

**A MEETING OF THE REGULATORY BOARD  
WAS HELD ON 27 SEPTEMBER 2011**

The Mayor (Councillor Carter CR) (ex-officio), Chairman of the P & O Board (Councillor Hook) (P), Councillors Allen, Mrs Bailey, Beavis (P), Geddes (P), Henshaw, Hylands (P), Langdon (P), Philpott (Chairman) (P), Ronayne (P), Scard, Smith (P) and Wright (P).

It was reported that, in accordance with Standing Orders, Councillors Mrs Hook and Hook had been nominated to replace Councillors Scard and Allen respectively for this meeting.

**36 APOLOGIES**

Apologies for inability to attend the meeting were received from the Mayor and Councillors Allen, Henshaw and Scard.

**37 DECLARATIONS OF INTEREST**

Councillor Beavis declared that he would be speaking as Ward Councillor on item K17549/1 – 2 Osborne Road. He advised that he would remain in the room, but would not take part in the discussion or voting thereon.

**38 MINUTES**

RESOLVED: That the Minutes of the Regulatory Board meeting held on 16 August 2011 be approved and signed by the Chairman as a true and correct record.

**39 DEPUTATIONS**

Deputations had been received on the following application

- K16399/2 - Land at the Front of 1 Olave Close
- K17549/1 – 2 Osborne Road

**40 PUBLIC QUESTIONS**

No public questions had been received.

**PART II**

**41 REPORT OF THE BOROUGH SOLICITOR**

The Borough Solicitor 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 'A').

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

**42 K16399/2- ERECTION OF DETACHED DWELLING WITH  
ASSOCIATED AMENITY SPACE AND PARKING  
Land At The Front Of 1 Olave Close Lee-On-The-Solent Hampshire  
PO13 9JR**

Members were updated that the applicant had agreed to enter into a section 106 agreement in relation to the payment of a commuted sum towards adequate provision for outdoor playing space and transport infrastructure, services and facilities but that this had not yet been completed.

Members were therefore requested to consider the following additional reason for refusal.

That the proposal does not make adequate provision for outdoor playing space or transport infrastructure improvements, or the payment of commuted sums in lieu of such provision, contrary to Policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

Mrs Durant was invited to address the Board. She advised that she resided at 3 Olave Close and that she was representing the local residents' objection to the proposal.

She welcomed the report of the Planning Officer and felt that all areas of objection had been covered. The Board was advised that the proposals were out of keeping with the surrounding area and that the plot was not suitable for building on.

Mr Tyrell, the agent was invited to address the Board on behalf of the applicant Mr Broom.

The Planning Officer repeated the additional reason for refusal, in order to clarify matters for the applicant.

Mr Tyrell advised the Board that MTA Architects specialised in the design of developments in non-obvious plots. He advised the Board that time had been taken to provide them with detailed photographs and information to help them visualise the proposal and get a better understanding of the application.

Mr Tyrell reported that the proposal was an efficient use of land in an urban area and that it would have no detrimental impact on surrounding properties. He felt that the proposal would enhance the character and appearance of the area and advised that the report had identified that the proposed access was acceptable and that the proposal was not detrimental to highway safety.

Mr Tyrell showed the Board a bird's eye view plan of the proposal and advised that the proposed site was functional and was generous in size compared to

other similar previously approved sites in the Borough. He felt the proposal was not cramped or congested and referred Members to a photo montage he had prepared. He felt that the proposal would not be intrusive and would provide a high quality new dwelling. He felt that the proposal was no more visible than existing buildings and that this was not a sufficient reason to refuse the application.

Councillor Beavis advised that he had been approached as Ward Councillor to support the application and that he had called in the application to allow both parties the opportunity to address the Board. He advised that the proposed site was currently a kitchen garden and that he had asked Councillor Kimber to provide an independent assessment of the site. He advised that Councillor Kimber supported the Planning Officer's recommendation and had felt that the proposal was out of keeping and an over-development of the land.

The Members felt that the Planning Officer had comprehensively addressed the issues and felt that it was important, in line with national Planning Policy Statement 3 (PPS3), to protect gardens. Members felt that as there was sufficient land for development within the 5 year housing plan, building on this plot could not be justified. Members felt that a site visit would not be beneficial in the consideration of the proposal and agreed to refuse the application.

RESOLVED: That application K16399/2 – Land to the front of 1 Olave Close be refused for the following reason.

- i That the proposed dwelling by reason of its design, height, length and overall mass and constrained location will result in a cramped and congested development that is out of keeping with the established pattern of development in the area. The resulting built form will dominate the plot and be a discordant and over prominent feature in the streetscene which will be harmful to the character and appearance of the area contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.

And for the following additional reason.

That the proposal does not make adequate provision for outdoor playing space or transport infrastructure improvements, or the payment of commuted sums in lieu of such provision, contrary to Policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

- 43 K17966 - ERECTION OF TWO STOREY FRONT EXTENSION, ROOF ALTERATIONS INCLUDING GABLE BUILD UPS AND RAISE RIDGE HEIGHT TO FORM ADDITIONAL LIVING ACCOMMODATION, INSERTION OF VELUX ROOFLIGHTS IN ROOF SLOPE AND ERECTION OF DETACHED GARAGE TO REAR (as amended by plans received 04.08.11)**  
**33 Marine Parade West Lee-On-The-Solent Hampshire PO13 9LW**

In answer to a Member's question the Board was advised that the size of the

proposed garage was considered acceptable and that any future material change of use would require planning permission.

Members recognised that there were other properties that had encroached within 6m of the boundary and felt that the proposal was acceptable and in keeping with the surrounding area.

RESOLVED: That application K17966, 33 Marine Parade West, Lee-on-the-Solent be approved subject to the conditions in the report of the Borough Solicitor 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 acceptable in design terms and will not have a harmful impact on the amenities of the area, the Marine Parade Area of Special Character, or the occupiers of the neighbouring properties or highway and pedestrian safety and, as such, complies with Policies R/DP1, R/T11 and R/DP10 of the Gosport Borough Local Plan Review.

**44 K17671/6 -TEMPORARY RELOCATION OF TELECOMMUNICATIONS EQUIPMENT FROM LIVINGSTONE COURT TO LAWRENCE WALK (as amended by letter received 28.07.11)  
Lawrence Walk Nimrod Drive Gosport Hampshire PO13 8AL**

In answer to a Member's question the Board was advised that the proposal was for temporary consent for five years. The proposed location would not exist upon completion of the Rowner Regeneration project and replacement masts had been designed into the approved, replacement tower block.

RESOLVED: That application K17671/6 – temporary relocation of telecommunications equipment from Livingstone Court to Lawrence Walk be approved subject to the conditions in the report of the Borough Solicitor 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 meets the aims and objectives of Policies R/DP1 and R/ENV13 of the Gosport Borough Local Plan Review.

**45 K17997 - ERECTION OF SINGLE STOREY FRONT EXTENSION  
5 St Thomas's Road Gosport Hampshire PO12 4JU**

Members were advised that the statutory consultation period had now expired and that there had been no response to the public advert.

RESOLVED: That application K17997 – 5 St Thomas's Road, Gosport be approved subject to the conditions in the report of the Borough Solicitor 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 front extension is acceptable in this location and as such complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

**46 K17549/1- RENEWAL OF PLANNING PERMISSION (K17549) TO  
EXTEND THE TIME LIMIT FOR IMPLEMENTATION OF THE  
DEMOLITION OF FIVE BEDROOM RESIDENTIAL DWELLING AND  
ERECTION OF TWO AND A HALF STOREY BUILDING CONTAINING  
5NO. TWO BEDROOM FLATS  
2 Osborne Road Lee-On-The-Solent Hampshire PO13 9LS**

Mr Marks and Mr Thompson were invited to address the Board.

Mr Thompson advised that he was representing the views of the local residents who were objecting to what they believed to be garden grabbing. He advised the Board that should the proposal be approved, 90% of the plot would be building and the remaining 10% tarmac. He advised the Board that a similar corner plot proposal in Portsmouth had been refused.

He advised the Board that he felt the proposal was 'garden grabbing' as defined in PPS3 and that the proposal would be visually prominent and damaging to wildlife currently living in the garden. He advised that local residents felt strongly against the proposal and felt the design and scale were unacceptable.

Mr Thompson advised that he understood the difficulty in overturning a previously approved decision, but felt that the previous decision had been an incorrect one.

Mr Marks was invited to address the Board. He advised that he was the Deputy Chairman of Lee-on-the-Solent Residents Association (LOSRA) and that although they had been consulted on the original proposals by the applicant, they had not been consulted on subsequent amendments.

LOSRA felt that the proposals did not provide enough parking for the anticipated number of residents. That the access to the proposed site would create traffic and access issues, particularly in relation to access for visitors.

He advised that the service road was heavily used not only by cars, but by pedestrians and cyclists and that a number of accidents had occurred on it.

He reported that the proposals were an over-development of the site and would be over-bearing. The Board was advised that the surrounding properties typically had a 5-6m separation between the boundary wall and the dwelling. This was not the case with this proposal.

Mr Marks concluded by advising that the proposal was detrimental to the surrounding area, which was an area of special character and that Montserrat Road and Osborne Road typically comprised larger detached properties, not flats.

Councillor Beavis was invited to address the Board as Ward Councillor. He advised that he had been asked to represent the residents of Lee-on-the-Solent.

He reiterated to the Board that the area was of special character and that it needed protecting from the construction of inappropriately designed buildings that were detrimental to the surrounding area and contravened policies R/DP1 and R/H7 of the Gosport Borough Local Plan Review.

He advised the Board that the proposals were 'garden grabbing' and that there were no other flats in Montserrat Road and Osborne Road.

The Board was advised that nationally changes had been made to the PPS3 to ensure that gardens were protected, to stop unwanted flats and to protect the character of areas. Councillor Beavis requested that the Board reflect on this in their decision. He advised that the proposal was contrary to PPS3 and Policy R/DP1 of the Gosport Borough Local Plan Review and reiterated that there was a strong feeling against the proposal as it was felt it would be harmful.

Councillor Beavis stated that the strength of feeling of local residents should not be ignored and that a dangerous precedent would be set should the proposal be approved.

In answer to a Member's question, the Board was advised that the guidance in PPS3 had been revised since the original permission for the application had been granted.

The Board was advised that the emphasis of the PPS remained that new development should be focussed on land that had previously been developed (PDL) and that residential gardens had now been removed from the definition of PDL. The Board was advised that it was right for it to reconsider the application in the light of the changes to PPS3 however, officers had considered the revised guidance and considered that the previous recommendation was still appropriate.

The Chairman reported that he had studied PPS3 and found that there was a five year supply of housing land in the Borough and that the proposed development was therefore unnecessary

Members were advised that each application should be judged on its own merits and that the outstanding issue with regard to the 2<sup>nd</sup> floor fire escape would be dealt with under the Building Regulations.

Members felt that the proposal would be a significant increase in the area of the plot covered and recognised that there were a large number of objections to the proposal. The scale, design and layout of the proposal was cramped and would be out of keeping with the surrounding area; they also felt the proposal was garden grabbing.

Members felt that the application was contrary to the policy PPS3 and that as the Borough had sufficient housing land for 5 years, the proposal should be refused.

Members voted on whether to approve the application as recommended and this was lost. It was agreed that the application be refused.

RESOLVED: That application K17549/1 – 2 Osborne Road, Lee-on-the-Solent, be refused for the following reason:-

That the proposed extension of the renewal of planning permission for the implementation of the demolition of five bedroom residential dwelling and erection of two and a half storey building containing 5no. two bedroom flats by reason of its design, layout and scale, represent an undesirable form of development out of keeping with the character of the area and contrary to Policy R/DP1 of the Gosport Borough Local Plan Review and Planning Policy Statement 3.

The meeting commenced at 6.00pm and concluded at 7.15pm.

CHAIRMAN