

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 16 JUNE 2009**

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

It was reported that, in accordance with Standing Orders, notice had been received that Councillor Ms Ballard would replace Councillor Mrs Bailey for this meeting.

It was reported that, in accordance with Standing Orders, notice had been received that Councillor Dickson would permanently replace Councillor Hook on the Regulatory Board.

22 APOLOGIES

Apologies for inability to attend the meeting were received from the Mayor and Councillor Mrs Bailey.

23 DECLARATIONS OF INTEREST

- Councillor Wright declared a personal interest in item 6 – K17678 Bus Rapid Transport, Gosport
- Councillor Carter declared a personal interest in item 6 - K17678 Bus Rapid Transport
- Councillor Geddes declared a personal interest in item 6 – K17678 Bus rapid Transport
- Councillor Geddes declared a personal and prejudicial interest in Item 9/1 and 9/2 K5744/20 and /21 – The Anglesey Hotel, Gosport

24 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 19 May 2009 be approved and signed by the Chairman as a true and correct record.

25 DEPUTATIONS

It was reported that deputations had been received on applications:

- K16750 – Revised Landscape Scheme at Cherque Farm
- K17678 – Bus Rapid Transport
- K5744/20 and /21 – Anglesey Hotel
- K15374/4 – Wiltshire Lamb

26 PUBLIC QUESTIONS

No public questions had been received.

PART II

**27 CONSULTATION BY HAMPSHIRE COUNTY COUNCIL IN RESPECT OF
PLANNING APPLICATION K17678 FOR SOUTH EAST HAMPSHIRE BUS RAPID
TRANSIT PHASE 1 – FAREHAM TO GOSPORT**

Note: Councillors Carter, Geddes and Wright declared a personal interest in that any decision they made at the Regulatory Board meeting would not affect any decision they made as Hampshire County Councillors

Consideration was given to a report of the Development Services Manager.

Members were advised that the report was being presented for consultation, that the Board was not required to make a decision and that any planning application would be submitted by Hampshire County Council to Hampshire County Council.

Councillor Edgar was invited to address the Board. He stated that the concerns and views of the residents should be of utmost importance but acknowledged that it would be difficult to please everybody. He hoped that the quicker journey time for buses to Fareham would enable a bus service to run directly from Gosport to the new Queen Alexandra Hospital; this was currently not possible due to the difficulty in timing the service as a result of congestion on the A32.

He expressed concern that residents would not want to travel from their homes to bus stops and would continue using their cars, but recognised that the rerouting of some of the bus services would reduce the level of congestion on the A32.

Councillor Edgar expressed the hope the Board would positively support the scheme and support the needs of local residents.

Members were advised that Keith Wilcox, Project Director, Hampshire County Council, was present to answer any questions.

Councillor Geddes, Ward Councillor for Bridgemary South, advised the Board that residents were concerned about the screening to be provided to protect the privacy and security of residents with properties adjoining the route. He was advised that new landscaping would be undertaken to enhance the remaining vegetation and that acoustic fencing was proposed where the acceleration and deceleration of buses occurred at bus stops.

Members were advised that a speed limit of 40 miles per hour, reducing to thirty at junctions, would ensure that the services were efficient. The route would be used by a maximum of 30 buses per hour, traffic would be considered light and provide sufficient room for cyclists.

Members were advised that clarification could not be given on elements of the project that required the appointment of a contractor or service operator; this included the projected timescale for the closure of Wych Lane and the frequency of the buses. It was confirmed that not all bus services would be rerouted along the BRT and that there would still be service to the A32.

Members queried whether the first phase would be completed but not subsequent phases. It was acknowledged that to enable the scheme to be successful, Phase One of the development needed to be constructed; it was hoped that this would provide the foundations of the project and that funding would become available to complete additional phases.

Consultation was currently being undertaken to allow emergency vehicles to use the route to enable them to avoid congestion on the A32. To prevent abuse, the entry points and the bus stops along the route would be monitored by 24 hour CCTV. The CCTV would also monitor and record any incidences of anti-social behaviour.

The Board were advised that the report recognised that there was potential for antisocial behaviour to occur.

Councillor Forder welcomed the proposal acknowledging that if the congestion on the A32 did not increase, the scheme would be a success. He welcomed the reduction of vehicles trying to exit Gosport as it was hoped the scheme would enable more people to use public transport.

He recognised the opportunity the route provided for cyclists and proposed that the report be amended to include the endorsement of cyclists using the route. This additional proposal was agreed.

Councillor Wright, Ward Councillor for Bridgemary South, advised the Board that he had received a large volume of correspondence from residents, including concerns with regard to the closure of Wych Lane, the potential for vandalism, the noise disturbance from the works and the lack of public consultation.

RESOLVED: That

- a) the comments as summarised in the Conclusion of the report of the Development Services Manager be submitted, with a copy of the report, to Hampshire County Council for consideration in the determination of the application; and
- b) the report be amended to include Members' recommendation that the Regulatory Board Support the proposal of cyclists being able to use the bus way.

28 K17647 - Regulation 3 - Demolition of the existing ferry landing stage and construction of a new facility and associated works (as amended by plans received 03.04.09)

Consideration was given to a report of the Development Services Manager which requested the Board to consider planning application K17647 for the demolition of the existing ferry landing stage and construction of a new facility and associated works (as amended by plans received 03.04.09).

Members acknowledged that the development was much needed and was a vital link for commuters to Portsmouth. Members welcomed the project coming to fruition.

RESOLVED: That planning application K17647 - Regulation 3 - Demolition of the existing ferry landing stage and construction of a new facility and associated works (as amended by plans received 03.04.09) be approved subject to the conditions set out in the report of the Development Services Manager, for the following reasons:

- 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 constitutes a sustainable form of development which will provide an integrated means of public transport to reduce use of the private car, provide an attractive facility in the coastal zone which promotes public access to the coast and includes measures to prevent impact on nature conservation interests and water quality, deter crime and reduce energy use. As such it complies with Policies R/DP1, R/T1, R/T7, R/CH1, R/CH5, R/OS11, R/ENV2, R/ENV12, R/ENV14 and R/ENV15 of the Gosport Borough Local Plan Review.

29 Revised Landscape Scheme at Cherque Farm

Consideration was given to a report of the Development Services Manager which requested the Board to consider a revised Landscape Scheme in the southern part of Cherque Farm adjoining Wootton Road, Lancaster Close, Warwick Close, Westland Drive, Magister Drive and Proctor Drive as part of the Details Approved for the final phase of the Cherque Farm development under Planning Permission K16750: Erection of 222 Dwellings to Include Internal Roads, Footpaths, Cycleway and Areas for Play at Cherque farm, Lee-on-the-Solent.

Mrs Weeks was invited to address the Board. She advised that the existing bund provided a good habitat for animals, birds and wildflowers and that the natural habitat of these should be preserved. Local residents had suffered over recent years with new development and requested that the bund remain undisturbed to prevent children and teenagers causing a disturbance.

Mr Bruce was invited to address the Board. He advised that Persimmon had agreed to tidy up the bund site when their development had originally finished but that this was yet to happen. He also advised that one of his concerns was specific to his property in that people standing on the existing bunds could look directly into his bedroom window. He had three suggestions to alleviate the problem, i.e. raise the level of the bunds, plant evergreen trees or provide fencing to maintain the privacy to his property.

Councillor Burgess, Ward Councillor for Lee East addressed the Board. He suggested changes to the positioning of the Local Equipped Area of Play and the Local Area of Play which he felt would give a reduction in the noise level and protect wild life. He acknowledged that the height of the bund needed to be reduced for health and safety reasons but requested appropriate planting to deter access onto the bund.

It was proposed and agreed that the item be deferred pending a site visit.

RESOLVED: That consideration of the revised landscape proposals as part of the Details Approved for the final phase of the Cherque Farm development under Planning Permission K16750 be deferred pending a site visit by Members.

30 REPORTS 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 'D').

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

**31 K5744/20- ALTERATIONS AND EXTENSIONS TO EXISTING HOTEL
(AMENDMENT TO PLANNING CONSENT K5744/18) (LISTED BUILDING IN
CONSERVATION AREA) (as amended by Design and Access Statement and
plans received 26.03.09)
Anglesey Hotel 24 Crescent Road Gosport Hampshire PO12 2DH**

Note: Councillor Geddes declared a Personal and Prejudicial Interest in this item, left the meeting room and took no part in the discussion and voting thereon.

Mr Streatfeild-James was invited to address the Board. He detailed two issues regarding the development; that the extension was erected illegally and car parking provision. He was concerned that the extension had been erected without planning consent. This was the second time retrospective approval had been sought for this site and that the building should be better protected as a result of its listed status. He reiterated that the alterations to the site were criminal acts as they had not received planning permission.

Mr Streatfeild-James commented that the parking in the vicinity of the site was poor due to the large number of junctions; visibility was poor in these areas due to the parking of motorised caravans on them and parking on the highway, blocking the availability of parking in usable garages.

The increase in rooms at the hotel would lead to an increase in the volume of cars using it and this in turn would lead to taxis and delivery lorries not having anywhere to safely park, forcing them to unload in the road causing blockages.

Mr Holley was invited to address the Board. He advised that he had concerns regarding the routing of the existing fire escape.

Mr Holley requested that Members undertook a site visit to judge the effect of the existing positioning of the fire escape on his property.

Officers advised that whilst it was a civil offence to carry out works to a Listed Building without the consent of the Local Planning Authority, in this case it was appropriate to consider whether the works were acceptable through the submission of a retrospective application before prosecution was considered.

Members were advised that the current proposal related only to the increased depth of the extension and that planning permission had been granted for the fire escape in its current

position under K5744/16 and that the Board had considered the impact of the number of additional rooms on traffic levels and found this to be acceptable under application K5744/18.

Members proposed and agreed that the item be deferred pending a site visit.

It was clarified that the location of the fire escape and parking issues were not matters for consideration at the site visit. The protocol to be undertaken when on a site visit was also reiterated.

RESOLVED: That planning application K5744/20 – Anglesey Hotel, 24 Crescent Road be deferred pending a site visit by Members.

- 32 K5744/21 - LISTED BUILDING APPLICATION - ALTERATIONS AND EXTENSION TO EXISTING HOTEL (AMENDMENT TO LISTED BUILDING CONSENT K5744/19) (CONSERVATION AREA) (as amended by Design and Access Statement and plans received 26.03.09)
Anglesey Hotel 24 Crescent Road Gosport Hampshire PO12 2DH**

Note: Councillor Geddes declared a Personal and Prejudicial Interest in this item, left the meeting room and took no part in the discussion and voting thereon.

RESOLVED: That planning application K5744/21 –Anglesey Hotel, 24 Crescent Road, Gosport be deferred pending a site visit by Members.

- 33 K15374/4- CONVERSION OF PUBLIC HOUSE TO FORM 2NO.1 BED FLATS AND 3NO.2 BED HOUSES AND CONSTRUCTION OF 3NO.1 BED FLATS, 5NO.3 BED HOUSES AND 1NO.2 BED FLAT WITH ASSOCIATED ACCESS AND LANDSCAPING (CONSERVATION AREA) (as amended by letter dated 21.05.09 and by plans received 22.05.09)
The Wiltshire Lamb 2 Privett Road Gosport Hampshire PO12 3SU**

Mr Baglee was invited to address the Board. He stated that he did not object to the conversion works to the existing Public House as he felt the plans were sympathetic to the original building.

However, the new section of the development was within a Conservation Area and required the demolition of walls. Mr Baglee said that he had been previously advised this area would not be developed because of the Conservation Area designation and the walls could not be demolished because they were Listed. He expressed concern that the roots of the tree numbered tree 1 on the plan extended underneath the car park and may be damaged during the work so that the tree would be weakened with the potential to collapse into the new building.

Mr Baglee was also concerned that 14 car parking spaces was not sufficient for the level of development and advised that both the War Memorial Hospital Car Park and the car park of a small shopping area nearby were for private parking, subject to monitoring and clamping.

He referred to the damage that the development would inflict on wildlife and their habitats. He acknowledged that the badgers were protected, but was worried that the development would scare them into nearby roads. He also advised that there were large numbers of squirrels and foxes on the site.

Mr Tony Burton the applicant was invited to address the Board. He addressed Mr Baglee's concerns by advising the Board of the following: That:

- the health of the tree (tree 1) was also a concern for him. He had had an arboriculturist undertake investigations into the positioning of the tree and the potential spread of its roots.
- the allocation of fourteen parking spaces complied with existing policies on parking requirements.
- some of the walls were badly damaged and needed to be demolished for safety reasons.
- a consultant had been employed to investigate and advise on the presence of the badgers and he would be complying with their advice to dedicate a specific area for the badgers to forage.

He advised the Board that he had owned the site for 12 months and was keen to start development to prevent any further deterioration and that he had sought professional opinions and judgement at every stage, consulting with Gosport Society and officers from Gosport Borough Council.

He advised that the plans were designed not to overlook adjoining properties and that the preservation of the Conservation Area and the protection of the badgers was of utmost importance.

He hoped that approval would be granted at this meeting to allow work to start before the badgers went into hibernation and to avoid any further vandalism on the site.

Members expressed concern that the development was large and that there was potential for parking issues but accepted that it was possible the site would only be cost effective to develop if the amount of dwellings built accorded with the proposal.

There was also concern that the density of the development exceeded the range suggested within policy RH/4, but it was acknowledged that the site was in an accessible area and that the variety of residential accommodation allowed the proposal to meet the housing needs of the Borough in accordance with policy RH/4 of Gosport Borough Local Plan Review.

RESOLVED: That planning application K15374/4 – The Wiltshire Lamb 2 Privett Road Gosport Hampshire PO12 3SU be approved subject to 106 Agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and the payment of a sum towards the funding of a traffic regulation order and 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 assist in providing a variety of residential accommodation to meet the housing needs of the Borough within an accessible location. It will ensure the retention of a historic building and its architectural character with the new properties reflecting the character of nearby historic buildings and enhancing its setting. It will not have any detrimental impact on the setting of nearby listed buildings and will enhance the appearance of the Bury Road Conservation Area. The proposal will not have a detrimental impact on the amenities of neighbouring or prospective occupiers or highway safety. The development will not have an adverse impact on the interests of nature conservation. Adequate provision is made for open space, car parking and cycle and refuse storage. Necessary archaeological works are to be undertaken. As such the development complies with Policies R/DP1, R/DP3, R/H4, R/BH1, R/BH2, R/BH3, R/T4, R/T11, R/ENV4, R/OS8 and R/OS13 of the Gosport Borough Local Plan Review.

34 K6230/8 - PROPOSED CHANGE OF USE OF PART OF EXISTING GROUND AND FIRST FLOOR OFFICE AND STAFF AREA TO 2NO. ONE BEDROOMED SELF CONTAINED FLATS AND TWO STOREY REAR EXTENSION (CONSERVATION AREA)
89 Stoke Road Gosport Hampshire PO12 1LR

Officers advised that due to the timing of the submission of the application in relation to the Regulatory Board timetable, the required legal agreement had not yet completed. In order to meet the 8 week determination period it was requested that authority be given to the Head of Development Control to refuse the application should the completed agreement not be received by 6th July 2009.

RESOLVED: That planning application K6230/8 – 89 Stoke Road, Gosport, Hampshire be approved subject to Section 106 agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and the payment of a commuted sum towards transport infrastructure, services and facilities and subject to the conditions set out in the report of the Development Services Manager, for the following reasons below. In the event that the completed legal agreement is not received by 6th July 2009, authority is delegated to the Head of Development Control to refuse the application.

- 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. Due to its appropriate design, density and layout, the development will preserve the character and appearance of the Stoke Road Conservation Area and will not have a detrimental impact on the visual

amenity of the locality or the amenities and servicing arrangements of existing, neighbouring or prospective occupiers. Adequate provision is made for open space, cycle and refuse storage and highway and infrastructure improvements. The development therefore complies with Policies R/DP1, RBH1, R/BH2, R/H4, R/S6, R/S7, R/T11, R/DP3, R/T4 and R/OS8 of the Gosport Borough Local Plan Review.

**35 K13063/2- USE OF GROUND FLOOR OF RESIDENTIAL PROPERTY AS A PLAYGROUP FOR UP TO 22 CHILDREN, ERECTION OF FRONT BOUNDARY FENCING AND REPLACEMENT OF REAR GROUND FLOOR WINDOW WITH DOOR (as amplified by letter received 14.04.09)
47 Gosport Road Lee-On-The-Solent Hampshire PO13 9EJ**

RESOLVED: That planning application K13063/2 – 47 Gosport Road, Lee-on-the-Solent, Hampshire be approved subject to Section 106 agreement relating to the payment of a commuted sum towards transport infrastructure, services and facilities and 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 increase in the number of children will not have a detrimental impact on the residential character of the area, the amenities of the occupiers of the adjoining dwellings, traffic conditions in the locality or highway and pedestrian safety. Provisions have been made for highway and infrastructure improvements and the proposal therefore complies with Policies R/DP1, R/CF5, R/ENV10 and R/T11, R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

**36 K10527/1- EXTENSION OF REAR GARDEN AND ERECTION OF 1.8 METRE HIGH BOUNDARY WALL
30 Maynard Close Gosport Hampshire PO13 0XH**

Members queried whether negotiations were underway for the purchase of the land by the applicants and officers confirmed that this was the case.

RESOLVED: That planning application K10527/1 – 30 Maynard Road Gosport, Hampshire be approved subject to the conditions set out in the report of the Development Services Manager, for the following reasons:

- 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 garden extension as proposed is acceptable and will not have a detrimental impact on visual amenity of Maynard Close, the amenities of adjoining occupiers, or highway and pedestrian safety. As such, the proposal complies with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

37 K17682 - ROWNER REDEVELOPMENT

Members were reminded that at the meeting on 21 April 2009 the Board had resolved to advise the Secretary of State that the Council was minded to grant planning permission for the re-development of Rowner village subject to a legal agreement. The Secretary of State had confirmed that the application should be determined by the Council. The legal agreement had not yet been completed therefore the decision had not yet been issued. In the interim an amended plan showing minor alterations to the parameters of the building and satisfactory reports on the reptile and archaeological mitigation strategies had been received. Approval was sought for the minor alterations to the parameters and for amendments to update the conditions requiring reptile and archaeological reports to reflect the current situation. The urgent need to consider the item was created by the need for these matters to be approved so that the decision notice could be issued as soon as the legal agreement was completed
RESOLVED: That:

- a) the revised parameter plan be approved; and
- b) the decision notice be amended to reflect the satisfactory receipt of reptile and archaeological mitigation strategies.

The meeting commenced at 6.00pm and concluded at 8.33 pm

CHAIRMAN