

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 20 JUNE 2018 AT 6PM**

The Mayor (Councillor Mrs Furlong) (ex-officio); Councillor Hook, Bateman (P), Mrs Batty (P) Casey, Earle (P), Farr , Foster-Reed (P), Hammond (P), Herridge (P) Mrs Hook, Jessop (P), Miss Kelly (P), Raffaelli, Scard (P)

It was reported that in accordance with Standing Order 2.3.6, Councillors Beavis, Carter and Mrs Cully had been nominated to replace Councillors Mrs Hook, Raffaelli and Farr respectively for this meeting.

23. APOLOGIES

Apologies for non-attendance were received from Councillors Mrs Hook, Raffaelli and Farr.

24. DECLARATIONS OF INTEREST

There were none.

25. MINUTES

RESOLVED: That the Minutes of the Regulatory Board meetings held on 18 April 2018 and 17 May 2018 be approved and signed by the Chairman as true and correct records.

26. DEPUTATIONS

Deputations had been received on the following items:

- Agenda Item 1 of the grey pages –18/00082/FULL – Bayside Cabin
- Agenda Item 2 of the grey pages – 17/00599/OUT – Priddys Hard

27. PUBLIC QUESTIONS

There were no public questions

28. REPORTS OF THE HEAD OF PLANNING AND REGENERATION

The Head of Planning and Regeneration 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:

**29. 18/00082/FULL ERECTION OF EXTENSION TO CAFE (DEPARTURE FROM LOCAL PLAN)
Bayside Cabin Stokes Bay Road Gosport Hampshire PO12 2QT**

Consideration was given to the report of the Head of Planning and Regeneration requesting that consideration be given to planning application 18/00082/FULL.

The Board was advised that Members had attended a site visit at the property and that an additional letter of support had been received. The letter raised that the extension was used as a venue for groups and parties and that the extra capacity increased revenue.

The Planning Officer advised that commercial and community benefits of the proposal were noted, however, they did not, in Officer's view, outweigh the harm the development had caused to the function and the visual and physical character of Stoke Bay which was set out in the Officer's report. No change to the recommendation was proposed.

Mr Chalk was invited to address the Board. He thanked members for attending the site visit and advised that he was happy to answer any questions.

Members expressed concern that the structure had been built without planning permission and sought clarification as to why it had not been applied for in advance of construction.

Mr Chalk advised that it had been an oversight and miscommunication and that he had been offered the only window for construction within 2018. He advised the Board that he had thought the application was in hand but it had turned out not to be.

In answer to a subsequent question, Mr Chalk advised that he had made no contact with the Council prior to construction.

Mr Chalk advised the Board that members of his staff were happy to open side doors to allow better access for wheelchair users and that there was work being undertaken to help make the structure more wheelchair friendly.

In answer to a Member's question, the Board was advised that revenue had doubled since the opening of the extension and that there had been twice as many bookings for weddings and birthdays. The 5k summer series of running events had been hosted, as had a classic car rally and recently there had been an afternoon tea 80th birthday party.

The Board was advised that the suppliers used were local, including a local brewery and that Mr Chalk had employed an additional two staff.

The Board was advised that in addition to the 5k summer series the building was used by a Sunday breakfast club run, walkers and ramblers, sailboarders also used the facility. It was popular with dog walkers as dogs were permitted and felt that it offered a benefit to the diving museum as often people only realised it was there as a result of visiting the Bayside. Mr Chalk also advised that they supported and facilitated beach cleans.

In answer to a Member's question, the Board was advised that the requirements for toilet facilities were not material planning considerations and were the responsibility of Building Control and Environmental Health.

In answer to a Member's question, the Board was advised that should Members be minded to approve the proposal, it was possible to attach a condition to the approval to ensure that the flood register alert was signed up to and that sufficient flood management plan was in place.

Members were advised that the building was located on Council land and the building was the responsibility of the owner and belonged to the owner, but that the Council could require them to return the land to its original state.

Members debated the proposal and were advised that the current Local Plan was not in existence at the time the original building was built and that it would have been built to the plan that was relevant at the time.

Members were advised that the design of the existing building was to replicate the round shape of the forts and the diving museum and that the design of the proposal was unacceptable as it did not mirror this and was not in keeping with the area.

Members felt that the building facilitated outdoor recreational use.

Members felt that the proposal was well designed, was unnoticeable on the shoreline until within close proximity of the building and that the glass frontage was fitted well and that it was a good transition from the main building.

Members acknowledged that people enjoyed refreshment when visiting the beach and that the building facilitated a large number of recreational activities.

Members felt that the visual amenity of the proposal was acceptable and that it did meet the exceptions required under Policy LP10 of the Local Plan to be considered for construction outside the urban area.

Members were advised that the Local Plan policy LP3 says that areas outside of the urban area will be safeguarded from development unless they are for appropriate recreational uses or development.. Members were advised that the supporting text to the Planning Policy referred to appropriate recreational uses or development specifically as meaning outdoor recreational use, whereas the main function of the proposal was for food service.

Members were further advised that the planning application was therefore a departure from the Local Plan and they could not propose approval under policy grounds. Members were advised to consider whether any material planning considerations would apply to enable planning permission to be granted.

It was proposed and seconded that the application be approved as it the proposal formed an integral part of facilitating community pursuits, which may not be possible without the building and that the proposal was of great community benefit to the residents of Gosport and supported a diverse range of activities to a large number of members of the community and helped to support the health and wellbeing of the Borough.

RESOLVED: That planning application 18/0082/FULL be approved as it the proposal forms an integral part of community pursuits, which may not be possible without the building and that the proposal was of great community benefit to the residents of Gosport and supported a diverse range of activities to a large number of the community and helped to support the health and wellbeing of the Borough and that authority be delegated to the Head of Planning and Regeneration to attach appropriate conditions.

30. **17/00599/OUT - HYBRID APPLICATION COMPRISING - OUTLINE APPLICATION FOR ERECTION OF THREE DETACHED DWELLINGS IN RAMPARTS (WITH ALL MATTERS RESERVED) AND FULL APPLICATION FOR (I) ERECTION OF 17 THREE-STOREY TERRACED DWELLINGS IN SOUTHERN DEMI-BASTION, (II) DEMOLITION OF FORMER COOK HOUSE AND ERECTION OF 4 THREE-STOREY TERRACED DWELLINGS, (III) CHANGE OF USE OF FORMER SHELL PAINTING ROOM TO FORM 4 DWELLINGS, (IV) DEMOLITION OF QUICK FIRE SHELL PAINTING ROOM AND ERECTION OF 2 THREE-STOREY DETACHED DWELLINGS, (V) CHANGE OF USE OF E MAGAZINE AND FORMER PROOF HOUSE TO DISTILLERY (CLASS B1), CHANGE OF USE OF FORMER SHELL STORE (BUILDING Q) TO STORE FOR DISTILLERY (CLASS B8), CHANGE OF USE OF PART OF CASE STORE EXHIBITION AND CONFERENCE CENTRE (BUILDING M) TO FORM 1 UNIT OF HOLIDAY ACCOMMODATION (CLASS C3), CHANGE OF USE OF FORMER SHIFTING HOUSE (BUILDING U) TO FORM 1 UNIT OF HOLIDAY ACCOMMODATION (CLASS C3), CHANGE OF USE OF FORMER MINES AND COUNTERMEASURES STORE (BUILDING P) TO COASTAL FORCES MUSEUM (CLASS D1), (VI)**

**ERECTION OF SINGLE STOREY BUILDING TO FORM HOLIDAY ACCOMMODATION (CLASS C3) (LISTED BUILDINGS IN CONSERVATION AREA AND SCHEDULED MONUMENT) (as amended by plans received 10.05.2018, additional ecological information received 21.05.2018 and 30.05.2018, additional transport information received 29.05.2018, additional flooding information received 1.6.2018 and as amplified by emails received 17.5.18)
Priddys Hard Heritage Way Gosport Hampshire PO12 4LE**

Consideration was given to the report of the Head of Planning and Regeneration requesting that consideration be given to planning application 17/00599/OUT.

The Board were advised that Members had undertaken a site visit to the site and had looked at each of the sites and buildings to which the applications relate.

Members were advised that Hampshire County Council, acting in their role as mineral planning authority, had commented that the site has the potential to contain mineral deposits that could be extracted prior to, and as part of, the proposed development. They suggest the imposition of conditions relating to a method for the recovery of minerals and a record of their use.

Members were advised that discussions were on-going with the Environment Agency in respect of the issues raised in their objection and how these can be overcome, as set out in the report, by the imposition of planning conditions and the use of a legal agreement to secure the delivery of the flood defence improvements needed to protect the development over its lifetime. Members were advised that these discussions have not yet resulted in the withdrawal of the EA's objection.

Officers advised that whilst the views of the County Council as Mineral Planning Authority were noted, given the nature of the site which contains both a Scheduled Monument and Listed Buildings and the level and nature of the development proposed, it is considered that the imposition of the suggested conditions would not be appropriate.

Officers also advised that if the continuing discussions with the EA did not result in the withdrawal of their objection, and should the Regulatory Board be minded to support the recommendation to permit the proposed development, the application will need to be referred to the National Casework Unit for referral to the Secretary of State. This would enable the Secretary of State to either call the application to determine it or alternatively confirm that the Local Planning Authority could continue to determine the matter.

Officers advised that the recommendation to be Board was amended to include delegated authority be given to the Head of Planning and Regeneration to grant Conditional Permission subject, if required, to a referral to the Secretary of State.

Mr Easom was invited to address the Board. He advised that he objected to the proposal to the west of Whiston House as there was not sufficient parking for the properties in the locality. He advised the Board that the bays had never been marked and that as a result allocated parking was not available.

He advised the Board that there was a high level of turnover in the residents in the properties which led to parking issues and that he was concerned at the loss of the overflow parking for Explosion! He advised that the space currently used for events was earmarked for over 100 dwellings.

Mr Easom advised the Board that the proposals for site T would cause a significant loss of light in the winter to the properties in to the lower and ground floor flats of Whiston House as a result of their proximity to it. This would result in increased heating bills for the residents and Mr Easom requested that a survey be undertaken to establish the loss of light that would occur.

Mr Easom expressed concern that the proposals would disturb local wildlife as there were badgers and foxes on site and their habitat would be damaged. The Board was also advised that there were current existing problems with drainage on the site and that the proposals would exacerbate them and that the proposals were unsuitable for a scheduled monument.

The Board was advised by the Planning Officer that the parking bays were a management issue and that residents would need to contact the management company to get these addressed.

Mr Goodship was invited to address the Board.

He advised that the Portsmouth Naval Base Trust had been established to help preserve former MOD sites and had been established in 1980 working closely with English Heritage and that the Trust had previously worked with Gosport on the Millennium project. He advised that the Trust included Gosport in its Portsmouth Naval Base work.

The Board was advised that that access to some of the site would need to be restricted so as not to disturb the contaminated ground, but that part of the Heritage funding application had included provision for members of the public to access the site by attending organised tours.

The Board was advised that the ecology of the site and the archaeology of the site were not compatible and that it was important to create a fine balance that was acceptable, between the two. The Board was advised that Natural England were content with the proposals and that this was a positive for the application.

Mr Goodship advised the Board that the Portsmouth Naval Base Trust viewed the proposal as a long term investment and that the Trust considered themselves to be the long-term guardians of the site.

Members express concern regarding the sewerage and the flood risk identified by the EHCP, and were advised by Mr Goodship that any necessary sewerage work identified through engagement with Southern Water would be undertaken and that the potential for flooding was small and would be tidal and could be addressed with a minor change to the sea wall. The issue raised also only affected the holiday units and therefore these were not permanent residents, as the potential flooding was tidal, there would also be significant warning before any event took place.

In answer to a Member's question, the Board was advised that the Trust was committed to the delivery of the whole project and that works to four of the seven Listed Buildings would need to be completed before occupancy of any of the residential units was permitted.

Councillor Hutchison was invited to address the Board as Ward Councillor for Hardway. He advised that Board that as per a previous application for the area there had been no provision for the inclusion of a play area, which was badly needed as result of there being a large number of flats without gardens within the proposal. He also advised that as with the previous construction of residential accommodation the development was missing much needed green space. He advised that the proposal met the requirements for open space and a play area and felt that it not being included was letting local residents down as children badly needed somewhere to play.

He advised that he did not have a specific location in mind but felt that there were plenty of potential options for the play area.

In answer to a Member's question, the Board was advised that a drainage plan that included technical solutions to the problems raised must be submitted prior to the work being undertaken and that a legal agreement would be in place to ensure the delivery of the project.

Members were advised that any discussion regarding the use of Community Infrastructure Levy (CIL) for a play area was not a material consideration, but could be investigated away from the meeting. CIL was still a relatively new concept that was currently being implemented with agreement needed on the Council's CIL spending protocol. Members were also advised that the proposal fell below the level required for the provision of play facilities as part of the development under consideration.

Members welcomed that the Portsmouth Naval Base Trust was committed to the development of the site as the Borough had other former military sites where development had not been forthcoming upon decommission. Members welcomed that the proposal would help to restore listed buildings and

welcomed the scope of the development. Members also welcomed that they had had the opportunity to visit the site prior to the meeting.

RESOLVED: That planning application 18/0012/FULL be approved, subject, if required, to a referral to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 and the completion of a legal agreement to secure the matters set out in the Officer's report to the Board and to the conditions contained in the report.

31. **17/00600/LBA LISTED BUILDING APPLICATION - (I) INTERNAL AND EXTERNAL ALTERATIONS TO E MAGAZINE TO FACILITATE CONVERSION TO DISTILLERY, (II) INTERNAL AND EXTERNAL ALTERATIONS TO FORMER SHELL STORE (BUILDING Q) TO FACILITATE CONVERSION TO STORE FOR DISTILLERY, (III) INTERNAL AND EXTERNAL ALTERATIONS TO C MAGAZINE, (IV) INTERNAL AND EXTERNAL ALTERATIONS TO CASE STORE EXHIBITION AND CONFERENCE CENTRE (BUILDING M) TO FACILITATE CONVERSION TO HOLIDAY ACCOMMODATION, (V) INTERNAL AND EXTERNAL ALTERATIONS TO FORMER SHIFTING HOUSE (BUILDING U) TO FACILITATE CONVERSION TO HOLIDAY ACCOMMODATION, (VI) INTERNAL AND EXTERNAL ALTERATIONS TO FORMER MINES AND COUNTERMEASURES STORE (BUILDING P) TO FACILITATE CONVERSION TO MUSEUM (CONSERVATION AREA AND SCHEDULED MONUMENT)
Priddys Hard Heritage Way Gosport Hampshire PO12 4LE**

Consideration was given to the report of the Head of Planning and Regeneration requesting that consideration be given to listed building application 17/00600/LBA.

RESOLVED: That listed building application 17/00600/LBA be approved subject to the conditions contained in the report.

32. ANY OTHER BUSINESS

There was none.

The meeting concluded at 19.31

CHAIRMAN