

A MEETING OF THE REGULATORY BOARD

WAS HELD ON 17 JUNE 2008

The Mayor (Councillor Kimber) (ex-officio), Chairman of the Policy and Organisation Board (Councillor Smith) (ex-officio), Councillors Allen (P), Mrs Bailey (P), Carr (P), Carter (P), Dickson (P), Forder (P), Geddes (P), Hicks (P), Mrs Searle (P) and Miss West (P).

20 APOLOGIES

Apologies for inability to attend the meeting were received on behalf of the Mayor and the Chairman of the Policy and Organisation Board.

21 DECLARATIONS OF INTEREST

- Councillor Dickson declared a Personal and Prejudicial interest in item 6/02 (14 Elmhurst Road, Gosport)

22 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 20 May 2008 be approved and signed by the Chairman as a true and correct record.

23 DEPUTATIONS

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

- Item 7/01 – K17557 – Highways Verge Carisbrooke Road
- Item 7/02 – K8131/1 – 14 Elmhurst Road
- Item 7/03 – K17528 – 21 Anthony Road
- Item 7/05 – K9829/2 – Land at 31 Bury Road
- Item 7/06 – K17327/1 – Land Rear of 1-7 Rowallan Avenue
- Item 7/07 – K844/1 – 2 St Edwards Road
- Item 7/08 – K6381/6 – 144-146 High Street, Lee
- Item 7/09 – K16265/2 – Land Adjacent to 36 Cavanna Close

24 PUBLIC QUESTIONS

No public questions had been received.

PART II

25 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 affixed in the Minute Book as Appendix 'A').

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

26 K17557 - GPDO PART 24 CONSULTATION - ERECTION OF 12M MONOPOLE TELECOMMUNICATION MAST WITH 2M SHROUDED ANTENNA AND ASSOCIATED CABINET
Highways Verge Carisbrooke Road (outside The Carisbrooke Arms), Near Junction The Curve, Bridgemary, Gosport, Hants.
PO13 0AJ.

Members were informed that an additional 136 letters of objection had been received in which no new material planning issues were raised, bringing the total number of written objections to 177.

Mr Hart, 2 Honeysuckle Close, was invited to address the Board in objection to the application. Mr Hart began by stating that an adequate search for the most suitable site had not been undertaken, therefore contravening the requirements of PPG 8. He believed that the mast and ground cabinets would be intrusive and have a detrimental effect on the amenities of local residents, as well as being out of character in the street scene, contrary to policies R/DP1 and R/ENV13 of the Gosport Borough Council Local Plan Review. Mr Hart said that as well as having a negative impact on the character of the area the proposal would represent a potential traffic hazard, contrary to policy R/ENV10 of the Local Plan. Further to Mr Hart's concerns regarding contraventions of PPG 8 and various Local Plan policies, he concluded by stating that there was no pre-application community consultation, no consultation with surrounding educational facilities and no evidence to suggest that the legal requirement of the applicant to display a notice of the proposed erection was fulfilled.

Officers clarified that the issues that could be considered on a Part 24 Consultation were siting and appearance. Members were advised that Vodafone had stated in their application that consultation exercises had been undertaken. These were entirely separate to the publicity undertaken by the Council which had been in accordance with established policy.

Members were concerned about the effect that the proposal would have on the street scene and surrounding area. It was moved that the application be refused as it would appear as an intrusive development within the street scene, contrary to Policy R/ENV13 of the Local Plan; and also because insufficient information had been submitted to demonstrate that the feasibility of sharing an existing mast or erecting antennae on an existing building or other structure had been completely investigated and found to be unsuitable, contrary to Policy R/ENV13 of the Local Plan. A vote was taken and the application was refused.

RESOLVED: That planning application K17557 – Highways Verge Carisbrooke Road (outside The Carisbrooke Arms), Near Junction The Curve, Bridgemary, Gosport be refused for the following reasons:

- i. The proposed mast and associated cabinet by reason of their siting and appearance would appear as an intrusive development within the street scene and as such would be contrary to Policy R/ENV13 of the Gosport Borough Local Plan Review.
- ii. Insufficient information has been submitted to demonstrate that the feasibility of sharing an existing mast or erecting antennae on an existing building or other structure has been completely investigated and found to be unsuitable. As such the proposal does not comply with the requirements of Policy R/ENV13 of the Gosport Borough Local Plan Review.

**27 K8131/1 - ERECTION OF REAR DORMER WINDOW (CONSERVATION AREA)
14 Elmhurst Road Gosport Hampshire PO12 1PG**

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

Mrs Wrightson, on behalf of the applicant, was invited to address the Board in support of the proposal. Mrs Wrightson explained the history of the application and confirmed that the scale of the plans was accurate. She believed that there would be no resulting loss of privacy to neighbouring properties.

RESOLVED: That planning application K8131/1 – 14 Elmhurst 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 will preserve the architectural and historic character and appearance of the Stoke Road Conservation Area and will not have an adverse effect on the amenities of the occupiers of the adjoining properties. As such the development complies with Policies R/BH1, R/DP1 and R/DP7 of the Gosport Borough Local Plan Review.

**28 K17528 – ERECTION OF SINGLE STOREY REAR EXTENSION, LOFT CONVERSION AND GARAGE
21 Anthony Grove Gosport Hampshire PO12 4AR**

Mr Anthony Partington, 19 Anthony Grove, was invited to address the Board in objection to the application. Mr Partington explained that he was concerned that the proposal would result in a loss of privacy and asked that the window proposed for the East facing wall be removed. He believed that the proposal to convert the loft went contrary to policies contained in the Local Plan and that the garage element of the proposal was not clear on the design plans, and should therefore be removed from the application. Mr Partington expressed his concern that statements made in the report of the Development Services Manager on the boundary wall and demolition of the shed that abutting the boundary wall

were incorrect.

Mr Martin Rushent, the applicant, was invited to address the Board in support of the application. He believed the design to be sympathetic to the surroundings and a good use of the space available. He felt it should be noted that the building materials would be recycled from the structures that were to be removed and that he had chosen not to have a second storey extension, although many of the residents in the surrounding area had done in the past. He explained that he had already agreed to obscure glaze the window in the side elevation from the plans. Both Mr Rushent and the Officers confirmed that the plans were accurate.

Some Members were of the opinion that it was necessary to examine the issues further in order to make a judgement. It was consequently moved that a site visit be held to assess the concerns expressed by Mr Partington; a vote was taken and the proposal to hold a site visit was lost.

RESOLVED: That planning application K17528 – 21 Anthony Grove, 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.

**29 K13656/1 - ERECTION OF REAR CONSERVATORY
25 Long Water Drive Gosport Hampshire PO12 2UP**

RESOLVED: That planning application K13656/1 – 25 Long Water Drive, 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 any adjoining property. As such it complies with Policies R/DP1 and R/DP7 of the Gosport Borough Local Plan Review.

**30 K9829/2 - ERECTION OF A DETACHED TWO BEDROOM BUNGALOW
Land At 31 Bury Close Gosport Hampshire**

Members agreed to amend the officers' recommendation in the report of the Development Services Manager so that authority would be delegated to officers to remove reason iii) for refusal in the event of the Unilateral Agreement being completed by the applicant within the next 10 working days.

Mrs Wendy Williams, 39 Bury Close, was invited to address the Board in objection to the

application. Mrs Williams stated that she believed the site to be too narrow to accommodate the proposed buildings. Mrs Williams addressed several issues including: the removal of vegetation and subsequent bare brick exteriors; further strains on the provision for car parking in the area; loss of privacy and security; unacceptable access for emergency vehicles; devaluation of neighbouring properties and the added strain on the sewerage system that was already working at full capacity.

Mr Robert Tutton, planning agent, was invited to address the Board in support of the application. Mr Tutton believed the site to be at an accessible location in close proximity to local shops and transport facilities. Mr Tutton also stated that, the design would complement surrounding properties; the proposal would not detract from the outlook of neighbouring properties; the building was not too large in scale for the site, and the minimum car parking requirements had been met. Mr Tutton requested that the time afforded to applicants to complete Unilateral Agreements be extended to 15 working days.

As well as having a negative impact on the character of the area and amenities of surrounding residents, Members considered the application to be an example of overdevelopment and felt the site to be too small for any such proposal.

RESOLVED: That planning application K9829/2 – Land at 31 Bury Close, Gosport

1 be refused for the following reasons.

- i. The proposed siting and form of the new dwelling would be out of character with the established pattern and form of residential dwellings in the area. Furthermore, the new dwelling due to its scale and visible roof form would appear to fill the narrow plot and would clearly be evident when viewed from the rear of adjoining properties. As such the proposal would be contrary to Policies RDP1 and R/H4 of the Gosport Borough Local Plan Review.
- ii. The new dwelling would have a detrimental impact upon the existing appearance of the area due to the access, bin clutter and parking provisions all being provided on the frontage of the current dwelling. As such the proposal would be contrary to Policies RDP1 and RT11 of the Gosport Local Plan Review.
- iii. 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 the provision, contrary to Policies R/DP3, R/OS8 and R/T4 of the Gosport Borough Local Plan Review.

2 authority be delegated to the Borough Solicitor to remove reason iii) for refusal relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space in the event that this Agreement is completed before the required date.

**31 K17327/1 - VARIATION OF CONDITION 10 OF K17327 TO REMOVE
OCCUPATION RESTRICTIONS ON PLOTS 2 AND 3
Land Rear Of 1-7 Rowallan Avenue Gosport Hampshire**

Councillor Murphy, Rowner and Holbrook Ward Councillor, was invited to address the Board. Councillor Murphy explained that he was representing Mr and Mrs Baldwin and Mr and Mrs Brown who were concerned by the proposal. They felt they had bought their houses under false pretences having been led to believe that those who bought the neighbouring properties must be at least 55 years of age. Councillor Murphy addressed some of the points made in the report of the Development Services Manager and explained that although there was no statistical evidence to support the opinion that under 55s were more noisy than over 55s, there was statistical evidence to prove that under 55s are more likely to have families, additional vehicles, and entertain guests more often. Councillor Murphy added that any increase in traffic and parking on Rowallan Avenue would have safety implications.

Mr Robert Tutton, planning agent, was invited to address the Board in support of the application. Mr Tutton stated that the only reason given for the condition originally had been that the contribution towards the provision for open space in the Borough had been reduced. As two of the four bungalows had not been sold, the applicant was willing to increase the open space contribution so that the bungalows could be marketed to those who were younger than 55 years of age. Mr Tutton concluded that there was no reason to believe that those under 55 years of age caused any more noise than those over 55 and that there were no planning reasons to refuse the application.

Members discussed the possible impact on traffic in the area and agreed that such age restrictions would more appropriately be covered by a covenant. Members had a great deal of sympathy for Mr and Mrs Baldwin and Mr and Mrs Brown but were aware that there were no planning grounds to refuse the application.

RESOLVED: That planning application K17327/1 – 1-7 Rowallan Avenue, 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 acceptable in this location and will not have an adverse effect on the character and appearance of the area, the amenities of occupiers of adjoining properties, or highway safety. Adequate provision is made for open space, car parking, cycle and refuse storage. As such the development complies with Policies R/DP1, R/H4, R/H8, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

**32 K844/1 - PROPOSED TWO STOREY SIDE EXTENSION AND SUB-DIVISION TO
FORM 4NO TWO BEDROOM FLATS
2 St Edwards Road Gosport Hampshire PO12 1PP**

Members agreed to amend the officers' recommendation in the report of the Development Services Manager so that authority would be delegated to officers to remove reason ii) for

refusal in the event that Unilateral Agreement is completed by the applicant within the next 10 working days.

Mr Robert Tutton, planning agent, was invited to address the Board in support of the application. Mr Tutton made the following points: the site was very accessible and close to retail units; the proposed dwellings reflected the need for two bed flats in the Borough; flat roofed garage would be removed; the proposal would improve the street scene and appearance of the site; the provision of two car parking spaces satisfied the minimum requirements, and finally that there had been no letters of objection in response to the application.

Amongst the issues that concerned Members were access to the site, the provision for car parking, refuse collection and the significant increase in density of the area. Members agreed that the proposal was an example of town cramming and felt that the site was unsuitable for the size of the proposed development

RESOLVED: That planning application K844/1 – 2 St Edwards Road, Gosport be

1 Refused for the following reasons.

- i. The proposed extension and sub-division of the existing property into multiple flats would result in an overdevelopment of the site. The resulting development would appear cramped within the plot and would provide substandard amenity provisions for the future occupants of the flats. As such the proposal would be contrary to Policy RDP1 of the Gosport Borough Local Plan Review.
- ii. 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 the provision, contrary to Policies R/DP3, R/OS8 and R/T4 of the Gosport Borough Local Plan Review.

- 2 authority be delegated to the Borough Solicitor to remove reason ii) for refusal relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space or transport and highway improvements in the event that the Agreement is completed before the required date.

**33 K6381/6 - CONVERSION OF FIRST AND SECOND FLOORS TO FORM 1NO. ONE BEDROOMED FLAT AND 1NO. TWO BEDROOMED MAISONETTE WITH ERECTION OF PITCHED ROOF AND DORMER WINDOW ON REAR ELEVATION
144 - 146 High Street Lee-On-The-Solent Hampshire PO13 9DD**

Mr Robert Tutton, planning agent, was invited to address the Board in support of the application. Mr Tutton raised the following points: there was direct access to facilities, retail and transport services; the current use and previous history of the site; that the provision for car parking met with the Local Plan requirements and that the applicant was happy to pay the open space contribution directly.

Members were informed that although access for the Fire Service was said to be

unsatisfactory in the report of the Development Services Manager, this was a Building Regulations matter and not a material planning consideration.

RESOLVED: That planning application K6381/6 – 144-146 High Street, 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. 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 and will provide accommodation within an accessible location. There will be no adverse effect on the viability of the District Centre, the amenities of occupiers of adjoining properties, or highway safety. Adequate provision is made for open space, car parking, cycle and refuse storage. As such the development complies with Policies R/DP1, R/H4, R/S7, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

34 K16265/2 - ERECTION OF 2no. DETACHED CHALET BUNGALOWS WITH ASSOCIATED GARAGES
Land Adjacent To 36 Cavanna Close Gosport Hampshire PO13 0PE

Mr Robert Tutton, planning agent, was invited to address the Board in support of the application. Mr Tutton began by explaining the layout of the site and then made the following points: that the site was in an accessible location with educational facilities close by; that the site had excellent transport links through the bus service; that the proposal fell within density guidelines; that the addition of two more chalet bungalows would not have a negative impact on the character of the area; that the proposed development would not overlook surrounding residents, and finally, that the failure to complete the Unilateral Agreement process had not been his fault.

Officers clarified that the site was prone to occasional flooding due to the fact that a balancing ditch between the existing properties had been filled in by a previous resident, which was a private concern and not a planning matter.

RESOLVED: That planning application K16265/2 – Land adjacent to 36 Cavanna Close, Gosport be refused for the following reasons:

- i. The proposed development by virtue of its cramped and contrived layout would result in a congested form of development that would be out of keeping with the existing pattern of residential development in the area. The layout would be dominated by hard standing with Plot 2 being provided with inadequate amenity provisions. As such the development would be contrary to Policies R/DP1 and R/H4 of the Gosport Borough Local Plan Review.
- ii. The proposal by reason of the cramped and congested layout would provide the future occupants of both new dwelling with limited privacy, especially for their immediate rear amenity space. In addition the occupants of number 36 The Curve would suffer a significant loss of privacy due to the immediate outlook from the garden of Plot 2. As such the development would be contrary to national planning policy

guidance set out in PPS1 and PPS3 and Policy R/DP1 of the Gosport Borough Local Plan Review.

- iii. 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 the provision, contrary to Policies R/DP3, R/OS8 and R/T4 of the Gosport Borough Local Plan Review.

**35 K15150/5 - RETENTION OF 12NO. LIGHTING COLUMNS TO CAR PARK AND ACCESS ROAD (as amended by plans received 05.01.07 and 07.02.08)
Garland Court Forton Road Gosport Hampshire PO12 4TR**

RESOLVED: That planning application K15150/5 – 144-146 Garland Court, Forton 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 is acceptable in this location. It is of an appropriate and acceptable design and does reduce the potential for criminal activity and anti-social behaviour. It does not have any detrimental impact on the amenities of adjoining residents in terms of light pollution. As such it complies with Policies R/DP1 and R/ENV11 of the Gosport Borough Local Plan Review.

**36 K1810/2 - ERECTION OF SIDE/REAR EXTENSION TO FORM 2NO. FLATS, TWO STOREY REAR EXTENSION TO HOUSE AND ALTERATIONS TO VEHICLE CROSSING ON CLASSIFIED ROAD (A32)
58 Fareham Road Gosport Hampshire PO13 0AE**

RESOLVED: That planning application K1810/2 – 58 Fareham Road, Gosport be refused for the following reasons:

- i. The proposed development, by reason of its width, depth, mass and contrived roof form would result in an incongruous and unsympathetic addition to the existing dwelling to the detriment of the appearance of the street scene. As such, it is contrary to Policies R/DP1 and R/DP7 of the Gosport Borough Local Plan Review.
- ii. Having regard to its depth and overall mass, the proposed side/rear extension will result in an unacceptable loss of light to and outlook from the existing dwelling at 58 Fareham Road contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- iii. Having regard to the proposed number of car parking spaces at the front of the property and resultant relationship between the parking and the proposed dwellings, the proposed car parking layout is detrimental to the visual amenity of the street scene and the outlook of the occupiers of both number 58 and the proposed ground floor flat, contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- iv. The applicant has not confirmed a willingness to enter into a planning obligation under

Section 106 relating to the payment of a commuted sum towards the provision and/ or improvement of outdoor playing space and off-site highway and infrastructure improvements. As such the development does not comply with Policies R/OS8, R/T4 or R/DP3 of the Gosport Borough Local Plan Review

**37 K9383/14 - ERECTION OF WAREHOUSE PROVIDING ADDITIONAL STORAGE
(as amended by letter received 29.04.08 and plan received 04.06.08)
Huhtamaki (UK) Ltd (North Site) Rowner Road Gosport Hampshire PO13 0PR**

RESOLVED: That planning application K9383/14 – Huhtamaki (UK) Ltd, Rowner Road, Gosport be approved subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i. 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 support the local economy. It is of an appropriate design and will not be detrimental to highway safety, the visual amenities of the area, car parking and access arrangements or adversely affect the amenities of nearby properties through noise generation. As such the proposal complies with Policies R/DP1, R/EMP5 and R/T3 of the Gosport Borough Local Plan Review.

38 ANY OTHER ITEMS

Planning Appeals

Members noted that a Planning Appeal against refusal of planning permission K17320/1 for the erection of 14 flats with associated car and cycle parking at 6, 7 & 8 Marine Parade East, Lee-on-the-Solent had been dismissed.

Members were informed that a Planning Appeal against refusal of planning permission K17432 for alterations to the existing building to provide one additional 1 bed flat and a 3 bed house to the rear of 51-53 High Street, Lee-on-the-Solent had also been dismissed.

Members were advised that although a Planning Appeal against refusal of planning permission K17384 for change of use and erection of 2 storey extensions and alterations to convert existing shop and 2 flats into 8 one-bed flats at 63-65 Fareham Road had been allowed, costs had not been awarded against the Council.

The meeting commenced at 6pm and concluded at 7.50pm

CHAIRMAN