

A MEETING OF THE REGULATORY BOARD WAS HELD ON 22 NOVEMBER 2011

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

It was reported that, in accordance with Standing Orders, Councillor Chegwyn had been nominated to replace Councillor Mrs Bailey for this meeting.

47 APOLOGIES

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

48 DECLARATIONS OF INTEREST

- Councillor Wright declared a Personal and Prejudicial interest in items K17912 and K17912/1- 176-178 Rowner Lane
- Councillor Smith declared a Personal and Prejudicial interest in items K17874/2 – Land to the Rear of 84 Priory Road and K17448/2 Land to the Rear of 21-23 Stoke Road
- Councillor Chegwyn declared a Personal and Prejudicial interest in item K17448/2 – Land to the Rear of 21-23 Stoke Road

49 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 27 September 2011 be approved and signed by the Chairman as a true and correct record.

50 DEPUTATIONS

Deputations had been received on the following applications

- K17959, K17959/2 KA1416 and K17566/4, Pier House, 1 Marine Parade East, Lee-on-the-Solent
- Tree Preservation Order G.120 - Lime Tree at Raglan Court, Gordon Road, Gosport
- K7050/2 - Agnew House, St Vincent Road, Gosport
- K17912, K17912/1 – 176-178 Rowner Lane, Gosport
- K17874/2 – Land to the Rear of 84 Priory Road, Gosport
- K17448/2 – Land to the Rear of 21-23 Stoke Road, Gosport

51 PUBLIC QUESTIONS

No public questions had been received.

PART II

- 52 **K17959, K17959/2, KA1416, AND K17566/4 - APPLICATIONS FOR :-**
 (I) INSTALLATION OF NEW SHOPFRONT
 (II) RETENTION OF AND FURTHER WORKS TO ERECT PLANT ON
 ROOF
 (III) ERECTION AND DISPLAY OF EXTERNAL ADVERTISEMENTS
 AND
 (IV) VARIATION OF CONDITIONS 1,10,11 AND 15 OF K17566/3
 RELATING TO THE REMOVAL OF EXTERNAL DECKING AND
 REPLACEMENT WITH HARD AND SOFT LANDSCAPING
 At Pier House, 1 Marine Parade East, Lee-on-the-Solent

Alison Roast of Lee-on-the-Solent Residents Association (LOSRA) was invited to address the Board. Mrs Roast advised the Board that Gosport Borough Council had extended the Lee-on-the-Solent Conservation Area under their own initiative and that LoSRA had welcomed this. She advised the Board that the extension of the Conservation Area was pointless unless the rules associated with Conservation Areas were applied.

The Board were advised that LoSRA objected to the proposed projecting externally illuminated sign and the size and the colouring of the fascia, she advised that the proposed colours of red and blue were primary colours and not the neutral colours required in the Lee-on-the-Solent Conservation Area Approval. It was felt that the blue tinted glazing was not acceptable and that the proposal did not contribute positively in terms of scale, setting, layout, mass, detail and material to the Conservation Area and the advertisements were not consistent with that of other shops in Marine Parade.

The Board were advised that the use of primary colours was to draw attention to the store, but it was felt that in a Conservation Area efforts should be made to be less conspicuous and that the proposals were undesirable in such an important conservation area.

In answer to a Member's question, Mrs Roast advised that it was felt the red, blue and white were not suitable and would be out of place and that by externally illuminating the sign it would be prominent in the streetscene.

Mrs Roast accepted that there were other signs with primary colours within the vicinity but hoped that in future, should the buildings change ownership or use that restrictions be placed on the signage.

Peter Patterson was invited to address the Board. He advised that he was representing the Lee Business Association. He advised Members that he was disappointed for Lee-on-the-Solent and for Gosport with the proposals.

He stated that he felt that Lee-on-the-Solent was special and unique; the Business Association comprised 40 local Lee-on-the-Solent traders and they

had concerns for the economy should Tesco open in Lee-on-the-Solent.

Mr Patterson advised that he had met with the Head of Development Control and had concerns that the work on the roof plant had commenced before the planning application had been considered. He also expressed concern that the calculations of GVA Grimley on existing floor space in Lee-on-the-Solent did not include 2000sqft at the nearby Essentials service station.

Mr Patterson provided a photograph and diagram for Members detailing the current visibility of the roof plant and approximate lines of sight. He advised that Pier House was a landmark in Lee-on-the-Solent and that this was not an acceptable development.

Mr Patterson stated that the application form for the proposal had stated that the plant could not be seen from the public highway and that this was incorrect. He advised that the application form also stated that pre-application advice had not been sought.

In answer to a Member's question, Mr Patterson advised the Board that he had undertaken research into other similar proposals in Conservation Areas and had been advised that in general the rule was that if the plant could be seen it contravened planning policy for conservation areas.

The Board was advised that the photograph showed the plant as it currently stood and that it was proposed to be relocated. Mr Patterson stated that even when moved the plant would still be visible and that this was his main objection.

Mr Okill was invited to address the Board. He advised that he resided in Marine Parade West and that he felt that Tesco would be a welcome addition to Lee-on-the-Solent. He advised that the picture provided by Mr Patterson appeared to be taken from the top of a set of ladders and appeared to be zoomed in and that in reality it was a lot less obvious.

Mr Okill reported that he had also undertaken a survey of existing units and found a large number used primary colours, with internally lit neon in some units. He stated that any concern regarding the aesthetic view of Pier Street should be directed towards the upper floors of the properties as some were in a poor state of repair.

Mr Okill concluded that he felt that Tesco would provide pensioners with an alternative to the inflated prices of the Co-op and that he had undertaken a price comparison between the Coop and Asda, with Asda considerably cheaper. He welcomed the competition to retailers that Tesco would bring and felt that if the independent retailers provided the service promised, they would still be able to compete with Tesco.

Alban Henderson was invited to address the Board. He advised that he represented the agent for the application, GL Hearn.

He advised the Board that a significant amount of work had been undertaken to

address the initial concerns regarding the frontage and the plant. There had been two significant amendments to the original proposals; the reduction in size and the repositioning of the plant and the movement of the fascia signage. The proposal for an ATM had also been withdrawn.

He also advised that the application was for the shop frontage and the roof plant, not for the use of the site as retail, or that the operator would be Tesco.

Mr Henderson stated that he was surprised that the plant had been installed without consent and that, on investigation, it appeared that an opportunity had been taken due to a crane being present on site. Mr Henderson advised that, as the agent, he had expressed his disappointment to Tesco that this had happened.

Mr Henderson felt that the report of the Planning Officer comprehensively addressed the issues and welcomed the recommendation for approval.

Mr Henderson also observed that he had viewed the existing units on Pier Street and had found a number of blue, red, and green signs, including an externally illuminated sign, and did not believe that the Tesco sign would be any more conspicuous. The Board were advised that at the time of the original submission, pre-application advice had not, at that point, been sought and that the application form had been completed correctly.

In answer to a Member's question, the Board were advised that all shops would like to be visible and reflect this in their shop fronts. The Board were informed that the fascia would be set back from the main sea front elevation. Mr Henderson also advised that when the initial planning application for Pier House was considered, retail use for the ground floor was included. Mr Henderson stated that there was other signage already along the length of Pier Street. He felt that the signage proposed by Tesco would not greatly differ to that in place already.

Members acknowledged that a great deal of work had been undertaken to address the concerns of both LOSRA and the Lee Business Association. Members thanked the Planning Officers for their work in relation to the proposals.

It was confirmed to the Board that internal signage was not within the control of the Local Planning Authority and did not need permission. It was also confirmed that the proposed height and location of the plant and advertisements had been amended. In answer to a Member's question, it was advised that the advertisements would not be overly visible from Marine Parade or the waterfront.

The Conservation Officer confirmed that the proposed colouring and lettering of the signage were modest in scale and the proposed signage was corporate, the blue, in particular, being suitably dark and fairly neutral.

The Board were also advised that the proposed roof plant would not be obvious

from the High Street and would not be visible from the primary view of the Unit. They were also advised that its visible presence would not be significant enough to refuse the application.

Members noted that LoSRA had concerns over the proposed film coated windows as it was felt that they were out of character with the surrounding area. It was confirmed that planning permission was not required for such proposals.

Members acknowledged that the applicant and agent had compromised to reach the current proposal and that when the initial application had been considered Members had welcomed the opportunity to redevelop an unsightly corner plot.

Members were grateful for and welcomed the work of LoSRA and Lee Business Association in Lee-on-the-Solent. Members accepted that applications for signage were usually dealt with under delegated authority, however, this application had been considered by the Board due the high level of local interest and concern.

The applicant had made a number of significant changes to the application to make it acceptable and Members commended Headley Greentree for the restoration of Pier House to date.

Members agreed that applications K17959, K17959/2, KA1416 and K17566/4 be approved.

RESOLVED: That application K17959, 1 Pier Street, Marine Parade, 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 proposed development is acceptable in design terms, will not impact harmfully on highway safety and will preserve the character and appearance of the Lee-on-the-Solent Conservation Area and the Marine Parade Area of Special Character in accordance with Policies R/DP1, R/DP10, R/S9, R/T11 and R/BH1 of the Gosport Borough Local Plan Review.

RESOLVED: That application K17959/2 - 1 Pier Street, Marine Parade, 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 proposed development is acceptable in design terms and will preserve the character and appearance of the Lee-on-the-Solent Conservation Area and the Marine Parade Area of Special Character and the amenities of the occupiers of adjoining properties in accordance with Policies R/DP1, R/DP10 and R/BH1 of the Gosport Borough Local Plan Review.

RESOLVED: That application for advertisement consent KA1416 - 1 Pier Street, Marine Parade, 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, Section 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and all other material considerations, the proposal will not have a detrimental impact on amenity or public safety and as such complies with Policy R/DP9 of the Gosport Borough Local Plan Review.

RESOLVED: That application K17566/4 - 1 Pier Street, Marine Parade, 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 proposed development is acceptable in this location and will preserve the character and appearance of the Lee-on-the-Solent Conservation Area and the Marine Parade Area of Special Character in accordance with Policies R/DP1, R/DP10 and R/BH1 of the Gosport Borough Local Plan Review.

53 K17671/7 AND K17671/8 – PLANNING APPLICATIONS FOR:-

(I) K17671/7 - DETAILS PURSUANT TO K17671 - ERECTION OF 219 RESIDENTIAL UNITS WITH ASSOCIATED OPEN SPACE, LANDSCAPING AND CAR PARKING AND REALIGNMENT OF HOWE ROAD - PHASE 1 OF ROWNER RE-DEVELOPMENT SCHEME - AMENDED APPEARANCE, LANDSCAPING AND LAYOUT OF BLOCK F (AMENDMENT TO RESERVED MATTERS APPLICATION K17671/1) (AS AMPLIFIED BY PLAN RECEIVED 13.10.11)

(II) K17671/8 – RETENTION OF AND FURTHER ALTERATIONS TO GRANGE ROAD/NIMROD DRIVE JUNCTION LAYOUT TO PROVIDE ACCESS TO RETAIL FOOD STORE (ROWNER RENEWAL SCHEME) AND MOD SITE (FURTHER AMENDMENT TO ACCESS DETAILS APPROVED UNDER OUTLINE PLANNING PERMISSION K17671) (AS AMPLIFIED AND AMENDED BY PLANS AND SUPPORTING INFORMATION RECEIVED 5.10.11)

Members were advised that there was an update to conditions 5 and 6 of application K17671/7 as some minor changes needed to be made to the refuse and cycle storage arrangements to satisfy Secured by Design requirements.

RESOLVED: That application K17671/7 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 amended details of appearance, layout, scale and landscaping for Block F of Phase 1 are acceptable. The appearance of the building and landscaping will compliment the on-going redevelopment of Rowner and will enhance the appearance of the area. The overall layout accords with the Outline planning permission and is appropriate in this location. There will be no adverse impact on residential amenity or highway safety. Adequate provision has been made for Open Space, car parking, bicycle parking and refuse storage. As such, the details comply with Policies R/DP1, R/DP3, R/T3, R/T9, R/T10, R/T11, R/H4, R/H5, R/H9, R/OS8, R/OS13, R/OS14, R/ENV11 and R/ENV12 of the Gosport Borough Local Plan Review.

RESOLVED: That application K17671/8 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 minor changes to the junction layout approved under Outline Planning Permission K17671 and K17671/2 are necessary in order to provide acceptable access to Phase 2 of the development and will not have an adverse affect on highway safety conditions or existing infrastructure in the locality or the character and appearance of the area. As such, the development complies with Policies R/DP1, R/DP3, R/T3 and R/T10 of the Gosport Borough Local Plan Review

54 TREE PRESERVATION ORDER G.119 – 56 THE AVENUE, GOSPORT

Consideration was given to the report of the Borough Solicitor requesting that consideration be given as to whether to confirm, amend and confirm, or not to confirm Tree Preservation Order G.119

RESOLVED: That in accordance with the provisions of Section 199 of the Town and Country Planning Act 1990 the Tree Preservation Order No G.119 relating to a Weymouth Pine Tree at 56 The Avenue, Gosport be confirmed.

55 TREE PRESERVATION ORDER G.120 – LIME TREE AT RAGLAN COURT, GORDON ROAD, GOSPORT

Consideration was given to the report of the Borough Solicitor requesting that consideration be given as to whether to confirm, amend and confirm, or not to confirm Tree Preservation Order G.120.

Mrs Comrie was invited to address the Board. She advised that she was the scheme manager at Raglan Court.

Mrs Comrie advised the Board that she was representing the residents of Raglan Court that had written to the Council and had compiled a 26 signature petition against the implementation of the Tree Preservation Order (TPO).

The Board was advised that the primary objection to the TPO was on the grounds of safety as the tree was situated at an entrance to Raglan Court used by both residents for access and the public as a footpath and was also well used by school children and other pedestrians. Mrs Comrie also advised that the tree was obstructive to drivers exiting Raglan Court and restricted the view to Gordon Road.

Mrs Comrie stated that the nature of the Lime tree meant that in the autumn leaves were slippery and hazardous to pedestrians.

Mrs Comrie reported that the Tree Preservation Order had arisen as a result of the Raglan Court residents requesting that the tree be felled. A tree surgeon had been appointed and as the tree was situated in a Conservation Area, Gosport Borough Council was informed of the intention to fell. An inspection was undertaken by Gosport Borough Council and a TPO made.

The Board was advised that the residents of Raglan Court were upset and disappointed that the Council had chosen to place a TPO on the tree as the initial request to fell it had been made as a result of complaints about the tree from neighbouring residents in Gordon Road. Residents were also concerned that maintenance of the tree would be costly and lead to an increase in their service charges.

The Board was further advised that the confirmation of the TPO needed to be heard by the Regulatory Board as the residents of Raglan Court had objected to the TPO being made.

In answer to a Member's question, Mrs Comrie stated that the tree blocked light to the windows of easterly properties at Raglan Court and that there had been a number of near miss collisions between pedestrians and vehicles at the entrance to Raglan Court at the location of the tree.

Members were informed that the tree and any associated costs were the responsibility of the land owner on which the tree was situated and that the Local Highway Authority had no objection to the proposed TPO.

Members accepted that the tree was a large, healthy specimen, but that there had been complaints from neighbours with regard to safety and potential damage. It was recognised that the tree stood adjacent to a busy footpath and bus stop that was well used by a large number of school children and that the species of tree generated particularly slippery leaves in the autumn.

Members expressed concern that TPOs were often made and breached with the offenders receiving a token fine and requested that if the tree was to be felled, a suitable replacement be replanted.

Members recognised that the gardens of Raglan Court were well presented and well maintained but acknowledged that the Council could not require a replacement tree unless a TPO was in place.

For clarification, Members were advised that if the Board chose to confirm the Tree Preservation Order, the residents of Raglan Court could, with just reason and evidence, apply to remove the tree. As the tree would be protected by a Tree Preservation Order, Gosport Borough Council would then be able to insist that a specified, suitable replacement be planted.

Members debated the importance of a replacement tree, whether the existing tree should be felled and the need for a Tree Preservation Order to be able to enforce the planting of a replacement.

It was proposed that the Tree Preservation Order G.120 not be confirmed. This proposal was subsequently lost.

It was proposed that in accordance with the provisions of Section 199 of the Town and Country Planning Act 1990 and despite letters of objection, Tree Preservation Order No G.120 relating to a lime tree at Raglan Court, Gordon Road, Gosport be confirmed. This was agreed.

RESOLVED: That in accordance with the provisions of Section 199 of the Town and Country Planning Act 1990 the Tree Preservation Order No G.120 relating to a Lime Tree at Raglan Court, Gordon Road, Gosport be approved.

56 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:

57 K7050/2 - REGULATION 3 - CHANGE OF USE FROM 38 NO SHELTERED HOUSING UNITS (USE CLASS C2) TO 55 NO MANAGED FAMILY UNITS (USE CLASS SUI GENERIS) TOGETHER WITH RECOVERING OF EXISTING FLAT ROOF, RE-FITTING OF ALL DOORS AND WINDOWS, INSTALLATION OF 1 NO ADDITIONAL OPENING IN THE SOUTHERN ELEVATION AND INSTALLATION OF PV PANELS TO ROOF (as amended by additional plans received 02.11.11) Agnew House St Vincent Road Gosport Hampshire PO12 4SX

The Board was advised for clarification purposes that assistance would be available 24 hours a day for this complex.

Mr Heyhoe was invited to address the Board. He advised that he represented 202 local residents whose primary concern was the impact the proposal would have on parking in St Vincent Road and the surrounding area. He advised that parking was already limited in the surrounding roads and that the increase in personnel and the change of use from older person's accommodation would lead to a greater increase in vehicles and the potential for accidents.

Mr Heyhoe advised that he had undertaken a survey of traffic and parking spaces in the vicinity and that he had observed that only 3 of 75 spaces were empty. These figures had been obtained when Agnew House was empty, prompting concern over the potential parking problems for St. Vincent Road and the surrounding roads of Mill Lane and San Diego Road should the proposals be approved.

Mr Heyhoe expressed concern that the existing windows and doors were to be replaced, questioning whether it provided good value for money when the existing windows were soundproof and safe.

Mr Heyhoe acknowledged that there had been no objection from Southern Water but expressed concern that Agnew House had not originally been designed to accommodate the proposed level of occupants.

Mr Heyhoe stated that he had previous experience of working as a Homeless Support Officer and fully accepted that there was a need for housing for the homeless. He expressed concern at the publicity given by Gosport Borough Council, stating that in a set of neighbouring properties, one had received notification of the proposal and the other had not. Mr Heyhoe advised that he had concerns that the proposals were being rushed through and also that there was a sub-contractor living within Agnew House, undertaking unofficial work ready to start a contract on 5 December.

Members requested that investigations be made into the alleged work being undertaken on the site but acknowledged that the premises were being occupied to avoid any unlawful entry.

A Member advised of a count that had indicated 74 parking spaces covering 231 properties.

Councillor Foster-Reed, Ward Councillor for Forton was invited to address the Board. He advised that he was representing the 202 residents that had signed the petition. The majority of residents in St Vincent Road and others nearby had shown concern about the proposed application.

He expressed concern that the change of use from elderly sheltered housing to units for homeless people, many of which would have young children, would have a major impact on the surrounding area.

Councillor Foster-Reed advised the Board that he felt there were strong grounds for rejecting the application, but if the Board should approve the application, he felt that additional conditions should be added to protect the local residents.

Councillor Foster-Reed advised the Board that he felt the proposed change of use was not suitable for the location as it would have a severe effect on the amenity and quality of life of local residents in neighbouring properties.

He also advised that he felt the increase in the number of housing units from 38

to 55 was unacceptable especially as the units were now likely to be occupied by more than one person.

Councillor Foster-Reed stated that there were no play facilities for children of any age in St Vincent Road. He noted that Grove Road recreation ground was 400 yards away, but that it was out of sight of Agnew House and therefore unsuitable for parents wanting to be able to watch their children playing.

Councillor Foster-Reed believed the greatest concern of neighbouring residents was the admission in the report of the Planning Officer that 'the proposed use may result in an increase in anti-social behaviour which would also increase the fear of crime of nearby residents'.

Councillor Foster-Reed advised that his preference would be that the application be refused, however if the Board were not willing to do this, then he requested that the application be deferred for a site visit.

He requested that if the Board were minded not to undertake a site visit that additional conditions be attached to the application. He requested that a warden be on-site 24 hours a day as it was felt that no on-site presence would increase the potential for antisocial behaviour. He felt that if there was no warden present, antisocial behaviour could not be stopped before it started.

Members acknowledged that there was no concern from the Local Highway Authority in relation to car parking around the proposed facility. It was also confirmed that a warden could be contacted by telephone 24 hours a day.

In answer to a Member's question, it was confirmed that the application was for a permanent change of use.

Concern was expressed that the warden would not be on-site 24 hours a day, Members were advised that each occupant would be restricted to the floor they resided on and that the operational arrangements for the home were not a planning consideration.

Members were advised that a management plan would be in place that was built on best practice for these facilities.

In answer to a Member's question, the Board were advised that the investigations were on-going into the provision of Solar Panels and that there was no obligation for them to be installed prior to the facility being occupied.

Members acknowledged that there was a need for a homeless centre and that the need for such a centre was becoming greater in the difficult economic climate. Members debated the location of the facility, as the current facility, Barclay House, was no longer acceptable for use. Members discussed the provision of warden assistance and some Members felt that it would be more acceptable if the facility was staffed by a warden 24 hours a day.

Concern was expressed that there would be an increase in the levels of

antisocial behaviour from that reported at Barclay House and also an increase in the number of visits, drop offs and loading and unloading of belongings at Agnew House due to the nature of the facility.

Members debated the car parking provision for the site. They discussed whether there was sufficient parking for the proposals. The Board were advised that there were currently only 1 or 2 cars owned by residents using Barclay House and that there was predicted to be approximately 5 cars associated with visitors to the proposed facility. This was a significant reduction compared to the previous use of the facility, particularly in relation to the number of visitors to the site.

Members acknowledged that the proposed facility was for people that had fallen on hard times, people that had been made homeless and needed help from the Council.

Members debated other facilities in Gosport that provided similar services to those proposed and acknowledged that there were few problems with antisocial behaviour. Members also debated the recreational facilities available to children residing in the proposal and it was confirmed that there would be a communal room within the building.

The importance of a replacement facility was noted by all Members. It was also noted that there would always be differing opinions as to the correct location for the facility. A number of statutory consultees had no objection to the proposal. The site was located close to bus routes, shopping and had access to local services.

It was proposed that the application be deferred to allow Members to undertake a site visit, this proposal was lost.

Members also questioned whether it was possible to restrict the granting of the consent for the change of use and whether this would be enforceable. Members also questioned whether it would be possible to enforce the presence of a 24 hour, live in warden. Members were advised that the application was for a permanent change of use and it would not be possible to enforce any amendment when considering this proposal.

It was subsequently proposed that condition 3 be amended to require that the management plan state that the site warden should be a 24 hour a day live in warden. This proposal was lost.

It was also proposed that the application be granted temporary consent for a period of 5 years. This proposal was also lost.

A Member felt that this proposed amendment was unreasonable given that the Council would spend a significant amount of money upgrading and renovating the facility.

It was therefore proposed and agreed that the change of use from 38 no

sheltered housing units (Use Class C2) to 55 no managed family units (Sui Generis) together with re-covering of existing flat roof, re-fitting of all doors and windows, installation of 1 no additional opening in the southern elevation and installation of PV panels to roof (as amended by additional plans received 02.11.11) be approved.

RESOLVED: That application K7050/2, Agnew House, St Vincent Road Gosport be approved subject to the conditions in the report of the Borough Solicitor for the following reason.

- i That having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations the proposal is therefore acceptable in principle and will not impact detrimentally on the surrounding residential properties or highway safety. The proposed alterations are acceptable in design terms and the proposal therefore complies with Policies R/DP1, R/CF1, R/T11, R/ENV10, R/ENV14 and R/ENV15 of the Gosport Borough Local Plan Review.

58 K17912 - ERECTION OF TWO AND SINGLE STOREY REAR EXTENSIONS, INSTALLATION OF EYEBROW DORMER TO REAR, ERECTION OF DETACHED DOUBLE GARAGE TO WEST SIDE, INCREASE HEIGHT OF 2NO.CHIMNEY STACKS AND LOWERING OF GROUND LEVEL TO SOUTH SIDE OF DWELLINGS (LISTED BUILDING IN CONSERVATION AREA) (as amended by additional information received 23.06.11, 09.09.11, 04.10.11 and amended plan received 06.10.11)
176 - 178 Rowner Lane Gosport Hampshire PO13 9SU

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

Members were advised that an additional letter of objection had been received with regard to applications K17912 and K17912/1 but that no new issues had been raised.

Mr Lidgley was invited to address the Board. He advised that he was a retired solicitor and that he had instructed that a protocol letter be sent to the Borough Solicitor.

He stated to the Board that he was representing local residents, the rector of St Mary's and the Prideaux-Brune family. The Board were advised that the cottages had been a gift to Gosport Borough Council from Sir Humphrey Prideaux-Brune and that they were placed in trust to Gosport Borough Council under a restricted covenant that they were to be maintained as 'old world cottages' with no external alterations. Mr Lidgley advised that the proposed alterations were unacceptable.

Mr Lidgley advised that the local residents objected to the proposals and that the application was in breach of covenant. He advised that he had instructed Counsel in order to prevent the unlawful development of the site that was not in

keeping with the old world cottages.

Mr Lidgley advised the Board that the land surrounding the cottages was open space and it should not be built on. He advised that the cottages were a gift and that the proposal deviated from the wishes of Sir Humphrey Prideaux-Brune. He felt that investigations should be made into the sale of the cottages in 2006 and that investigations should be made into this breach of covenant despite the cottages being held in trust. He also believed that the selling of and proposed application for the cottages did not comply with the Rowner Village Conservation Action Plan which specifically stated that the Grade 2 Listed cottages were of special interest and required additional protection. In addition, he felt that there had not been adequate investigations into why the cottages had been allowed to deteriorate as the thatch was now in a poor condition. He advised that he had sought legal advice on these matters.

Mr Lidgley stated that the cottages had been purchased by Sir Humphrey Prideaux Brune in memory of his father and there had been a lot of local interest and interest from local schools wishing for the properties to be used as a local resource and that the issues surrounding the cottages were standing items on the agenda of Church meetings.

Mr Lidgley advised that he felt the Board should not grant permission for the application, but that if the Board wanted to approve the application, it should be deferred to let the High Court consider as he believed the actions of the Council were illegal.

In answer to a Member's question, it was clarified that the sale of the cottages was not a planning consideration. It was confirmed that up until shortly before the sale of the cottages that the properties were occupied by tenants of GBC.

Mr Lidgley advised that he felt the legal issues surrounding the cottages should not be divorced from the planning issues and that the proposals in relation to the chimney stacks and inclusion of garages on the site were completely against the wishes of the family of Sir Humphrey Prideaux-Brune.

He advised that the local people wanted the cottages to be restored to their appearance when they were built. He re-iterated that Sir Humphrey Prideaux-Brune had given the cottages to Gosport to be enjoyed and that the proposals would damage the cottages and the surrounding area.

Mr Lidgley advised the Board that the cottages had been in a state of disrepair since before the Council had sold them and that even if the application was approved it could be up to three years before any improvements were undertaken.

In conclusion, Mr Lidgley stated that he felt the proposals were out of character and not for the better.

Mr Mawby was invited to address the Board. He advised that he was Chairman of the Gosport Society and that the Society supported the proposed application.

He advised that the aim of the Society was the preservation and protection of buildings to improve Gosport.

He advised that the cottages were historically important to Gosport and that the current condition of them was an increasing concern. He advised the Board that any further delay would not only lead to the further deterioration of the cottages, but would increase the risk of them being vandalised.

He advised the Board that there was only one other cottage of this style remaining in Gosport, in Alverstoke village, and that it had been sympathetically restored for modern living. He reiterated that the Rowner Cottages were an important part of early Gosport and welcomed that the cottages would be re-thatched, that the proposed extensions would be to the rear of the cottages and thatched and that the front of the cottages would remain unchanged. They acknowledged that the proposed amendments would make the cottages suitable for modern living.

Mr Mawby reiterated that the renovation of the cottages needed to be undertaken soon to prevent any further deterioration and advised that the Society would support the renaming of the cottages the 'Church Cottages' to restore the historical link between the Church and the cottages.

Councillor Murphy, Ward Councillor for Rowner and Holbrook was invited to address the Board. He advised that he had been invited to address the Board on behalf of residents, not just in Rowner, but across the Borough. He advised that he had attended a public meeting with 60 local residents who all agreed that something needed to be done to improve the cottages, but that nothing specific was decided as to a way forward. There was a general consensus that so long as the buildings were restored and brought back into use a planning application to do so would be supported. He advised that the majority of people that had spoken to him had advised that they wanted the cottages lived in.

In answer to a Member's question the Board were advised that all legal matters concerning the application were private matters and were not planning considerations.

Members were also advised that the previous deterioration of the cottages was not a planning consideration, but that the Conservation Officer would report back to Members with further details of this.

Members welcomed proposals to restore the cottages, retaining their natural beauty before they were irreversibly damaged. Members recognised that the longer the cottages were left, the more expensive it would be to restore them. A previous survey in 2004 had estimated the cost to restore the cottages to be £92,000.

Members also felt that the restoration of the cottages would retain them for future generations to enjoy and that the changes were discreet. They also felt that to bring the cottages in to use in this way was the way forward.

It was acknowledged that the cottages should not have been allowed to fall into such a state of disrepair, but agreed that the focus now should be on moving forward.

Members welcomed the opportunity to make a difference to the cottages rather than them deteriorating further. It was recognised that people would not be able to live in the 21st Century as they did in the 17th Century and it was therefore expected that some alterations would need to be made.

RESOLVED: That application K17912, 176 - 178 Rowner Lane Gosport be approved subject to the conditions in the report of the Borough Solicitor for the following reason.

- i. That having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposals are acceptable in terms of design, the impact on the Listed Building having special regard to the desirability of preserving the building, its setting and features of special architectural or historic interest, will preserve the character and appearance of the Rowner Conservation Area and will ensure features of archaeological interest are preserved. The proposals are acceptable in highway safety and amenity terms, provide a satisfactory living environment for future occupants and will not impact detrimentally on protected species. The proposals therefore comply with Policies R/OS1, R/OS2, R/DP1, R/BH1, R/BH3, R/BH8, R/T11 and R/OS13 of the Gosport Borough Local Plan Review.

**59 K17912/1 - LISTED BUILDING APPLICATION - ERECTION OF TWO & SINGLE STOREY REAR EXTENSIONS, INSTALLATION OF EYEBROW DORMER TO REAR, ERECTION OF DETACHED DOUBLE GARAGE TO WEST SIDE, INCREASE HEIGHT OF 2NO. CHIMNEY STACKS, LOWERING OF GROUND LEVEL TO SOUTH SIDE OF DWELLINGS, INTERNAL ALTERATIONS, NEW AND REPLACEMENT WINDOWS AND RE-THATCHING OF ROOF (CONSERVATION AREA) (as amended by plan received 06.10.11)
176-178 Rowner Lane Gosport Hampshire PO13 9SU**

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

RESOLVED: That listed building application K17912/1 – 176-178 Rowner Lane, 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 alterations are acceptable and will not detrimentally impact on the Listed Building having special regard to the desirability of preserving the building, its setting and features of special architectural or historic interest. As such, the development complies with Policies R/DP1 and R/BH3 of the Gosport Borough Local Plan Review.

60 K17874/2 ERECTION OF TWO-STOREY BUILDING TO FORM 4NO.TWO BEDROOM FLATS WITH ASSOCIATED GARAGING, CAR PARKING, REFUSE AND CYCLE STORAGE FOLLOWING DEMOLITION OF EXISTING SQUASH COURT AND GARAGES (CONSERVATION AREA)

Land To Rear Of 84 Priory Road Gosport Hampshire PO12 4LG

Councillor Smith declared a personal and prejudicial interest in this item, left the room and took no further part in the discussion or voting thereon.

Members were advised for clarification purposes that the applicant had agreed in principal to enter into a planning obligation. This was not yet ready to be signed and as a result reason for refusal 3 of the report of the Borough Solicitor remained valid.

Mr Tutton was invited to address the Board. He advised that he was the agent for the application and that he was speaking in favour of the application, against the recommendation of the Planning Officer.

He advised the Board that currently a 2 storey squash court was present on the site and that the proposed development would be further from the southern boundary of number 84 than the existing footprint. He advised that the proposal would improve the outlook of neighbouring properties and that it met with Policy R/H4 of the Gosport Borough Local Plan Review in that it would preserve the conservation area.

He advised that the proposal would not create a loss of privacy or light to any neighbouring properties and it would enhance the run down site. He advised that there had been 3 letters of objection, but this had not included an objection from the Gosport Society.

Mr Tutton advised the Board that the proposal went some way to addressing the housing needs of the Borough, particularly as there was currently a short fall in the amount of 2 bedroom properties.

The Board were advised that the applicant was prepared to enter into a Section 106 Agreement towards the provision of outdoor playing space and transport infrastructure improvements immediately if requested.

He requested that Members approve the application, or defer the application for a site visit.

Members acknowledged that the presence of windows in the property was a cause for concern, additional clarification was also sought as to access to the site.

Members agreed to defer the application pending a site visit.

RESOLVED: That application K17874/2 – Land to the Rear of 84 Priory Road,

Gosport be deferred pending a site visit.

**61 K17448/2 - DETAILS PURSUANT TO K17448/1 - PROPOSED REDEVELOPMENT TO PROVIDE 3 NO. ONE BEDROOM FLATS WITH ACCESS FROM JAMAICA PLACE (CONSERVATION AREA) (as amended by plans received 12.10.11, 24.10.11 and additional information received 30.09.11)
Land Rear Of 21 & 23 Stoke Road Gosport Hampshire**

Councillors Smith and Chegwyn declared personal a prejudicial interests in this item, left the room and took no further part in discussion or voting thereon.

Members were advised that a response had been received from the Gosport Society and that they had no objection to the proposal.

Mr Lihou was invited to address the Board. He advised that he was objecting to the proposal as the owner of 3 Joseph Street.

He was concerned that the properties would have linked roofs and the proposal would be linked to the west wall of his property. He expressed concern that the proposal would be over the boundary line of his property and that he would no longer be able to maintain the west wall or drain of his property.

Mr Lihou was concerned that there was inadequate provision for parking, that the proposed flats had the potential to need 5-6 parking spaces and that parking around the area was already insufficient.

He advised that the proposals would be dangerous for pedestrians as there would be no footpath for them on Jamaica Place.

Members were advised that boundary issues were private legal matters and that if consent was granted these issues would need to be followed up separately. A number of these issues would need to be addressed by the Party Wall Act.

Mr West was invited to address the Board. He advised that he was the applicant for the proposal and that he was seeking detailed, Reserved Matter, approval as Outline consent had previously been granted. He advised that no representations had been made against the previous application.

He advised that the issues raised related to the Party Wall Act and land ownership and were not planning considerations.

The Board were advised that he would be taking legal advice regarding land ownership and that he had amended the plans to ensure that the drain of 3 Joseph Street could be accessed.

He requested that planning permission be granted in line with the recommendation of the Planning Officers as there was no planning reason to

refuse.

In answer to a Member's question the Board were advised that the site was highly accessible to bus and ferry routes and that the flats would be most suited for those without cars.

It was reiterated that Outline consent had already been granted and that the proposals were in context with the density of the area.

RESOLVED: That application K17448/2 – Land to the Rear of 21-23 Stoke Road, Gosport, be approved subject to the conditions in the report of the Borough Solicitor for the following reason.

- i That having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the Reserved Matters, which include access, appearance, landscaping, layout and scale are acceptable. The proposal is appropriate in design terms and will preserve the character and appearance of the Stoke Road Conservation Area. There will be no harm to the amenity of the neighbouring properties and the amenities of future occupants will be appropriate in this location. A satisfactory level of car parking will be provided in this sustainable location and bin and cycle stores will be provided to the required standards. As such, the proposal complies with Policies R/DP1, R/BH1, R/S6, R/H4, R/OS8, R/T11 and R/DP3 of the Gosport Borough Local Plan Review.

The meeting commenced at 6.00pm and concluded at 10.27 pm.

CHAIRMAN