

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 18 JANUARY 2017 AT 6PM**

Subject to approval

The Mayor (Councillor Mrs Hook)(ex-officio); Councillor Hook (ex-officio), Councillors Allen (P), Mrs Batty (P), Beavis (P), 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)

78. APOLOGIES

An apology was received from Councillor Bergin.

79. DECLARATIONS OF INTEREST

- In respect of item 5 of the grey pages of the report of the Head of Planning Services, Councillor Wright declared an interest.
- In respect of item 3 of the grey pages of the report of the Head of Planning Services, Councillor Allen stated that he was the Ward councillor but that he did not consider this to affect his judgement in determining the application.

80. MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 7 December 2016 be approved and signed by the Chairman as a true and correct record.

81. DEPUTATIONS

Deputations had been received on the following items:

- Item 1 of the grey pages 16/00146/FULL– 19 Amersham Close, Gosport
- Item 2 of the grey pages 16/00396/FULL – 8-17 High Street, Gosport
- Item 3 of the grey pages 16/00481/FULL – Cordite Building, No 2 Britannia Way
- Item 4 of the grey pages 16/00322/FULL – The Middlecroft, Gosport
- Item 5 of the grey pages 16/00497/FULL – 20 Springcroft, Gosport

82. PUBLIC QUESTION

There were no public questions

PART II

83. 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:

84. 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, Hampshire PO12 2RU

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

Mrs Smith was invited to address the Board.

It was advised by the Deputy Head of Planning Services that a map detailing the current situation on the site and the proposals had been circulated on the table to Members.

Mrs Smith circulated a series of photographs to Members. Mrs Smith advised the Board that she was speaking on behalf of a considerable number of residents of Amersham Close and the surrounding area who were objecting to the planning application for the following reasons:

Amersham Close was part of a 1960's housing development which was built as an open plan estate, consisting of a combination of well-spaced out houses and open green spaces which gave the estate its distinctive character and was why it was such a popular place to live.

The original fence to the northern and western aspects of the applicant's property was erected several years ago. However, the applicants had now purchased a large area of green space adjacent to their property, bordering up to the pathway on Gomer Lane. Last year they extended their original fencing to incorporate some of the newly acquired land into their property. Unfortunately, the way in which this had been done has had a hugely negative impact on the properties at number 4 and 6 Amersham Close. Instead of continuing the new fencing westwards in line with the original fencing, the new piece of fencing protrudes for over 2 metres northwards as shown in Photograph A before continuing westwards adjacent to the footpath. This footpath being the access footpath to numbers 4 and 6 Amersham Close.

The area around the pathway, because of the protruding fence, had now been greatly narrowed, making the area there feel very much more closed in. Mrs Smith referred Members to Photograph B and advised that it also meant that the new section of fence was much closer to the frontages of numbers 4 and 6 Amersham Close than the original fence, which had greatly compromised the much more open vistas which these properties previously enjoyed as shown in Photograph C.

Mrs Smith advised the Board that another cause for concern was that the applicant had started to build a storage shed the back of which had been incorporated into the fence extension erected last year. She further advised that this part of the fencing was even higher than the rest measuring in excess of 2 metres high (detailed in photograph A). Mrs Smith stated that this was a very unattractive outlook for residents of numbers 4 and 6 Amersham Close and that the extended fencing had resulted in an unacceptable loss of outlook for the occupiers of numbers 4 and 6 Amersham Close whose primary sitting areas looked out over this fence.

In conclusion, Mrs Smith advised the Board that if permission were to be granted in response to this application to extend the fencing even further, then a large section of open green space on Gomer Lane would totally disappear. Mrs Smith said that this green space was one of several on Gomer Lane and it played a key role in establishing the distinctive character of the estate, as previously mentioned. Mrs Smith stated that were it to be totally fenced in then it would result in significant harm to the character of the area by not respecting the distinctive nature of the environment. Mrs Smith further advised that it would also result in completely closing in the occupiers of number 6 Amersham Close as well as having a detrimental effect on the occupier at number 29 Gomer Lane, who currently had an open aspect to the north of her property. This would be totally obscured if the fencing were extended as far as the pathway on Gomer Lane.

Mr McCallan was invited to address the Board and circulated a letter from Kingswell Berney Solicitors that detailed a covenant that was in place for the use of the purchased land.

Mr McCallan advised the Board that he believed the public amenity aspect would not be significantly harmed or compromised as a consequence of the development proposed in their application.

Mr McCallan advised the Board that the footpath usage was not busy or bustling and referred Members to the picture that he had taken which showed no narrowing effect or encroachment of the footpath since the erection of his fence. Mr McCallan also stated that he believed the proposal was not contrary to LP10 or LP23 of the Local Plan.

Mr McCallan added that when he first bought the piece of land the boundary of the footpath was overgrown with brambles and had not been maintained. He further advised that, instead of a 1.8m fence around the site which he agreed could upset the outlook to number 6 Amersham Close, he would look at planting shrubs so the aspect from number 6 Amersham Close was not spoiled.

In conclusion, Mr McCallan advised the Board that number 27 Gomer Land had purchased a similar parcel of land adjacent to the piece that he had brought with no problems and therefore respectfully asked Members to vote in favour of the application.

Following discussions it was felt by Members that Bilton Homes had sold the parcel of land as the site could not be developed. Members further felt that the open aspect and green space of the Gomer estate should be retained and that the proposals would have a detrimental overbearing impact on the surrounding area.

RESOLVED: That planning application 16/00146/FULL be refused for the following reasons:-

1. The proposed development, by reason of the height, extent and alignment of the existing and proposed fencing and existing outbuilding would represent an unduly prominent and incongruous feature that is not reflective of the established pattern of development in the area and would be harmful to the character and visual appearance of the area contrary to Policy LP10 of the Gosport Borough Local Plan, 2011-2029 and the Gosport Borough Council Design Guidance: Supplementary Planning Document.

2. The existing and proposed fencing and existing outbuilding, by reason of their height and proximity to the edge of the public footpath to the north, would create an enclosed environment reducing intervisibility along the whole length of that footpath which would be harmful to the safe movement of pedestrians. The proposal is therefore, contrary to Policy LP23 and Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

**85. 16/00396/FULL – ERECTION OF ADDITIONAL STOREY, EXTERNAL ALTERATIONS AND CHANGE OF USE OF EXISTING BUILDING TO PROVIDE A 54 BEDROOM HOTEL (CLASS C1), WITH ASSOCIATED PARKING, STORAGE AND SERVICING (CONSERVATION AREA) (amended description and plans received 14.11.2016, 12.12.16, 13.12.16 and 20.12.2016)
8-17 High Street, Gosport, Hampshire, PO12 1BX**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00396/FULL.

Mr Lawson was invited to address the Board.

Members were advised that there were no updates.

Mr Lawson thanked Officers and Members for the opportunity to speak on behalf of his clients. He advised that the applicants had worked closely with the planning department and that the main objections raised had centred on car parking and concerns over noise disturbance.

Mr Lawson advised the Board that the noise generated by a hotel would not be greater than that produced by the existing usage of the building.

Mr Lawson advised the Board that the hotel would be in a highly accessible location, close to public transport links and situated approximately 500m from Gosport Bus Station and the Gosport/Portsmouth ferry, which provided access to Portsmouth Harbour Train Station.

Mr Lawson also advised that Walpole Park public car park was close to the site and any usage by guests of the hotel would predominantly be overnight when the car park would be less in demand by existing users.

Mr Lawson further advised the Board that the appearance of the building would be significantly improved and would appear new when complete.

Mr Lawson advised the Board that the new hotel in Gosport town centre would act as a springboard for investment and regeneration in the area with guests generating expenditure by using the surrounding commercial businesses and restaurants.

Mr Lawson further advised Members that the hotel would create a total of 20 full time equivalent jobs which would be filled by NEETs (people who are not currently in employment, education or training) and therefore contribute to the local economy.

Following discussions a Member raised concerns with regards to homeless people potentially being placed in the hotel and it being used as temporary accommodation. The Head of Planning advised that this was not a planning consideration and clarified that no condition could be attached to control the booking arrangements of the hotel rooms. It was noted that any temporary accommodation arrangements would likely need to be via agreement between the hotel and the Council's Housing section.

Following a question from a Member regarding a restaurant on site Mr Lawson advised that the hotel was not designed to compete with local amenities and that guests would be encouraged to use the surrounding facilities and take meals to their rooms. However Mr Lawson confirmed that a small break-out room would be provided where guests could go and sit and eat food provided by the hotel but pre-prepared off-site.

Following a question regarding how long the hotel would take to open and the conditions needing to be met before the development commenced, Mr Lawson advised that his client had met with Travel Lodge who intend to implement the scheme and, whilst he could not confirm a specific timescale, the usual timeframe for such a development to be open for business was approximately within a year from the date of permission.

A Member asked for clarification on the number of car parking spaces being provided as this would not meet the requirements of the Council's Parking: Supplementary Planning Document. The Head of Planning Services advised that the car park management plan submitted for the scheme by Travel Lodge had been considered acceptable due to the accessibility of the site location together with the ample parking in Walpole Park public car park and other nearby parking facilities and as formalised provision has been made for turning for larger delivery and service vehicles. Evidence had also been provided by the applicant regarding likely trip generation from the site compared to the current use of the building, and Officers were satisfied that there would be minimal car parking overspill and that local car parking and vehicle turning arrangements were sufficient to accommodate the hotel and the proposal would not prejudice the viability of other commercial premises in the locality.

Following a question from a Member in relation to the consultee response from Southern Water the Head of Planning Services advised that Condition 9 of the Officer's report required a drainage strategy to be submitted before works commenced and further advised that the response from Southern Water was a standard response pending a more detailed assessment of the capacity in the locality and the need of the proposed development.

Following a question from a Member in relation to the compact size of the site and possible nuisance caused by the construction of the hotel beside existing businesses, the Head of Planning Services advised that Condition 16 of the Officer's report required that a construction method statement be submitted detailing the programme of works and the methods for managing the implementation of the development.

RESOLVED: That planning application 16/00396/FULL be approved subject to the conditions of the report of the Head of Planning Services.

**86. 16/00481/FULL – EXTERNAL ALTERATIONS AND ERECTION OF ROOF EXTENSION TO AND CONVERSION OF FORMER CORDITE MAGAZINE (NUMBER TWO) TO DWELLING TOGETHER WITH ASSOCIATED ACCESS ALTERATIONS, LANDSCAPING AND ERECTION OF FENCING (as amended by plans received 15.11.2016)
Cordite Building, No.2 Britannia Way, Gosport, Hampshire, PO12 4GD**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00481/FULL.

Dr Hudson was invited to address the Board.

Members were advised that there were no updates.

Dr Hudson thanked Members for the opportunity to speak on behalf of residents.

Dr Hudson advised the Board that the agent could not spell the applicant's name correctly as it was not Daws but Dawes. Dr Hudson stated that if they could not get simple facts like that correct none of the rest of the information provided could be trusted either.

Dr Hudson reminded the Board that the site had previously been subject to a planning application which had been comprehensively and unanimously refused by the Board.

Dr Hudson advised the Board that this new application had exactly the same reasons for rejection with a few additional problems. Dr Hudson advised that it was not his intention to repeat the problems as they had been heard before.

Dr Hudson advised the Board that first and importantly the site did not have planning approval for access to Britannia Way and referred Members to a drawing that he had circulated to Members that detailed an extract of the approved plan when he first bought his house opposite the proposal site. Dr Hudson explained that the drawing was difficult to read but that it clearly showed that there was no approved exit onto what is now Britannia Way.

Dr Hudson advised the Board that a few significant errors had crept into the application and analysis as the whole of the proposed driveway was included within the Site for Interest for Nature Conservation (SINC).

Dr Hudson advised the Board that the area for great crested newts to be lost was not just the 30m² mentioned in the first iteration of the current application but was the whole of the driveway which he had calculated to be in excess of 1500m². Dr Hudson stated that it was either disingenuous or incorrect to suggest that it was limited to 30m² and added that all of this area was a grazing area for great crested newts and badgers and there would be a dramatic impact on them if the application was granted.

Dr Hudson stated that it had been reported that there had been no objection from Natural England, however he felt that their letter had been misinterpreted as they had stated that their standing advice in relation to endangered or protected species should be applied. Dr Hudson added that development affecting both great crested newts and badgers required a licence and that one would not be granted. Dr Hudson felt, therefore, that this was a clear rejection of the application under Natural England policies and guidelines.

Dr Hudson advised the Board that he would not repeat the many reasons for rejection of this application and referred to his previous deputation when he used the acronym BADGER to list the reasons for refusal, Dr Hudson added that this time he would use a more direct acronym, the initials of the applicant Mr DAWES.

Dr Hudson concluded that he and many neighbours implore the Board to consider their decision carefully and not to allow wanton extermination of endangered species.

Mr Weymes was invited to address the Board. He advised Members that when he was first introduced to the site he had carried out an in-depth study and history of the building and the Cordite buildings No1 & No2 Britannia Way and sought expert ecological advice.

Mr Weymes stated that he and his clients recognised that the site was of historic importance and would therefore demand a sensitive design proposal. Mr Weymes added that he felt the internal amenity created in the conversion together with minimum external alterations proposed would have little impact on the established badger set or wildlife within the SINC.

Mr Weymes advised the Board that the proposal had been carefully designed to segregate residential activity from the sensitive badger occupation of the surrounding SINC and that the occupants of the dwelling would effectively act as custodians of the nature area with their presence preventing and discouraging unauthorised public access. He further added that the applicants did not wish to own cats or dogs and that they just wanted to enjoy and observe the nature that the site would provide.

Mr Weymes advised the Board that the main objections to the application focused around the impact on the wildlife in the SINC and reiterated that the applicants had sought expert advice to ensure that there would be minimal such impact. Mr Weymes advised the Board that he felt residents had failed to accept the care and attention that had been given to the applicants' design proposals.

A Member asked Mr Weymes how having the building occupied would minimise the impact to the wildlife within the SINC, and suggested that occupiers of the building would surely disturb the wildlife by noise and light activity. Mr Weymes advised the Board that currently the site was not being cared for and that animals were visible in the surrounding areas. He further added that he felt the occupation of the building would be more positive than leaving it in its current state of disrepair and that the applicants wanted to observe and enjoy the nature surroundings of the SINC.

Following discussions Members felt that any residential use on the site would have a detrimental effect on the nature aspect of the SINC. It was further felt that any benefit from potential occupants of the building who enjoyed nature could not outweigh the concerns of disruption to the SINC

RESOLVED: That planning application 16/00481/FULL be refused for the following reasons:-

For the following reason(s):-

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 need and where it would not provide any benefits to outweigh the need to protect the nature conservation value of the site, contrary to Policies LP43 and LP44 of the Gosport Borough Local Plan 2011-2029.
2. Insufficient information has been submitted to enable the impacts of the proposals on the wildlife interests of the site to be fully assessed, including those on protected species, and the proposals, therefore, fail to demonstrate that the proposals would not result in harm to protected species living on, or utilising the site, contrary to Policy LP44 of the Gosport Borough Local Plan 2011-2029.
3. The proposed residential development is an incompatible and unacceptable use within the Existing Open Space, contrary to Policy LP35 of the Gosport Borough Local Plan 2011-2029.

4. The proposal would result in an unacceptable increase in vehicular traffic using this sub-standard access either side of a traffic calming pinch-point resulting in undue interference with the safety and convenience of other highway users, contrary to Policy LP23 of the Gosport Borough Local Plan 2011-2029

5. Adequate provision has not been made for mitigation against the harmful impacts of recreational disturbance in the Portsmouth Harbour and Solent and Southampton Water SSSI/SPA/Ramsar sites detrimental to the protected and other species for which these areas are designated and contrary to Policies LP2 and LP42 of the Gosport Borough Local Plan 2011-2029

**87. 16/00322/FULL – CONVERSION OF PUBLIC HOUSE AND OUTBUILDINGS TO FORM 5 NO. TWO BEDROOMED FLATS AND 3 NO. THREE BEDROOMED FLATS WITH ASSOCIATED CAR PARKING AND BIN AND CYCLE STORAGE (as amended by plans received 10.10.16, 13.12.16 and 21.12.16)
The Middlecroft, Middlecroft Lane, Gosport, Hampshire, PO12 3DH**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 16/00322/FULL.

Members were advised that in the interests of highway safety and to safeguard the amenity of the occupiers of the neighbouring properties, Officers were recommending that amendments be made to two conditions and that two additional conditions be imposed as follows:

Amended Conditions:

Condition 2 should now read:

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

KAD01 APP G, KAD 01 A PP E and KAD 01 A PP B

Reason – To ensure that the development is completed satisfactorily in all respects and to comply with Policies LP10, LP24 and LP23 of the Gosport Borough Local Plan, 2011-2029.

Condition 9 should now read:

9. Notwithstanding the details shown in the approved plans, the development hereby permitted shall not be occupied until cycle storage facilities have been provided in accordance with a scheme to be submitted to and approved, in writing, by the Local Planning Authority. The approved cycle storage facilities shall thereafter be retained in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason – In order to ensure that adequate cycle storage is provided in compliance with Policies LP10 and LP23 of the Gosport Borough Local Plan 2011 – 2029.

Additional Conditions:

12. No landscaping, structures or means of enclosure over 0.6m in height above ground level shall be placed or permitted to remain within the areas hatched green on the approved plan, KAD01 A PP E.

Reason – In the interest of highway safety and to comply with Policy LP23 of the Gosport Borough Local Plan, 2011-2029.

13. The windows in the southern elevation, outlined in red on the approved plan, KAD 01 APP B, shall be non-opening to a height of 1.7m above finished floor level and glazed with obscure glass (minimum of level 3 or equivalent) and shall be retained in that condition thereafter.

Reason – To preserve the amenity of the neighbouring property, and to comply with Policy LP10 of the Gosport Borough Local Plan, 2011-2029.

Councillor Hylands was invited to address the Board. He thanked Members for the opportunity to speak as the Ward Councillor and advised that he considered the application to be more acceptable following its amendment.

Councillor Hylands advised the Board that the Middlecroft had been part of the history of the Brockhurst Ward for many years and was often referred to as HMS Middlecroft by sailors at HMS Sultan. Built in the 1930's Councillor Hylands advised that the Middlecroft had served the community very well ever since and that he was sad to see the Public House become a casualty of the demise of community pubs around the area.

Councillor Hylands suggested that when naming the building it would be nice if consideration be given to retain 'the Middlecroft' name.

In conclusion, Councillor Hylands asked that consideration be given to the boundary and privacy of number 55 Kingston Road as the amenity space proposed would be closer to the property than the Middlecroft garden was. He further noted that the boundary wall was to be maintained and stated that this created a barrier and would make the life of the next door neighbour easier.

RESOLVED: That planning application 16/00322/FULL be approved subject to the conditions of the report of the Head of Planning Services.

**88. 16/00497/FULL – ERECTION OF TWO STOREY SIDE EXTENSION AND
ERECTION OF PITCHED ROOF OVER EXISTING PORCH (as amplified by
plan received 24.11.2016)
20 Springcroft, Gosport, Hampshire, PO13 0YW**

Consideration was given to the report of Head of Planning Services requesting that consideration be given to planning application 16/00497/FULL.

Mrs Watts was invited to address the Board.

Members were advised that there were no updates.

Mrs Watts advised that 20 Springcroft was situated immediately adjacent to her rear garden and therefore significantly overlooked her property.

Mrs Watts advised the Board that the proposed pitched roof would block the existing light into her property and further advised that the proposed extension would be in closer proximity to her property and become overbearing. Mrs Watts referred Members to photographs that she had circulated that demonstrated the current overshadowing of her garden.

Mrs Watts advised the Board that the separation distance between her property and number 20 Springcroft did not comply with the Council's Design Guidance as the proposed extension was 9 metres from the back of her French doors to the nearest corner of her garage and therefore did not meet the required 12 metre separation distance.

Mrs Watts advised the Board that she was not against the proposed extension but felt that the light to her property would be significantly compromised. She further suggested that if approval were to be given that perhaps the tree to the right of the property at 20 Springcroft be removed to allow as much light to come through that area and minimise the shadowing of her property and perhaps the roof pitch could be minimised.

In conclusion Mrs Watts welcomed Members to visit the site to determine the close proximity of the properties and the impact that this proposal would have on her property.

Following a question regarding the removal of the tree, the Deputy Head of Planning Services advised that the tree was not subject to a Tree Preservation Order and that the neighbours could make contact with the applicants to see if they were willing to remove it.

A Member advised that he had visited the property and felt that the proposed extension was close to the boundary fence.

It was therefore proposed, seconded and agreed that a site visit be carried out to determine the separation distances of the properties and the overshadowing of Mrs Watts garden.

RESOLVED: That planning application 16/00497/FULL be deferred for a site visit.

**89. 16/00577/FULL – CONSTRUCTION OF VEHICULAR ACCESS TO
CLASSIFIED ROAD (A32)
28 Brockhurst Road, Gosport, Hampshire, PO12 3DE**

Consideration was given to the report of Head of Planning Services requesting that consideration be given to planning application 16/00577/FULL.

Members were advised that there were no updates.

RESOLVED: That planning application 16/00577/FULL be refused for the following reason:

1. The proposal fails to make adequate provision for the parking and manoeuvring of vehicles clear of the highway which would result in vehicles interfering with the free flow of traffic on the adjoining highway to the detriment of highway safety and cause inconvenience to other highway users. The proposal is therefore contrary to Policy LP23 of the Gosport Borough Local Plan 2011-2029 and to the Parking Supplementary Planning Document.

90. ANY OTHER BUSINESS

There was no other business

The meeting concluded at 19:19

CHAIRMAN