land to the rear of 26 Bracklesham Road, Gosport be not approved for the following reason:

- i. That adequate provision has not been made for outdoor playing space or transport and highway improvements, nor the payment of a commuted sum in lieu of that provision, contrary to Policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

**201 K14252/1 - ERECTION OF REAR CONSERVATORY  
64 Carnarvon Road Gosport Hampshire PO12 3QS**

RESOLVED: That planning application K14252/1 – 64 Carnarvon Road, 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. It is of an appropriate design and will not have a detrimental impact on the amenities of the occupiers of the adjoining dwellings. As such, it complies with Policies R/DP1 and R/DP7 of the Gosport Borough Local Plan Review.

**202 K17507 - ERECTION OF TWO STOREY REAR EXTENSION, SINGLE STOREY SIDE AND REAR EXTENSION AND OPEN SIDED FRONT PORCH  
26 Leamington Crescent Lee-On-The-Solent Hampshire PO13 9HN**

RESOLVED: That planning application K17507 – 26 Leamington Crescent, Lee-on-the-Solent 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 and all other material considerations, the development as proposed by reason of its design, location and orientation, will not have a detrimental impact on the amenities of the occupiers of the neighbouring properties or the visual amenity of the area. As such, the proposal complies with Policies R/DP1 and R/DP7 of the Gosport Borough Local Plan Review.

**203 K14129/27 - EXTENSION OF EXISTING PONTOONS (WITH INSTALLATION OF 6 NO. STEEL PILES) TO ACCOMMODATE OCEAN GOING YACHTS  
Haslar Marina Haslar Road Gosport Hampshire PO12 1NU**

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

RESOLVED: That planning application K14129/27 – Haslar Marina, Haslar Road, 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 proposal is an acceptable recreational use outside of the Urban Area Boundary and will not be detrimental to landward or seaward views, or the character and appearance of the coast, or the interests of nature conservation. As such, the development complies with Policies R/DP1, R/CH1, R/CH5, R/OS1, R/OS10 and R/OS11 of the Gosport Borough Local Plan Review.

**204 CHAIRMAN'S CLOSING REMARKS**

The Chairman thanked Members and Officers for their hard work during the past Municipal Year.

The meeting commenced at 6pm and concluded at 6.55pm

Chairman