

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 21st JANUARY 2014**

The Mayor (Councillor Beavis)(ex-officio); Councillors Allen (P), Ms Ballard, Carter CR (P), Ms Diffey (P), Farr (P), Geddes (P), Gill (P), Hazel (P), Hook (P), Mrs Hook (P), Jessop, Langdon (P), Ronayne (P) and Wright (P).

It was reported that in accordance with Standing Order 2.3.6, Councillor Hazel had been nominated to replace Councillor Jessop for this meeting.

64 APOLOGIES

An apology for inability to attend the meeting was received from Councillor Jessop.

65 DECLARATIONS OF INTEREST

- Councillor Mr Hook declared a non pecuniary interest in Item 13/00417/FULL– 74 High Street Gosport (page 38 of the grey pages of the Report of the Borough Solicitor)
- Councillor Mrs Hook declared a non pecuniary interest in Item 13/00417/FULL– 74 High Street Gosport (page 38 of the grey pages of the Report of the Borough Solicitor)
- Councillor Gill declared a non pecuniary interest in Item 13/00274/FULL– Land to rear of 40 Bury Road (page 24 of the grey pages of the Report of the Borough Solicitor)
- Councillor Carter CR declared a non pecuniary interest in Item 13/00431/FULL- Land North of Manor Way & West of Bayntun Drive/Red Mill Drive (page 03 of the grey pages of the Report of the Borough Solicitor)

66 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 10th December 2013 be approved and signed by the Chairman as a true and correct record.

67 DEPUTATIONS

Deputations had been received on the following applications:

- Item 1 - 13/00431/FULL – Land North of Manor Way and West of Bayntun Drive, Gosport
- Item 2 - 13/00274/FULL – Land to rear 40 Bury Road, Gosport
- Item 3 – 13/00417/FULL – 74 High Street, Gosport

68 PUBLIC QUESTIONS

No public questions had been received.

The Chairman suggested that the order of the Reports of the Borough Solicitor be amended. It was agreed that the order would be; Item 3, Item 2, Item 1 and Item 4.

PART II

69 REPORT OF THE BOROUGH SOLICITOR

The Borough Solicitor submitted a report on applications received for planning consent setting out the recommendation in each case.

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

**70 13/00417/FULL – CHANGE OF USE FROM SHOP (CLASS A1) TO RESTAURANT AND CAFÉ (CLASS A3), INSTALLATION OF NEW SHOPFRONT, INFILL OF DOORWAY IN REAR (WEST) ELEVATION, PROVISION OF 2 NO. CONDENSER UNITS ON REAR (WEST) ELEVATION AND PROVISION OF PEDESTRIAN ACCESS RAMP TO FRONT (EAST) ELEVATION (CONSERVATION AREA) (AS AMENDED BY PLAN RECEIVED 25.11.13, AS AMPLIFIED BY NOISE IMPACT ASSESSMENT RECEIVED 28.11.13 AND EMAIL RECEIVED 17.12.13)
74 HIGH STREET, GOSPORT, HAMPSHIRE**

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 13/00417/FULL.

Members were advised that there were no updates.

Mr Cardy was invited to address the Board whereby he advised that he was speaking on behalf of fellow leaseholders at The Yachtsman flats.

Members were referred to photographs circulated by Mr Cardy detailing residents' concern; these photographs were also provided to Mr Knight.

Mr Cardy advised the Board that the residents welcomed Coffee#1 and acknowledged that the proposed coffee shop would be seen as an asset to the vitality of the High Street, however, Mr Cardy asked that the Board consider strengthening some of the conditions proposed in the Planning Officer's report to reflect the circumstances of the site and help assure harmonious co-existence.

Members were advised that the main entrance to the Yachtsman residential building was not on Mumby Road but in Loading Area 4, at the back of the building. It was felt that congestion around the entrance would magnify as Loading Area 4 serves over 20 flats and 9 businesses.

It was reported that all three fire exits from the 6 flats open into the same small area. The proposal to site the waste bins under the external fire escape was considered by residents to be dangerous and impractical. Residents had visited Coffee#1 in Southampton where the waste bins were stored inside the unit. It was felt the unit was of the same size as the proposed application and that to ease congestion a small internal store should be provided for the bins.

Concerns were raised with the siting of the condensers being fixed to the west-facing wall of the building above the main entrance with Mr Cardy advising that these would be ugly, noisy and would not enhance the main entrance of the Yachtsman. It was suggested that the condensers fixed anywhere on the wall would, make much more noise than the ambient levels identified in the Noise Impact Assessment.

In relation to the condensers it was felt, that allowing these to operate from 6am - two hours before opening and continue until 8pm - two hours after closing, would cause disturbance to morning sleep and evening peace. Residents felt that a practical solution would be to move the condensers to the slab roof of the building with the pipework suitably routed and concealed.

Mr Cardy advised Members that despite verbal assurances that only coffee, hot drinks and re-heating of sandwiches would occur on the premises, residents had expressed concerns as they already suffered from the unvented smells from the Crew Mess in the abutting building. Mr Cardy asked the Board to consider no cooking of hot food on the premises be permitted.

In summary, Mr Cardy hoped that the Board would note the residents' concerns and suggested that a site visit be made before approval of the application.

Further to a question by a Member, it was confirmed that informal meetings had taken place with the Agent to address residents' concerns which had proved unsuccessful.

Mr Knight was invited to address the Board whereby he advised that he was acting on behalf of the Applicant.

Mr Knight read a statement from Coffee#1 who were the incoming tenants to the unit.

Members were advised that whilst there will a slight increase in mixed Class A1/A3 use in the Town Centre, the vacant unit would be brought back into use, making a significant contribution to the vitality of the Shopping Centre while also creating new job opportunities. It was further felt that the use and external alterations would make a positive contribution to the wider streetscene and Conservation Area.

Mr Knight went on to advise that they recognised the application was subject to a number of representations, however, felt that it was important to note that many of the points raised in the representations were not planning matters or had been addressed by the proposed planning conditions.

He advised that access to the proposed unit was not only from the rear of the flats but from the High Street and that the external staircase was a secondary and not the sole means of fire escape.

Members were advised by Mr Knight in relation to the waste bin siting concerns; any Class A1 use could occupy the unit without planning controls. It was further noted that Environmental Health and Fire Officers had raised no concerns regarding the proposed bin storage.

Further to a Members question, Mr Knights confirmed that the trading hours of 8am-6pm Monday to Saturday and 10-5.30 on a Sunday meant that the condensers which would just be utilised for air conditioning, were only required for the coldest or hottest months of the year, and would only run during the day time. The acoustic survey and Environmental Health report had confirmed that the proposed location of the condensers would have no significant impact on residential users. Mr Knight also stated that the tenants were happy to accept amended conditions of operating hours for the condensers, ensuring that there would be no adverse impact on the local residential amenity.

Councillor Cully was invited to address the Board as Ward Councillor for Town. She advised the Board that the objections that she had received had compelled her to request the application be brought to the Board to be discussed in full.

She advised the Board that the issues surrounding the proposal centred on concerns with the change of use of the building and the operating hours of the condenser units and noise that these units would generate. It was felt that the condenser units should be relocated to the flat roof area of the building as currently, the proposed location was in close proximity to a residential window.

Councillor Cully acknowledged that the opening of Coffee#1 would bring a vacant unit back into use and enhance the area, however felt, that some conditions should be imposed to address residents' concerns.

Councillor Cully advised that residents felt that the proposed bin storage sited in a narrow busy entrance restricted access to the entrance of the flats and that the bins should be contained within the premises and not block the use of fire escape routes.

A Member proposed a site visit, the proposal was seconded and the Board voted not to defer for a site visit.

Following the debate 2 amendments were proposed and seconded one to deal with concerns over

the operating time of the condenser units and the second one the location of the condenser units and the bin storage.

The first amendment was to approve the application with an amendment to the wording of the condition 4 to read:

- The condenser units hereby approved shall not be operational other than from 1 hour before and until 1 hour after the premises are open for use.

A vote was taken on this amendment which was agreed and therefore no vote could be taken on the second amendment.

RESOLVED: That application 13/00417/FULL – 74 High Street, Gosport, be approved subject to the conditions in the report of the Borough Solicitor and Deputy Chief Executive and the amendment of condition 4 of the report to read:

- The condenser units hereby approved shall not be operational other than from 1 hour before and until 1 hour after the premises are open for use.

**71 13/00274/FULL – DEMOLITION OF EXISTING GARAGE AND BOUNDARY WALL AND ERECTION OF 1NO. THREE BEDROOM DWELLING WITH ASSOCIATED PARKING AND AMENITY SPACE (CONSERVATION AREA) AS AMENDED BY PLANS RECEIVED 03.07.13, 17.10.13 AND 14.11.13 AND LETTER RECEIVED 14.11.13
LAND TO REAR 40 BURY ROAD, GOSPORT, HAMPSHIRE**

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 13/00274/FULL.

Members were advised that in reference to a point made in letter of representation L4, the Local Highway Authority (LHA) had again confirmed the extent to which the service roads that border the application site are publicly adopted.

The LHA had confirmed that all parts of the service road, including the land at the front of the garages, are publicly adopted highway. In light of the clarification, and notwithstanding the fact that part of the service road is shown on the title deeds of number 38, the applicant has a legal right to pass over the land in order to access the parking spaces proposed to the south of the application dwelling. The proposed car parking and access arrangements continue, therefore, to be considered acceptable and to accord with the National Planning Policy Framework and Policy R/T11 of the Gosport Borough Local Plan Review.

Mrs Linda Harris was invited to address the Board whereby she circulated to Members an illustration of the parking issues currently experienced in Walton Road and advised that she was speaking on behalf of a large number of residents of Bury Road, Walton Road and Gordon Road to state opposition to the latest planning proposal for No. 40 Bury Road.

Mrs Harris read from her deputation that the need to be at a meeting again had only served to cause stress and anxiety to the residents of those properties directly and indirectly affected by the application before the Regulatory Board.

Mrs Harris said that the residents were dismayed to have to present at yet another Regulatory Board over a Planning Application which to all intents and purposes reflects previous versions over the years, all of which Board Members had refused.

Mrs Harris went on to advise that refusal in 2012 focused on:

1. Its inappropriate design, siting, layout, elevation detailing and constrained location which would result in an inappropriately contrived development that will be out of keeping with the established pattern of development in the area.
2. The proposed amenity space is smaller than the guideline dimensions set out within Appendix B of the GBC Local Plan Review. The garden would be bordered on its eastern, western and southern sides by service roads and car parking areas. The use of the garden would, therefore be undesirable for prospective occupiers, creating a poor level of residential amenity contrary to the NPPF
3. The proposed development makes inadequate provision for on-site parking for number 40 Bury Road and is likely to result in overspill car parking in the surrounding road network.

It was advised that residents had failed to see how the new application had fully or properly addressed significant issues. Indeed, very close scrutiny of the Case Officers Report to the Board fails to identify how the principal reasons for past refusal had been overcome.

Mrs Harris advised the Board that the following points and issues were key highlights which formed the residents emphasis and concerns stated in letters of Public Comments, and on some new aspects gleaned from the Case Officer's Report:

1. The plot is often used as a car park for in excess of 9 vehicles for the holiday letting of 40 Bury Road. The owners' statement that he will stop holiday letting of No 40 Bury Road if the Application is approved is meaningless and unenforceable.
2. The so-called video survey and analysis of parking on the Application site is similarly meaningless as it was undertaken when the property was not in use as a holiday let. We believe the owner deliberately sought to mislead the planning officer as to the true nature of parking on the site.
3. The site being reported as Previously Developed Land (PDL) must surely be inaccurate in that the land was previously a domestic garden and before that an orchard.
4. It would appear that the chaos which will ensue when the vital rear access roads to many properties are blocked by scaffolding and building work is of no relevance to the process.
5. The rear access roads are the main and in some cases the only vehicular accesses for a number of affected properties, some of which have elderly residents who need unhindered use of access roads for medical and emergency purposes.
6. Similarly restrictions to free traffic movement in the access road system will affect emergency vehicle response and access
7. The triangular site is bordered on 3 sides by narrow rear access roads all of which are unlit and have no separate pedestrian pavements.
8. The design of the proposed dwelling sets the front door and the garden access directly onto the eastern rear access road which is unlit and has no separate pedestrian pavement.
9. The disconnected 3rd parking bay for No 40 Bury Road must be a questionable arrangement.
10. Over the years the dwelling houses proposed for this site have reduced in size to the extent that the latest shrinkage must challenge any concept of what can reasonably be called a 3 bedroom property. Likewise, the Case Officers satisfaction with the size of the garden is questionable.

It was advised that the list of residents' concerns could go on and that it cannot see how this new application had overcome the issues raised at the previous Boards which had resulted in previous refusals. Mrs Harris further stated that it really does appear that the Applicant is hoping that affected local residents and the Board will tire of the process and concede to a far from appropriate application.

In summary Mrs Harris advised that it was yet another contrived attempt to build a 3 bedroom property on a parcel of land which is neither large enough nor suitable in terms of its location.

Mrs Harris went on to say that residents sincerely hoped that the Board would be consistent with its

previous refusal decisions; there being no significant evidence that the reasons for previous refusals had been addressed.

Mrs Harris said that it was felt that approval of the application by the Board would see our current Council leave a legacy of an inappropriate and impractical small dwelling with inadequate and dangerous access in an area that we all have a duty to protect in order to preserve our listed and conservation heritage creating a precedent and open door to other inappropriate developments around the Borough.

Councillor Forder was invited to address the Board as Ward Councillor for Anglesey. He advised that he supported the residents' concerns and that he had two major concerns regarding the proposal. The first was that it was garden grabbing, and the second was the detrimental impact it would have on the area by increasing traffic levels.

He acknowledged that there was a large amount of history of previous applications for the proposal.

Councillor Forder advised that the plot of land in question was an odd shaped plot surrounded by access roads. He advised that the architectural styles of Bury Road and Walton Road were both dominant but very different and that the proposal would not compliment either.

He advised the Board that the proposal was a classic example of back land development on an awkward triangular plot.

It was accepted that the proposal had a smaller footprint than previous proposals but, in conclusion, Councillor Forder expressed concern that the proposal site was surrounded by access roads and was not in keeping with the area.

Officers clarified the differences between the two residential proposals that had previously been refused and the current proposal and the current planning Use Class of the existing property.

RESOLVED: That application 13/00274/FULL – Land to Rear 40 Bury Road be approved subject to Section 106 Agreement relating to the payment of a commuted sum toward transport infrastructure, services and facilities; the payment of a commuted sum towards open space provision and management and mitigation against recreational disturbance and subject to the conditions in the report of the Borough Solicitor and Deputy Chief Executive.

**72 13/00431/FULL - ERECTION OF 101 RESIDENTIAL UNITS TOGETHER WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AND WORKS TO TREES WITHIN TPO G127 (AS AMENDED AND AMPLIFIED BY PLANS RECEIVED 03.01.14 AND 06.01.14)
LAND NORTH OF MANOR WAY & WEST OF BAYNTUN DRIVE/REDMILL DRIVE AT HMS DAEDALUS, LEE-ON-THE-SOLENT**

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 13/00431/FULL.

Members were advised that the Local Highway Authority had provided further comments on the application which did not raise any concerns, however, will be useful to the developer in respect of carrying out the development. The comments are as follows:

- Connection to the existing highway drainage system is acceptable in principle. Detailed calculation will be required to demonstrate that there is adequate capacity within the existing system.
- The detailed road design stage will allow matters within the Stage 1 Safety Audit to be addressed.
- The Stage 3 Safety Audit will clarify whether the new roads can be adopted taking into account

- visitor car parking spaces on the site.
- Construction traffic should access the site from the north through the wider Daedalus site and not through the existing residential area. This should be reflected in the Construction Environmental Management Plan that is required by condition 3.
 - Further ground investigation of perched water will be required for drainage of the roads to be fully considered. The Hampshire County Council Companion Document for Manual for Streets provides more detail on drainage of highways.
 - The corners on the roads should be angled to prevent damage to car tyres and turning for large vehicles should be shown on any adoption Plans.
 - Details of site levels should be referred to the Local Highway Authority to allow an assessment of gradient and drainage to be carried out,
 - A licence is required for any works on the public highway
 - The existing highway access opposite 89 Manor Way is not required and should be permanently closed.
 - The proposed Local Planning Authority conditions cover a number of these details

Mr Stuart Goodwill was invited to address the Board whereby he advised that he was a Senior Planning Manager at Barratts and was representing the Applicants.

Mr Goodwill advised Members that the proposed residential units had been carefully designed and would enhance the area and that pre-application and public consultation had taken place prior to the submission of the application.

Officers clarified the requirements and provisions to mitigate the impacts of recreational disturbance resulting from the proposal.,

RESOLVED: That application 13/00431/FULL – Land North of Manor Way & West of Bayntun Drive/Redmill Drive at HMS Daedalus be approved subject to Section 106 agreement relating to affordable housing; an employment and skills plan; open space provision and management and mitigation against recreation disturbance and subject to the conditions in the report of the Borough Solicitor and Deputy Chief Executive.

**73 13/00445/FULL – ERECTION OF TWO STOREY SIDE AND FIRST FLOOR
REAR EXTENSION
3 CHARK COTTAGES, SHOOT LANE, LEE-ON-THE-SOLENT, HAMPSHIRE**

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 13/00445/FULL.

Members were advised that there were no updates.

RESOLVED: That application 13/00445/FULL – 3 Chark Cottages, Shoot Lane, Lee-on-the-Solent, be approved subject to the conditions in the Report of the Borough Solicitor and the Deputy Chief Executive.

74 ANY OTHER BUSINESS

There was no other business

The meeting concluded at: 7.55

CHAIRMAN