

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 7 DECEMBER 2016 AT 6PM
*Subject to approval***

The Mayor (Councillor Mrs Hook)(ex-officio); Councillors Allen (P), Mrs Batty (P), Beavis, Bergin, Carter (P), Ms Diffey (P), Earle (P), Farr (P), Foster-Reed (P), Hicks (P), Hook (P), Jessop (P), Raffaelli (P), Ronayne (P), Wright (P)

It was reported that in accordance with Standing Order 2.3.6, Councillors Hook and Burgess had been nominated to replace Councillors Beavis and Bergin respectively for this meeting.

66. APOLOGIES

Apologies for inability to attend the meeting were received from The Mayor and Councillors Beavis and Bergin.

67. DECLARATIONS OF INTEREST

- In respect of Item 1 of the grey pages of the report of the Head of Planning Services, Councillor Allen stated that he had been a member of the Licensing Sub-Board that had granted the original premises licence for the building but that he did not consider this to affect his ability to make a decision on planning grounds.
- In respect of Item 1 of the grey pages of the report of the Head of Planning Services, Councillors Mrs Batty and Wright declared that they had sat on the Licensing Sub-Board that had recently approved a variation to the premises license for the building but they did not consider this to affect their ability to make a decision on planning grounds.
- In respect of Item 1 of the grey pages of the report of the Head of Planning Services, Councillor Ronayne stated that he was the Ward Councillor.
- In respect of Item 4 of the grey pages of the report of the Head of Planning Services, Councillor Mrs Batty stated that she was the Ward Councillor.

68. MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 19 October 2016 be approved and signed by the Chairman as a true and correct record.

69. DEPUTATIONS

Deputations had been received on the following items:

- Item 1 of the grey pages 16/00423/FULL – Unit B1 Granary And Bakery, Weevil Lane, Gosport
- Item 3 of the grey pages 16/00146/FULL – 19 Amersham Close, Gosport
- Item 4 of the grey pages 16/00352/OUT – Land Adjacent to 2C Perth, Road Gosport

70. PUBLIC QUESTION

There were no public questions

PART II

71. REPORTS OF THE HEAD OF PLANNING SERVICES

The Head of Planning Services 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:

**72. 16/00423/FULL – RETENTION OF AND FURTHER WORKS FOR THE
ERECTION OF FREE STANDING TABLES AND CHAIRS (ADJACENT TO
LISTED BUILDING IN A CONSERVATION AREA) (as amended by plan
received 18.11.16)
UNIT B1 Granary and Bakery Weevil Lane Gosport**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00423/FULL.

Mrs Philippa Dickinson was invited to address the Board.

Members were advised by the Planning Officer that since the publication of the report one further letter of support had been received. Members were advised that no additional issues had been raised in the letter and therefore there was no change to the Officer's recommendation.

Mrs Dickinson advised the Board that she was a resident at Royal Clarence Yard and also one of the volunteer organisers of events and other activities there.

Mrs Dickinson advised the Board that the residents' aim was to bring visitors to a beautiful part of Gosport's history and showcase its potential for businesses to be successful.

Mrs Dickinson advised the Board that one of the key factors that brought visitors to Royal Clarence Yard was the history of the place and the number and quality of heritage buildings that remained. She further advised that residents were fortunate that Gosport's Local Planning Policies were strong on the need to protect these buildings and the requirement for high quality design especially within Conservation areas like Royal Clarence Yard.

Mrs Dickinson referred Members to Policies LP4, 10, 11 and 12 of the Local Plan that protected, conserved and together with local tourism & commercial objectives, allowed for the sensitive, coherent development and exploitation of the buildings at Royal Clarence Yard.

Mrs Dickinson advised the Board that residents were not opposing the proposals and welcomed the fact that The Victualler had re-opened the Bakery as a restaurant. She went on to advise that the newly designed interior was stylish and welcoming, while leaving the heritage of the building pretty much intact and visible however she stated that unfortunately the same could not be said of the exterior furniture.

Mrs Dickinson explained to the Board that the Planning Officer's report outlined the issues with the design, materials and scale and advised Members that some brief observations and context should be considered when determining the application, these were;

- 1) Over 30 small or medium enterprise businesses were already operating at Royal Clarence Yard. Several of these had been based there for years with many thriving and creating jobs. These businesses respected the fact that it was in a Conservation Area (even though this brought constraints).

Mrs Dickinson advised that it had only been on the Waterfront that there had been a problem realising the commercial potential, but felt that was changing as there were now two restaurants and a café there and increasing interest from others.

- 2) There were 29 letters of support for this application, but only four from people or businesses located at Royal Clarence Yard. Support had been solicited through a social media campaign conducted by The Victualler.

Mrs Dickinson advised that there were 22 objections – 15 from Royal Clarence Yard residents which had included the CEO of internationally renowned Clipper Ventures. Many residents were

supportive of the restaurant, just objected to the exterior furniture. Mrs Dickinson added that there was no campaign organised against the furniture.

- 3) There is a suggestion that the restaurant cannot now afford to remove the exterior furniture, and that its retention is vital for the success of the fledgling business.

Mrs Dickinson stated that, in her experience, restaurants succeeded or failed based on the quality of their food, customer service, pricing and marketing and had never heard a restaurant argue before that their exterior furniture was a critical element.

Mrs Dickinson advised Members that she felt that the situation was a problem of the applicant's own making. She added that they had chosen not to seek planning advice or permission before starting construction and, when advised that they would need permission and that there were concerns, ignored this and carried on building regardless and only when receiving an enforcement notice did they submit an application retrospectively.

Mrs Dickinson felt that Berkeley Homes could have advised their tenant better and stopped the construction as it was their land and their property.

Mrs Dickinson said that she was sorry that it might cost the restaurant a chunk of money to remove the pallet furniture and replace it with more appropriate tables and chairs but perhaps the applicants could look to Berkeley Homes to bear some responsibility for having allowed the situation to arise.

Mrs Dickinson further stated that she had heard a possible cost of a few thousand pounds mentioned and added that this could seem a lot for a new business, but this would not be much money to the extremely profitable Berkeley Homes, and reflected the equivalent of a couple of hours of corporate entertaining in a swanky hotel or a couple of seconds of Chairman Tony Pidgley's time.

- 4) Fire risk: Mrs Dickinson expressed surprise to read that the fire risks raised by the fire officer were not relevant in planning.

Mrs Dickinson advised Members that the residents living in the Bakery considered the fire risks to be extremely relevant and asked whether the Board had ever approved a planning application with significant fire risk concerns left unresolved for so long.

- 5) In recent weeks, a long strip of lighting had been attached to the exterior of the Bakery. Mrs Dickinson felt that this almost certainly would require planning permission, however, none has been sought, nor any advice given, with Berkeley Homes saying that it was not an issue for them

Mrs Dickinson asked Members to consider what message would it send to the applicant, to Berkeley Homes and to all the other current and future businesses at Royal Clarence Yard if they were to disagree with the views of the Planning, Conservation, Environmental Health and Fire departments and allow the proposed application, adding that it would give the impression that it would be acceptable to ignore planning considerations and just put stuff up and then plead poverty as a reason to be allowed to keep it. Mrs Dickinson also asked whether a commercial decision by a business should be allowed to outweigh the strong and considered policies of the Council. Mrs Dickinson further stated that she thought that the approval of the application would not be good for the future prosperity of Royal Clarence Yard nor for Gosport.

In conclusion, Mrs Dickinson felt that it was for all the reasons highlighted, plus the potential for additional noise and nuisance outside of restaurant hours, that she hoped Members would support the recommendation to refuse the application.

Mr Bartrip was invited to address the Board and advised that he was the applicant and owner of the harbour side bar and had owned a residential property in Royal Clarence Yard since 2007.

Mr Bartrip advised the Board that full use of the outside seating area was crucial for his business to survive. Mr Bartrip further advised Members that previous owners of the premises had not been required to apply for planning permission for outside seating.

Mr Bartrip advised the Board that he employed 14 full time staff and that the seating area was essential to cope with the service demands and to ensure enjoyment of the harbour views. Mr Bartrip added that his business used local stock and suppliers and invested back into the community.

Mr Bartrip advised the Board that he had used his life savings for refurbishment of the building and had spent a large sum of money on the outside furniture. He advised that there was no additional budget to replace the furniture and felt that if no seating was provided outside the premises the business would simply not thrive.

Mr Bartrip advised the Board that the outside furniture had been put in during the summer and that the bar had opened a few weeks ago. He reported that the premises had been very busy every weekend since then and no complaints had been received.

Mr Bartrip advised the Board that licensing conditions were in place to ensure customers did not disturb local residents with noise nuisance and he felt that the seating area was in keeping with the surrounding area. Mr Bartrip further advised that amended plans submitted allowed for disabled access to the raised area adjacent to the harbour wall.

A Member asked the applicant if he would be willing to reduce the scale of seating outside the premises and the applicant advised that this was something that could be considered.

Clarification was sought by a Member in relation to the furniture remaining permanently outside the premises and asked if this could be stored inside the premises. The applicant advised that there was no space inside the venue to store the large volume of furniture. He also advised that he was in discussion with Hampshire Fire and Rescue to get the wooden furniture fire-proofed.

Councillor Philpott was invited to address the Board. He advised that, whilst he was not speaking on behalf of the Economic Development Board, of which he was Chairman, he was speaking within his remit of economic development and prosperity.

Councillor Philpott advised the Board that he felt the report for consideration did not take into account all the Local Planning Policies relevant to Royal Clarence Yard.

He advised the Board that he understood that the applicant had a right to make a retrospective application however he believed that the applicant should have sought the opinion of the Council's Conservation Officer due to the premises being a Listed Building within a Conservation Area.

Councillor Philpott advised the Board that Royal Clarence Yard had always been considered as a mixed use development with ground floor frontages being identified to provide leisure facilities and restaurants and protected for commercial benefit.

Councillor Philpott acknowledged that fire safety was not a material planning consideration and that rules were in place by the Hampshire Fire and Rescue Service to ensure that premises complied with fire regulations.

Councillor Philpott advised the Board that the main issue of objection focused on the design of the furniture outside of the premises however he believed, that the design was a matter of opinion and that the benefits the business would bring outweighed the planning policies.

A Member asked for clarification on what was deemed as acceptable furniture as he felt that the wood orientated pallets that had been implemented were in keeping with the previous use of the area and time period. He further added that from an economic point of view the application should be approved as he felt that the seating would enhance a designated heritage asset and provide a

positive contribution to the area. He further added that Policies LP13 and LP31 of the Local Plan gave Members the right to approve the application and overturn the Officer's recommendation.

It was therefore proposed and seconded that the application be approved under LP11, LP13 and LP31 of the Local Plan.

Following further discussions, Members recognised the concerns regarding the scale of the outdoor seating area adjacent to the Marina and, in light of the applicant indicating a willingness to reduce the number of seats, felt that this would alleviate some of the concerns raised.

The motion to approve the application was withdrawn.

It was proposed, seconded and agreed that the application be deferred to allow officers to carry out further negotiations with the applicant and return application to the next available Board.

RESOLVED: That planning application 16/00423/FULL be deferred pending further negotiations

- 73. 16/00312/FULL – CHANGE OF USE FROM CAR SALES TO CAR WASH AND VALETING AND ERECTION OF NEW 2.4M HIGH ACOUSTIC FENCE/SPRAY SCREEN ADJACENT TO SOUTHERN BOUNDARY (as amended by plans and additional information received 09.09.16)
Finsbury Cars Privett Road Gosport**

Members of the Board were advised that planning application 16/00377/FULL had been withdrawn.

- 74. 16/00146/FULL – CHANGE OF USE OF LAND INTO RESIDENTIAL CURTILAGE, THE RETENTION OF EXTENDED DRIVEWAY, 1.8 METRE HIGH FENCE AND OUTBUILDING, AND THE ERECTION OF AN ADDITIONAL 1.8 METRE HIGH FENCE
19 Amersham Close Gosport**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00146/FULL.

Members were advised that there were no updates.

Mr Barrie Smith was invited to address the Board. He advised Members that he had lived at number 20 Gomer Lane, opposite the application site, for over 30 years.

Mr Smith advised the Board that he felt the applicants had shown a blatant disregard to the planning process by commencing works prior to submitting an application and had removed a large tree without consultation with the residents or planning department which he felt was a great loss to the area and environment.

Mr Smith advised the Board that he was representing a fairly large number of objectors who were concerned for the safety aspects of the proposal. In particular he advised that since the erection of the fence residents had witnessed four instances of near misses due to poor visibility manoeuvring in and out of the property.

Mr Smith advised the Board that the plans submitted claimed that a 1.8 metre fence was proposed however the fence that had been erected was up to 2.1 metres tall.

Mr Smith advised the Board that objectors were concerned with the proposal to enclose the pathway which would result in the loss of light to Amersham Close and Gomer Lane and put residents' personal safety at risk when using the path during dark hours. Mr Smith stated that there had been no indication that lighting would be provided and that the enclosing of this space could potentially attract criminal activity.

Mr Smith questioned the need to have parking for nine cars when the applicants already had parking for six cars and felt that this would have a poor effect on the environment if such a large part of the grassed area was replaced with concrete.

In conclusion, Mr Smith asked Members to support the Officer's recommendation for refusal and ensure that the area be retained for open green space that had originally been agreed for the Gomer Estate.

The applicant Mr McCallan was invited to address the Board. He advised Members that he had applied to purchase the land from the developer before it had gone to auction and stated that he believed someone would buy the land and build a property.

Mr McCallan advised that he had extended his driveway to enable his touring caravan to fit alongside his property. Mr McCallan advised Members that 2 years ago he had been involved in a motorcycle accident and that the extension to his driveway enabled him to move the caravan around freely without causing a nuisance to neighbours. He further advised that when he purchased the land no one had complained.

Mr McCallan also advised the Board that number 27 Gomer Lane had purchased a similar parcel of land and erected a fence which had been granted planning permission in 2015.

Mr McCallan advised Members that the fence running along the northern boundary which projected 5 metres from the original boundary had been in place for 11.5 years and had received no complaints or problems with accidents or near misses. He advised the Board that he and his wife were members of the Institute of Advanced Motorists and always used safe manoeuvring practices when exiting their property. Mr McCallan further stated that his wife had sought advice from the Planning Department in respect to the fence next to the footpath and had received a letter from Mr Kenneth Cast dated 25th May 2005 advising that as the footpath was not directly on to a vehicular access way planning permission was not needed at that time.

A Member asked Mr McCallan if he had a copy of the letter from the Planning Department but he could not locate this.

A Member sought clarification from the Planning Officer regarding the fence and how long it had been in place. The Planning Officer confirmed that there was no record of when the fence was erected however if it was more than 10 years ago and the applicant could demonstrate this, they could be advised to apply for a lawful development certificate. The Planning Officer further added that there were two elements of the application; one being the piece of land where the garden had been extended and enclosed, and the other the proposal to enclose the remainder of the land.

Following further discussions, Members felt that further clarification was required regarding the fencing.

It was therefore proposed, seconded and subsequently agreed that the application be deferred to allow for further investigation.

RESOLVED: That planning application 16/00146/FULL be deferred to allow further investigation.

Councillor Mark Hook left the meeting.

**75. 16/00352/OUT – OUTLINE APPLICATION – ERECTION OF DETACHED DWELLING WITH ACCESS FROM PERTH ROAD AND NEW ACCESS TO BALMORAL CLOSE (additional plans 18.08.2016)
Land Adjacent to 2C Perth Road Gosport**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00352/OUT.

Members were advised that since the publication of the report, a further letter of objection had been received which had raised no additional issues. Therefore, the Officer's recommendation remained unchanged.

Mr and Mrs Dunlop were invited to address the Board. Mrs Dunlop advised the Board that she and her husband were the owners of number 5 Balmoral Close and were speaking on behalf of the other residents in Balmoral Close.

Mrs Dunlop advised the Board that they would like to point out that the planning application contradicted the drawings supplied and was factually incorrect.

Mrs Dunlop advised the Board that they were not against the building of the single detached dwelling however their concern was regarding the strip of land where it was proposed to add a dropped kerb. Mrs Dunlop advised Members that she believed the applicant did not own this land and that the original builder of the properties on Balmoral Close had retained ownership of this strip.

Mrs Dunlop advised that the proposed dropped kerb would remove on-street parking for Balmoral Close and questioned why this dropped kerb was required when vehicular access to the site was established from Perth Road.

Mrs Dunlop advised that she had only seen Mrs Rolls maintain the strip of land once and that had been about 2 weeks ago. Furthermore Mrs Dunlop added that the trees on the site had been cut down earlier this year in preparation for the application and at no point had the applicant sought the views of neighbours before this work was carried out. Mrs Dunlop reported that since the cutting down of these trees the strip of land had not been maintained and was overgrown with weeds.

In conclusion, Mrs Dunlop advised that the application was vague and misleading and therefore should be refused.

The agent Mr Ayles was invited to address the Board. He advised Members that the application in front of them for consideration was an outline application that sought consent for the principle of the erection of a detached dwelling.

Mr Ayles advised Members that the application was supported by the Planning Officers and that the main objections from residents involved the proposed dropped kerb.

Mr Ayles advised that the existing private access road served four dwellings. He advised that the roads around Balmoral Close were blocked by cars parking on the kerbs and had resulted in restricted access to emergency vehicles.

Mr Ayles advised the Board that his client had owned her property for over 50 years and that there was no strip of land between the site and the adopted highway. Mr Ayles clarified that the strip of land in question extended to the boundary of the property but was not included in the application.

Mr Ayles advised the Board that there would only be a loss of one parking space and this would not be detrimental to the surrounding area. He added that on-street parking was available for nine cars for six dwellings.

In conclusion, Mr Ayles advised that there would be no overlooking or loss of privacy should the application be approved and stated that no design plans had been submitted to date however indicative plans had demonstrated compliance with the supplementary planning design guidelines.

A Member asked for clarification on the land ownership issue, in response to which the Planning Officer advised that the applicant had signed Certificate A on the application forms which meant that they were claiming that all the land within the application site (including the narrow approx. 2ft wide strip of land between the private concrete track and Balmoral Close) was within their ownership.

The Planning Officer also indicated that the planning department would not be get involved in issues of land ownership, which would be a private civil matter.

Following a Member asking if planning permission was required for the proposed dropped kerb, the Planning Officer confirmed that planning permission would not be required to provide a dropped kerb from Balmoral Close onto the applicant's site where it was intended to give access to an existing hardstanding. The Planning Officer also advised that as the public highway at this point was not a classified road, the applicant would only require a licence from the Highway Authority to provide a dropped kerb.

RESOLVED: That planning application 16/00352/OUT be approved subject to the conditions set out in the report of the Head of Planning Services.

**76. 16/00356/FULL – ERECTION OF DETACHED SINGLE STOREY STORAGE BUILDING
Huhtamaki (UK) Ltd Grange Road Gosport**

Consideration was given to the report of Head of Planning Services requesting that consideration be given to planning application 16/00356/FULL.

Members were advised that there were no updates.

RESOLVED: That planning application 16/00356/FULL be approved subject to the conditions of the report of the Head of Planning Services.

77. ANY OTHER BUSINESS

The Chairman thanked everyone for their hard work over the year and wished everyone a Merry Christmas and a Happy New Year.

The meeting concluded at 19:20

CHAIRMAN