

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 21 JULY 2015 AT 6PM
Subject to approval**

The Mayor (Councillor Farr) (ex-officio); Councillor Hook (P), Councillors Allen (P), Bateman (P), Carter (P), Dickson (P), Ms Diffey (P), Hicks (P), Hazel (P), Mrs Hook (P), Jessop (P), Langdon (P), Mrs Wright (P) and Wright (P)

19. APOLOGIES

An apology for inability to attend the meeting was received by The Mayor.

20. DECLARATIONS OF INTEREST

Councillor Hazel declared a personal interest in respect of item 1 of the grey pages of the report of the Borough Solicitor & Deputy Chief Executive.

21. MINUTES

RESOLVED: That the Minutes of the Regulatory Board meetings held on 21st May and 2nd June 2015, be approved and signed by the Chairman as true and correct records.

22. DEPUTATIONS

Deputations had been received on the following items:

- Item 1 of the grey pages– 15/00154/FULL – Royal Clarence Yard, Gosport
- Item 2 of the grey pages – 15/0165/FULL – Former Cordite Magazine, Britannia Way

23. PUBLIC QUESTIONS

A public question had been received in respect to Item 1, Royal Clarence Yard, Gosport, of the grey pages of the report of the Borough Solicitor and Deputy Chief Executive.

Mrs Catherine Hudfield was invited to address the Board whereby she asked what consideration had been given to the safety of residents in Flagstaff House where there were no pavements on exiting and entering. The Chairman responded and advised that the original planning application was refused by the Regulatory Board but allowed, on appeal, by the Secretary of State in 2006. As part of that decision the Secretary of State gave permission for the layout of buildings and roads within the development. Any amendments or changes proposed by the application to the way the approved layout was used had been considered by Officers in conjunction with the Local Highway Authority. It was further advised that Paragraph 11 of the Officer report specifically refers to highway safety with regard to the residents of Flagstaff House.

PART II

24. REPORTS OF THE BOROUGH SOLICITOR & DEPUTY CHIEF EXECUTIVE

The Borough Solicitor & Deputy Chief Executive submitted a report on applications received for planning consent setting out the recommendation.

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

**24. 15/00154/FULL – CAR PARKING STRATEGY (AMENDMENT TO CAR PARKING STRATEGY APPROVED 29.02.08) (CONSERVATION AREA) (as amended by additional information received 15.06.15)
ROYAL CLARENCE YARD WEEVIL LANE**

Councillor Hazel declared a personal interest in this item; he remained in the meeting room and took part in the discussion and voting thereon.

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00154/Full.

Mrs Philippa Dickson was invited to address the Board.

The Planning Officer informed the Board of the following updates and amendments to the application.

Paragraph three of 'The Site and the Proposal' to include an additional bullet point to read that 'The proposed CPMP included a number of amendments to the previous CPMP including - No barriers at the entrances to the application site"

Paragraph five of 'The Site and the Proposal' be amended to read that provision was also made within zones 2, 3 and 5 for a number of spaces for overflow parking from zones 1 and 4 as they exceed their respective capacities.

Paragraph eight of 'The Site and the Proposal' to read that visitor parking would be available in zones two and five with the capacity generated from the predicted overprovision of 294 spaces (when consideration is given to the peak usage surveys) or a worst case scenario of 69 spaces should all those entitled to a permit park at the same time.

Paragraph one of 'Principle Issues' to read that it was appropriate that the application seeks a pragmatic solution to the Car Park Management Plan (CPMP) at Royal Clarence Yard (RCY) that will meet the reasonable needs of the residents without compromising the functional ability of the commercial units to succeed. It is, however, not reasonable to expect all of the new standards in current planning policy (such as the number of parking spaces required per dwelling by the Gosport Parking SPD 2014) to be retrospectively applied within a historic environment that is physically constrained by built form. However, where current planning policy can be reasonably applied (i.e. improving the secure parking of motorcycles) it should be. Notwithstanding this, it was not reasonable to expect this application to solve all access, transport, security, traffic calming and navigational issues many of which (such as the fee payable for residents parking) are private matters between the residents and Berkeley Homes (or their management company) regarding how the site is operated.

The Planning Officer advised that following consultation, The Gosport Society had confirmed that, notwithstanding their response raising no objection, that the Ceremonial entrance had been previously damaged by traffic entering and leaving through the gate. Therefore they advised that the gate should be either closed to traffic or bollards erected to prevent traffic from passing through and leaving.

Since the publication of the report it was advised that 14 additional letters of representation had been received of which seven were from people who had not previously made a representation. Therefore, the overall total received was three in support and 25 in objection.

Issues that had been raised from the letters of representation were read out and responded to as follows:

- Could more parking be made available along Weevil Lane or Salt Meat Lane or a multi-storey car park constructed

The Planning Officer advised that the Council must consider the submitted application on its merits. There was no requirement to introduce additional parking spaces. Notwithstanding this, creating spaces on both Weevil Lane and Salt Meat Lane would be likely to both interrupt the free-flow of traffic and could harm the setting of the Royal Clarence Yard conservation area. The introduction of a multi-storey car park could harm the setting of the Royal Clarence Yard conservation area.

- No storage facilities for visitor's bicycles

The Planning Officer advised that provision for the parking of bicycles was addressed in paragraph ten of the Officer report. Furthermore, the Council discharged condition 9 (cycle storage facilities) of the 2006 planning permission in April 2015 accepting that the existing provision made for the storage of bicycles on site was acceptable.

- Provision for charging electric vehicles

The Planning Officer advised that a planning condition was proposed to secure, subject to there being no harm to the Royal Clarence Yard conservation area, an appropriate number of electric vehicle charging points.

- Failure to make provision for the growth in car ownership.

The Planning Officer advised that whilst the proposal did not include a calculation for the potential growth of car ownership in future years it was accepted that there was limited scope to increase the capacity for car parking on the site given the physical constraints of the built form, which was approved by the Planning Inspectorate in 2006, and the historic environment.

- The proposal didn't include speed limits within the site.

The Planning Officer advised that the application site was private property not maintained by the Local Highway Authority. The setting and enforcement of speed limits on the site was not within the scope of the Car Park Management Plan.

- Barriers (or Automatic Number Plate Recognition cameras) were not provided at the entrances.

The Planning Officer advised that whilst the current approved Car Park Management Plan included barriers at the entrances to the site these were not considered necessary to manage the car parking provision. Furthermore, the addition of barriers, whilst acceptable in principle, would not be preferable in this historic environment.

- Residents would have to walk too far to their houses.

The Planning Officer advised that given the road layout of the site, the number of dwellings and the physical constraints of the built form, as approved by the Planning Inspectorate in 2006, it was not possible for each resident to park adjacent to their dwelling. However, where possible, the proposal did seek to ensure that residents were able to park in the parking zones closest to their dwellings.

- Condition 12 of the 2006 permission, which was repeated by condition 14 of the 2008 permission, (requiring a new car park management plan for each new development) should be a condition of this application.

The 2008 permission sought to amend and update the 2006 permission so it was appropriate to re-impose the appropriate conditions. Therefore, if the parts of the site not yet developed were developed in accordance with the 2005 or 2008 permissions then the previous conditions would still apply.

Members were further advised that the application was simply for a stand-alone Car Parking Management Plan. Therefore, as the proposal set out how sufficient parking would be provided for the constructed and consented, but not yet built, developments that the application site serves (including G-Block and NM7), it was not considered that there was a need to require a new Car Park Management Plan as long as any new development did not exceed the capacity of that previously approved on the site.

If an application for a development was proposed on the site that was in excess of the quantum of development catered for in the proposed Car Park Management Plan then an application would be required to amend the Car Park Management Plan.

It was advised that an informative was proposed so that the applicant was made aware.

- There was insufficient overnight security patrols proposed to manage the parking spaces.

The Planning Officer advised that the method in which the application sought to monitor the car park management plan was considered acceptable.

- The proposal did not account for development on NM7.

The Planning Officer advised that the Car Park Management Plan was considered to acceptably include parking provision, by both means of allocated parking and entitlement to parking permits, for the currently consented quantum of development at the application site (including G-Block and NM7).

Members of the Board were advised of the following amendments to the conditions contained within the report.

Amendment to condition 4 to read:

- No development shall commence until details (including content, materials, means of fixing, any lighting and the timetable for their implementation) of navigational signage boards have been submitted to, and agreed, in writing, by the Local Planning Authority. The navigational signage boards shall be carried out in accordance with the approved details.

Reason - To ensure that appropriate navigational signage is provided in accordance with Saved Policy R/T3 of the Gosport Borough Local Plan Review 2006, Policy LP23 of the emerging Gosport Borough Local Plan 2011-2029 (Publication Version 2014) and the NPPF.

Amendment to condition 5 to read:

- No development shall commence until details (including materials, means of fixing and the timetable for their implementation) of security measures for the parking of motorcycles have been submitted to, and approved, in writing, by the Local Planning Authority. Provision for secure motorcycle parking shall be made within each zone. The security measures shall be carried out in accordance with the approved details.

Reason - To ensure that motorcycle parking is provided in a method that will avoid motorcycles being parking where they may harm the setting of the Royal Clarence Yard Conservation Area and grade II listed buildings in accordance with Saved Policies R/BH3 and R/T3 of the Gosport Borough Local Plan Review 2006, Policies LP11 LP23 of the emerging Gosport Borough Local Plan 2011-2029 (Publication Version 2014) and the NPPF.

Members of the Board were advised of the following additional conditions proposed:

- No development shall commence until a scheme to demonstrate whether charging points for electric vehicles could be introduced without harm to the Royal Clarence Yard conservation area has been submitted to, and approved, in writing, by the Local Planning Authority. Any charging points to be installed, in accordance with the approved scheme, shall be installed within six months of the commencement of development.

Reason – To seek to maximise the opportunity to use renewable energy in accordance with Saved Policy ENV14 of the Gosport Borough Local Plan Review 2006, Policy LP38 of the emerging Gosport Borough Local Plan 2011-2029 (Publication Version July 2014) and the NPPF.

- No development shall commence until details of how the development will be carried out in North meadow (including sections, samples of any replacement hard landscaping and any replacement/amended lighting) have been submitted to, and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason – To safeguard the setting of the Royal Clarence Yard Conservation Area and in accordance Saved Policies R/BH1 and R/BH5 of the Gosport Borough Local Plan Review 2006 and Policies LP11 and LP12 of the emerging Gosport Borough Local Plan 2011-2029 (Publication Version July 2014).

In conclusion the Planning Officer advised the Board that the applicant should note that before they begin development for any phase of development permitted by 05/00217/FULL that had not yet begun an application to discharge condition 12 of that application must be made.

Furthermore it was advised that the applicant should note that before they begin development for any phase of development permitted by 07/00378/FULL that had not yet begun an application to discharge condition 14 of that application must be made.

Mrs Dickinson introduced herself to the Board and thanked Members for the opportunity to speak on the application.

Mrs Dickinson felt that it was a welcome step forward that Berkeley Homes had relinquished their intention to build 15 houses on North Meadow however she advised that parking under the new proposal was less than ideal especially as easy access to public transport no longer existed. Mrs Dickson advised Members that the nearest bus stop and ferry was a 20 minutes' walk away and that car ownership continued to grow.

Mrs Dickinson advised the Board that the residents were not happy that the applicants would no longer be continuing with the approved proposal for parking management to be controlled by 3 barriers at the main entrances. She felt that that to rely on foot patrolling did not deal with the current overnight fly-parking.

Mrs Dickinson also advised Members that residents were surprised to learn after months of discussion with Berkeley Homes who had indicated an intention to re-plan NM7 with a maximum of 55 dwellings that, they had suddenly increased the number of permits to 78. Mrs Dickinson reported that peak occupancy overnight in the adjacent North Meadow resident parking area was already at full capacity.

Mrs Dickinson advised the Board that the current proposal included 44 parking related signs but none to assist wayfinding. She concluded that residents felt wayfinding and destination signs that were visible day and night should be implemented.

The Board were advised by Mrs Dickinson that residents were concerned with the impact of commercial vehicles using the Ceremonial Arch haphazardly once it was opened. She explained

that residents were divided on whether the gates should be open or closed but further advised that there should be some protection in place for this listed structure to prevent any damage.

Mrs Dickinson also raised concerns with the proposed new commercial drop-off zone outside Flagstaff House and the safety of people when vehicles manoeuvred near and on the pedestrianised area of Brewhouse Square.

Mrs Dickinson felt that the applicant had made no provision for short term cycle parking for visitors to Royal Clarence Yard.

In conclusion, Mrs Dickinson advised Members that the issues she had raised were important to residents of Royal Clarence Yard and that the development reached its full potential as a thriving and attractive place for people to work and visit.

The Managing Director of Berkeley Homes, Mr Gilbert was invited to address the Board. He advised Members that following the approval of the Car Parking Management Plan in 2005 that the site had changed significantly and that the car parking management plan required updating to reflect those changes.

Members were advised by Mr Gilbert that the proposed strategy would provide a further 95 car parking spaces making a total of 695 car parking spaces available on the site.

Mr Gilbert advised the Board that through consultation with residents they had decided against building 15 new dwellings at North Meadow and planned to reconfigure the area to provide additional car parking spaces.

He also advised the Board that a survey had been carried out on car park management of the site and monitored throughout the past 18 months.

In response to a Members question regarding implementing additional bollards around the Ceremonial Gate, Mr Gilbert advised that due to the narrowness of the Ceremonial gate and restrictions already in place that additional bollards would need permission from the Conservation Officer.

Councillor Ronayne was invited to address the Board whereby he thanked Members for the opportunity to speak on the application as Ward Councillor. He informed Members that he welcomed the application which sought to provide further accessibility to residents and visitors to the site but raised concerns to the principle issue of car parking allocation.

Councillor Ronayne raised concerns with the lack of signs within the development displaying car parking restrictions and felt that more provision was needed for visitors that cycled.

He also raised concerns with the low level lighting on the site and advised that residents felt the area to be foreboding and unsafe in the evenings.

Following a Members question in relation to implementing a condition for the ceremonial gates to not be used by commercial vehicles, the Planning Officer advised that the width of the gate would act as a natural deterrent for larger vehicles and that it was historically appropriate that the gates were used for access.

In response to a question from a Member in relation to there being adequate cycle storage available on the site for visitors the Planning Officer advised Members, that there was already provision for the parking of bicycles which was controlled by previous consents.

RESOLVED: That planning application 15/00154/FULL– Royal Clarence Yard, Weevil Lane, including the additional condition and amendments as detailed above be approved subject to a Section 106 agreement relating to there being no construction on the area known as NM4/5 (including the 16 dwellings permitted under 05/00217/FULL on 02.02.06), and subject to the conditions as amended in the report of the Borough Solicitor and Deputy Chief Executive.

**26. 15/00165/FULL – CHANGE OF USE OF FORMER CORDITE MAGAZINE TO 1 NO. THREE BEDROOM DWELLING, ALTERATION TO EXISTING AND INSERTION OF NEW WINDOWS WITH ASSOCIATED HARD LANDSCAPING, ACCESS, AND INTEGRAL CAR AND CYCLE PARKING (AMENDMENT TO APPLICATION 14/00320/FULL) (as amended by plans received 15.06.15 and amended and amplified by additional information received on 02.06.15 and 06.07.15)
FORMER CORDITE MAGAZINE, BRITANNIA WAY**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00165/FULL.

Dr Hudson was invited to address the Board.

Officers advised that since the publication of the report, two letters of representations had been received providing additional comments to their previous submissions. The following issues were raised:

- Amendments to plans had not addressed fundamental issues
- Proper consideration of impacts on wildlife including bats and badgers had not been addressed in the application
- Recent works on the site would have impacted on wildlife
- Site was not properly managed
- Developers have no right of access over land required for access
- Barrett David Wilson who own the existing access road were not informed of the application until later in the process

Members were advised that the issues that had been raised in respect of the wildlife impacts were addressed within the report.

Members were further advised that whilst the developers do not own the access road, the provision of the proposed access could be controlled by a condition requiring its implementation before any other works commence if the application was considered acceptable in all other respects.

Officers reported that the applicant had been served with the appropriate notice at the point of re-registration and had no evidence to suggest that this had not been received.

Members were advised that the Defence Infrastructure Organisation had provided comments on the application. They had raised no objection to the proposal, subject to a condition requiring the inner pane of the triple glazing containing a minimum of 6.8mm thick laminated glass with a PVC layer. The Officer clarified that such matters could be controlled by condition if the application was acceptable in all other respects.

Officers advised the Board that the applicant had advised that an appeal for non-determination of the application had been submitted.

Members were advised that that officers had written to both the applicant and the Planning Inspectorate to advise that as the original submission was invalid the application was re-registered on 1 June 2015 and that the Planning Department consider the 8 week target date to expire on 27 July 2015 and, therefore, the appeal is premature and should not be accepted. The Planning Inspectorate had confirmed that the appeal had not been registered yet.

Following the update, Members were advised that there was no change to the recommendation of the application.

Dr Hudson advised Members that he was representing over 100 local residents who had expressed concerns that the proposed development could potentially have a harmful impact on wildlife habitats and protected species.

Dr Hudson referred Members to a plan of the munition store. He advised the Board that residents were in the process of consulting with Solicitors to buy a piece of land next to the site from Barratt David Wilson Homes with the aim of protecting the proposed access way to ensure no development of the land took place.

In summary, Dr Hudson felt that the development did not comply with Gosport Borough Council's Local Plan to protect Nature Conservation Areas and asked Members to recommend refusal of the application on the basis of the local residents' concerns expressed.

Following discussions, Members recognised the ecological importance of the site and felt that it was unique to Gosport and should be retained.

RESOLVED: That planning application 15/00165/FULL – Former Cordite Magazine, Britannia Way, be refused for the following reasons:-

1. The proposed residential development would result in an incompatible use, within this designated Site of Nature Conservation Importance (SINC), where there is no overriding public interest and would not provide any benefits to outweigh the need to protect the nature conservation value of the site, contrary to the National Planning Policy Framework, notably paragraphs 77, 109 and 118, and Policies R/OS12 and R/OS13 of the Gosport Borough Local Plan Review and Policies LP43 and LP44 of the Gosport Borough Local Plan 2011-2029.
2. The proposed residential development does not relate to the provision of recreation and/or community facilities and, as such, would result in an incompatible and unacceptable use within the Existing Open Space, contrary to the National Planning Policy Framework, notably paragraphs 74, 76 and 77 and Policy LP35 of the Gosport Borough Local Plan 2011-2029.

**27. 15/00247/FULL - ERECTION OF 7 NO. TWO-STOREY BUILDINGS (B1/B2/B8 USE) WITH ASSOCIATED CAR PARKING AND LANDSCAPING
DAEDALUS PARK LEE ON THE SOLENT**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00247/FULL.

The Planning Officer updated the Board advising that further to the publication of the report, a consultation response had been received from Fareham Borough Council that had raised no objection subject to a condition to secure landscaping on the northern boundary.

Members were advised that a soft landscaping scheme, including landscaping on the northern boundary, had been submitted and was required, by proposed condition 11, to be completed with the next planting season following the first occupation of the development.

Members were advised of the following additional condition proposed:

No Development shall commence above slab level until details of employment and training measures had been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason – To ensure that the development provided opportunities to develop a skilled workforce within the Borough in accordance with Policy LP17 of the emerging Gosport Borough Local Plan 2011-2029 (Publication Version July 2014) and the Gosport Borough Council securing employment and training measures through planning obligations Planning Guidance Note 2012.

Members discussed the economic benefits of the proposal and the need for a Construction Environmental Management Plan to protect the amenity of the occupiers of the neighbouring residential dwellings during construction works.

RESOLVED: That planning application 15/00247/FULL – Daedalus Park, Lee-on-the-Solent including the additional condition as detailed above be approved subject to a Section 106 agreement relating to the payment of a commuted sum towards the provision of transport infrastructure to be spent on improving cycle routes in the vicinity to improve connectivity and provide improved options for travel and subject to the conditions as amended of the report of the Borough Solicitor and Deputy Chief Executive.

28. 14/00495/FULL – REMOVAL OF EXISTING CONCRETE SLABS, REPAIR WORKS TO EXISTING TRAVERSE WALLS, ALTERATIONS TO SEA WALL AND ERECTION OF 2 NO. TWO BEDROOM DWELLINGS AND 7 NO. THREE BEDROOM DWELLINGS WITH ASSOCIATED LANDSCAPING AND CAR PARKING (as amended by plans received 24.11.14 and 25.11.14 and ecological surveys received 20.03.15, 25.03.15 and 10.06.15) (CONSERVATION AREA) SHELL FILLING ROOMS, PRIDDY'S HARD

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 14/00495/FULL.

Members of the Board were advised that there were no updates.

Members discussed that the proposal would provide a welcome regeneration of the site.

RESOLVED: that planning application 14/00495/FULL – Shell Filling Rooms, Priddy's Hard be approved subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

29. 14/00496/LBA – LISTED BUILDING APPLICATION – REPAIRS TO TRAVERSE AND BLAST WALLS (CONSERVATION AREA) SHELL FILLING ROOMS, PRIDDY'S HARD

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to application 14/00496/LBA.

Members were advised that this application was for Listed Building Consent to undertake repair works to the Listed walls in order to secure their long term preservation.

RESOLVED: that planning application 14/00496/LBA – Shell Filling Room, Priddy's Hard be approved subject to the conditions of the report of the Borough Solicitor & Deputy Chief Executive.

30. ANY OTHER BUSINESS

Members were advised of the Planning Inspectorate's decision regarding the Planning Appeal relating to Royal Sailors Rest Community Centre, Grange Lane.

The planning appeal was dismissed. The Planning Inspector agreed that to develop the site without a community use was contrary to Saved Policy R/CF2 of the Gosport Borough Local Plan Review 2006 (which sought to protect existing health and community facilities) and Policy LP32 of the emerging Gosport Borough Local Plan 2011-2029 (Publication Version July 2014). In reaching their decision the Planning Inspector gave weight to the fact that the applicant had failed to demonstrate why it was not financially viable to provide a community use on the site nor had they undertaken a robust marketing exercise to demonstrate a lack of interest in the site.

The applicant also applied for costs against the Council on the basis that the Council did not provide a further written statement during the appeal process. This application was dismissed with the Planning Inspector agreeing that the Council had provided all the necessary information in its Officer report and that to add to this, just for the sake of it, was unnecessary.

The meeting concluded at 19:26

CHAIRMAN