A MEETING OF THE REGULATORY BOARD
WAS HELD ON 27 October 2015 AT 6PM

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

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

47. APOLOGIES

An apology for inability to attend the meeting was received by Cllr Ms Diffey.

48. DECLARATIONS OF INTEREST

There were none.

49. MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 15th September 2015, be approved and signed by the Chairman as a true and correct record.

50. DEPUTATIONS

Deputations had been received on the following items:

- Item 1 of the grey pages - 14/00576/FULL – 116-118 Priory Road, Gosport

- Item 2 of the grey pages - 15/00164/FULL – 32 York Crescent, Lee-on-the-Solent
  Members were advised that the applicant was unable to attend the meeting but had requested that a statement be read out to the Board when the application was being considered.

- Item 3 of the grey pages - 14/00590/FULL – 35 High Street, Gosport
  The Chairman asked the Board, under Standing Order 6.3.6, to consider receiving the deputation despite notice under Standing Order 3.5.1 not being given. The Board agreed to receive the deputation notwithstanding the notice under Standing Order 3.5.1 had not been given.

- Item 4 15/00402/FULL – 43 Western Way, Gosport

51. PUBLIC QUESTIONS

There were no public questions.

PART II

52. REPORTS OF THE BOROUGH SOLICITOR AND DEPUTY CHIEF EXECUTIVE

The Borough Solicitor and 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:

53. **14/00576/FULL - DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT THREE STOREY BUILDING COMPRISING 6NO. ONE BEDROOMED FLATS WITH ASSOCIATED PARKING AND AMENITY SPACE (CONSERVATION AREA) (as amplified by plan received 12.06.15 and ecological survey received 29.07.15)**
116 - 118 Priory Road Gosport

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 14/00576/FULL.

Mr Stoppani was invited to address the Board.

Members were advised that there were no updates.

Mr Stoppani advised the Board that the majority of residents living in Hardway were not against the development but felt that the current design would be out of character and have a detrimental impact on the surrounding area. He further advised Members that Hardway was considered a historic area and that those living in the vicinity wanted a more traditional built building rather than the proposed block of flats.

Mr Stoppani advised Members that residents felt the size and density of the proposed building was too large to be accommodated on the site. He felt that the external appearance was not sympathetic to neighbouring properties and did not enhance or preserve a historic property in a Conservation Area.

In addition, Mr Stoppani advised Members that as well as the design of the building residents were concerned with the 4 allocated parking spaces proposed, and felt that these were inadequate for an already congested parking area.

Mr Tyrell was invited to address the Board whereby he advised that he was speaking in support of the application on behalf of the applicant MSP Homes who provided high quality residential buildings.

Mr Tyrell advised that the existing building in its current state did not contribute anything to the Conservation Area and that refurbishment or renovation of the building was not practical or viable. He further advised that he had worked with both the Planning Officers and the Conservation Officer to respect all elements of the design in relation to the scale, proportion and character of the surrounding area.

Further to a question to the Planning Officer, Members were informed that the application was an identical resubmission of an elapsed consent and that consideration of the application in 2011 had determined that the design and impact of design was acceptable. It was further clarified that the provision of 4 parking spaces had been considered acceptable in the original submission and that there had been no significant developments implemented in the immediate locality since the previous consent was granted.

RESOLVED: That planning application 14/00576/FULL, be approved subject to a Section 106 Agreement relating to the payment of a commuted sum towards infrastructure, services and facilities to secure transport and green infrastructure improvements within the Hardway Ward; the payment of a commuted sum towards measures to mitigate the impact of increased recreational activity on Special Provision Areas and subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

54. **15/00164/FULL - ERECTION OF A BALCONY TO FRONT ELEVATION (as amended by plans received 23.7.15 and 08.09.15)**
32 York Crescent Lee-On-The-Solent Hampshire PO13 9AX

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 15/00164/FULL.

Mr Bate was invited to address the Board.

Members were advised that there were no updates.

Mr Bate advised Members that he lived at number 68 Portsmouth Road and referred to photographs he had circulated to Members which detailed his concerns for the proposed application.

Mr Bate informed the Board that he had no objections to the proposed balcony; however he felt that the close proximity of the balcony to his living accommodation was unacceptable and intrusive.

Mr Bate further advised that the proposed balcony featuring an obscured glazed screen to prevent overlooking would be ineffective and result in his property experiencing a loss of privacy due to balcony users potentially leaning across and looking into his property.

Mr Bate also expressed concerns in relation to noise that could potentially be generated from balcony users.

The Borough Solicitor and Deputy Chief Executive read out a statement that had been submitted on behalf of the Applicants. The statement read as follows:

“Please accept our apologies for not attending in person. We had hoped to but unforeseen circumstances have prevented it.

We bought our property, 32 York Crescent, one year ago. One of the key selling points for us was the fantastic view across the Solent. At the time of purchase, we hoped to maximise our enjoyment of the view by building a balcony on the side elevation of the house. This is something enjoyed by many of the properties that face onto Portsmouth Road, in the same way that our house does. Indeed, this is something Mr Bate himself wanted to do, a number of years ago.

Throughout the whole process of the planning application we have been neighbourly and engaged Mr Bate in conversation with ourselves and our architect regarding our proposal. We have amended the plans to address the point he has raised regarding his privacy, by including a frosted glass screen to the side of the balcony nearest his property. This is something we would prefer not to have but would be willing to install to respect Mr Bates' view.

We are aware that the planning department are happy with the amendments we have made and we would ask that the committee also support our application to improve our enjoyment of the house we plan to make our family home for many years to come”.

Following a Member’s question, the Planning Officer advised that the balcony would extend 1.3m out from the front elevation. It was clarified that the balcony would be reduced by angling the corner of the handrail away from Number 68 Portsmouth Road to reduce potential for overlooking into its first floor window.

RESOLVED: That planning application 15/00164/FULL, be approved subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

55. 14/00590/FULL - CONVERSION OF STOREROOM AND ERECTION OF FIRST FLOOR REAR EXTENSION TO PROVIDE 1 NO. TWO BEDROOM FLAT (CONSERVATION AREA) (as amended by plan received 05.06.15)
35 High Street, Gosport, Hampshire PO12 1DF

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 14/00590/FULL.

Mr Savage was invited to address the Board

Members were advised that there were no updates.

Mr Savage advised the Board that he was the Parish Administrator at St Marys Catholic Church in Gosport High Street. He thanked the Board for allowing his deputation to be considered.

Mr Savage provided Member's with a brief history of the Church advising that the proposed application would have a significant impact on the oldest part of the Church; the Lady Chapel.

Mr Savage expressed concerns that the proposed application would cause a loss of light to the Church and significantly reduce the current light provided to the Lady Chapel which was adjacent to the main alter. He further advised that the Church was originally designed to include high level windows throughout to maximise the use of light.

The applicant, Mr Khan was invited to address the Board. He advised Members that he felt the proposed application situated at the tail end of the property would have no impact on neighbouring properties or reduce the light to the Church.

Councillor Mrs Cully was invited to address the Board whereby she thanked Member's for the opportunity to speak as Ward Councillor. She informed Members that she had been approached by both objectors to the application.

Councillor Mrs Cully advised the Board that a resident of Minnett Road had not been notified in regards to the application being presented to the Regulatory Board and had raised concerns that the proposed application's bedroom windows would be adjacent to the boundary and potentially result in the loss of privacy from the terrace to flats on Minnitt Road. She further added that currently there were no other terraces to the rear of the High Street and that this application would overlook nearby flats.

Councillor Mrs Cully further expressed concerns with regards to the effect the proposed flat would have on the Church. She informed the Board that she had visited both the Church and Chapel and felt that the application would create overshadowing to the Church and restrict light. She further advised that the possibility of roof lights was not feasible due to the Chapel roof being a stone carved feature. In conclusion, Councillor Mrs Cully advised the Board that the Church was open to the community from 7am-8pm daily providing a peaceful haven to the High Street and urged Members to consider visiting the site before determining the application.

The Borough Solicitor and Deputy Chief Executive explained that Officers would investigate the concern raised about a resident not being notified.

It was proposed and agreed that the item be deferred to allow Members of the Regulatory Board to undertake a site visit.

RESOLVED: That a site visit be arranged and that planning application 14/00590/FULL, 35 High Street Gosport, be deferred to a future meeting of the Regulatory Board.

56. 15/00402/FULL - ERECTION OF TWO STOREY SIDE/REAR EXTENSION, BALCONY, SINGLE STOREY SIDE EXTENSION, ROOF CANOPY AND BOW WINDOWS
43 Western Way, Gosport,

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00402/FULL.

Mr Willis was invited to address the Board.

Members were advised that there were no updates.

Mr Willis advised the Board that he lived at 45 Western Way and expressed concerns with the loss of light and privacy his property would experience if planning permission was granted.

Mr Willis referred Members to a photograph that detailed his current view from his dining room and the close proximity of the proposed extension to his property and garden. Mr Willis also raised concerns with the roof and guttering of the extension overhanging the boundary line.

The applicant Mr Ferrari was invited to address the Board. He advised that he had consulted neighbours with the plans and had worked with the builder and Planning Officers to design an extension that would not restrict light and intrude on any neighbouring property. He felt that the design would enhance and add value to the property and would be in keeping with the surrounding area.

In response to a Member's question relating to the overhanging of guttering on the boundary line, and right of access to the property, the Borough Solicitor and Deputy Chief Executive clarified that whilst anyone could apply for planning permission on any particular land, all that was required was that notice was given to the land owner, any planning permission granted did not mean that an applicant had permission to use someone else's land.

RESOLVED: That planning application 15/00402/FULL, be approved subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

57. 15/00465/OUT - REGULATION 3 - HYBRID APPLICATION COMPRISING: PROVISION OF CAR PARK, ACCESS ROAD, AND ASSOCIATED WORKS (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) AND PROVISION OF RECREATION FACILITIES, TOILETS AND ASSOCIATED WORKS (ALL MATTERS RESERVED) (as amplified by additional information received 12.10.15)
Alver Valley Country Park, Cherque Way, 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 15/00465/OUT.

Members were advised that since the publication of the report a further letter of objection had been received.

The following issues raised were:

- The toilets should be located near to the BMX track where they are required;
- People will use the Cherque Farm housing estate to park if there is a charge for parking at the proposed car park;

- Concern about additional restrictions on dog walkers;
- Cyclists should be more considerate to walkers; and
- Improvements should not be overdone and this natural environment should be retained

The Planning Officer advised that the toilets proposed were considered to be acceptable and any further planning application for toilets elsewhere in Alver Valley Country Park would be considered on its merits. The proposals were not considered to harm the landscape character of the Country Park.

The issues raised regarding charging for parking, restrictions on dog walkers and cyclists related to the overall management of the Alver Valley Country Park and were not matters for consideration in this planning application which must be considered on its merits.

Members were informed of the following additional Consultation responses:

Hampshire and Isle of Wight Wildlife Trust

No response has been received from the Hampshire and Isle of Wight Wildlife Trust.

Lead Local Flood Authority

Hampshire County Council, as the Lead Local Flood Authority, had provided comments on the application raising concerns regarding:

- Whether infilling the 35m ditch running parallel to Cherque Way is the most appropriate method to deal with the watercourse; and
- The need for additional information to assess the proposed surface water drainage arrangements.

The Planning Officer advised Members that with regard to the ditch it was understood that it was formed when a bund was created to ensure that there was no unauthorised vehicular access to the Country Park at this point. However, to now infill the ditch requires consent (above and beyond planning permission) from Hampshire Country Council as the Lead Local Flood Authority. Whilst an application has been made by the Council to Hampshire County Council the outcome of this is as yet unknown. Therefore, whilst it was considered that an appropriate solution can be accommodated within the site boundary it was considered appropriate to recommend the following additional planning condition:

10. Before development commences details of the measures required to protect ordinary watercourses within the site shall be 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 there is no harm to ordinary watercourses within the site in accordance with Policy LP39 of the Gosport Borough Local Plan 2011-2029.

With regard to the request for additional information regarding surface water drainage it was recommended that the following additional planning condition be imposed:

11. Before development commences details of the mechanism(s) to dispose of surface water on/from the site shall be 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 there is no localised flooding in accordance with Policy LP39 of the Gosport Borough Local Plan 2011-2029.

Local Highway Authority

Hampshire County Council, as the Local Highway Authority, had confirmed that they had no objections. However, they had recommended amendments to improve safety along the new

access road (including cycle line painting, and visibility splays within the landscaping strip). They had also suggested that planning conditions were secured regarding the timing of the closure of the existing car park entrance and a Construction Traffic Management Plan

The Planning Officer advised Members that amended plans had been received to increase the markings on the access road for cycles and provide visibility splays within the proposed landscaping area as requested by the Local Highway Authority. With regard to the suggested planning conditions it was recommended that the following additional planning conditions were imposed:

12. Before development commences a Construction Traffic Management Plan (CTMP) for the development, hereby approved, has been submitted to and approved, in writing, by the Local Planning Authority. The CEMP shall contain details of:
(a) The provisions to be made for the parking of contractors, site operatives, employees and visitors;
(b) The provision for wheel washing facilities;
(c) Measures to control the emission of dust and dirt;
The development must be carried out in accordance with the approved details.

Reason – To safeguard highway and pedestrian safety and to prevent pollution in accordance with Policies LP22 and LP46 of the Gosport Borough Local Plan 2011-2029.

13. The recreational facilities, hereby approved, shall not be brought into first use until the car park, as shown on Plan No. E/NA/015/28/009 Rev C, has been constructed and made available for use.

Reason - To ensure adequate parking for the development in accordance with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

14. Within one month of the first use of the car park, as shown on E/NA/015/28/009 Rev C, the access to the existing car park from Cherque Way, as hatched blue on the Site Location Plan, shall be closed to vehicular access.

Reason - In the interests of Highway Safety in accordance with Policy LP23 of the Gosport Borough Local Plan 2011-2029.

As a result of these amended plans received proposed conditions 1 and 5 were recommended to be amended to include up to date plan numbers.

1. The development hereby permitted, as shown on approved plans reference ENA/015/28/001A, ENA/015/28/002A, ENA/015/28/003A, ENA/015/28/004B, ENA/015/28/005B, ENA/015/28/006A, Site Location Plan, ENA/015/28/007C, ENA/015/28/008B, ENA/015/28/009C, must be begun within a period of three years beginning with the date on which this permission is granted.

Reason - To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

5. The car park hereby permitted shall be carried out in accordance with the following approved plans: ENA/015/28/001A, ENA/015/28/002A, ENA/015/28/003A, ENA/015/28/004B, Site Location Plan, ENA/015/28/005B, ENA/015/28/006A, ENA/015/28/007C, ENA/015/28/008B, ENA/015/28/009C

Reason - To ensure that the development is completed satisfactorily in all respects in accordance with Policy LP10 of the Gosport Borough Local Plan 2011-202

Members were advised that a statement had been received from Councillor Burgess that he wished the Chairman to read out. The statement read as follows:

“As one of the two local Councillors, I regret that due to another meeting, I am unable to speak to you in person in favour of this application on Tuesday 27 October 2015.

We have been waiting many years for the Alver Valley Country Park to come to fruition. It is now definitely on its way. I would also like to thank the Chief Executive and the Leader of the Council for their efforts in securing funding for this scheme to go ahead.

The most important item is the car park. This will allow more visitors and users of the park to visit in safety. The much needed recreational facilities will cater for all ages.... including mine..... and with new links to existing footpaths it will be a safe place to visit even in inclement weather.

Finally, I welcome the toilet facilities that will be provided and will be welcome by all after a long walk in the Park".

Members unanimously welcomed the proposal.

RESOLVED: That planning application 15/00465/OUT, be approved including the additional conditions and amendments as detailed above and subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

58. ANY OTHER BUSINESS

Members were informed of the Planning Inspectorate's decision regarding Planning Appeals relating to:

- Land adjacent 45 Gomer lane, Gosport
- Land adjacent 2 Grays Close, Gosport
- Land adjacent 75 St Helens Road, Gosport

It was reported that all three of the Planning Appeals had been dismissed. In reaching their decision, the Inspector noted that each respective application would have resulted in significant harm to the character and appearance of the locality.

The meeting concluded at 7.25pm

CHAIRMAN