

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 14 APRIL 2021**

Councillors Bateman, Mrs Batty, Carter, Casey, Earle, Farr, Foster-Reed, Hammond, Herridge, Hook (Substituting for Mrs Jones), Mrs Hook, Miss Kelly, Murphy, Scard and Westerby

47. APOLOGIES FOR NON-ATTENDANCE

An apology for non-attendance was received from Councillor Mrs Jones, who was substituted by Councillor Hook

48. DECLARATIONS OF INTEREST

There were none

49. MINUTES OF THE MEETING HELD ON 24 FEBRUARY 2021

RESOLVED: That the minutes of the meeting held on 24th February be signed as a true and correct record.

50. DEPUTATIONS - STANDING ORDER 3.4

Deputations were received on agenda item 6, item 1 of the grey sheets.

51. PUBLIC QUESTIONS - STANDING ORDER 3.5

There were none

52. REPORT OF THE DEVELOPMENT MANAGER

**21/00032/FULL- CONVERSION OF GARAGE TO FORM GRANNY ANNEX AND ALTERATIONS TO ELEVATIONS TO INCLUDE REMOVAL OF DOORS AND INSTALLATION OF WINDOWS
48 Bayntun Drive Lee- on- the- Solent Hampshire PO13 9JY**

Consideration was given to a report by the Development Manager requesting that consideration be given to planning application 21/00032/FULL.

A deputation from The Lee Residents Association was read out by the Borough Solicitor and Monitoring Officer.

The LRA objects to this Planning Application on the grounds that it does not conform to GBC Parking Standards as the proposed alternative parking area, without using the garage, is inadequate for the property. The attached photos illustrate that even with removing the garden borders there is still insufficient room to access both sides of 3 parked vehicles nor open the doors. Already the prevalence of parking on walkways and cause obstructions in this modern estate is evidence that

neither in this Barratt's Development (nor in the adjoining MoD married quarters) is parking provided to the Gosport SPD parking standard. The implementation of this application, permitting the conversion of a double garage into a self-contained property will allow more rooms within this dwelling and former garage to be rented out, an activity currently witnessed by neighbours and advertised in property papers. This multiple occupation will have a commensurate requirement for additional parking.

It is advised that if this is approved it will also be setting a precedent that owners may breach the modern estate owners Client Charter, a schedule on the TP1 Land registry agreement which states: *"10. Not to use the garage (if any) on the property other than exclusively as a private garage for the keeping therein of a private motor car a motorcycle or horticultural nature & not carry out trade or business in or from such garage & not to use the same for the storage of goods in connection with or ancillary to any trade or business carried on at the Property or other than in accordance with the requirements of the planning consent permitting the construction of the property."*

"11. Not to obstruct or allow to be obstructed the Estate Roads the Maintenance Property Reciprocal Rights of way forecourts (save for the designated parking areas which may be used for parking private vehicles) & footpaths not allow oil or any other material to accumulate thereon and not to do or suffer thereon & not to do or suffer thereon anything which may be a nuisance to the owners or occupiers of any adjoining or neighbouring property & to indemnify the Transfer in respect of any breach of this covenant."

We attach photographs which illustrates the issues raised by local residents. By the current standards of sub-letting carried out from this property it already causes obstruction and creates dangers to both road users and pedestrians by restricting sight lines. Allowing the garage to be converted into additional accommodation the Council would be complicit in the breach of both of the above quoted provisions of the owner's charter.

The LRA is surprised that this Board will approve changes in a modern estate that this Council has recently approved under planning rules that demonstrate the spirit of Gosport Policy LP10 to identify Good Design, Development for Public realm and open space. It also appears to follow the SPD on Design Guidelines, a policy specifically to improve community and harmony in a neighbourhood. Therefore, allowing a compromise on these principals will not only impact on these commendable Gosport aspirations that carries the legal risk of acting complicitly to allow one owner to breach the owner's charter. This seems a surprising risk to the reputation of the Council as well as to the public purse.

Officers responded to a Members question by explaining that the building was originally used as the sales office for the development, is fitted out as such and has never been used as a garage.

Members were advised that the officers did not see any reason to revisit the parking issue in light of the deputation as the issue is covered in the report on the agenda.

Members were advised that the Charter referred to in the declaration was not a material planning consideration and should not form part of Members deliberations.

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A deputation from Robin Lomax was read out by the Borough Solicitor and Monitoring Officer.

My client has asked me to respond to the neighbour's comments/objections that relate to the above application, as there are a number of inaccurate statements embodied within them. I will detail these individually below:

That my Client Wants to Convert This Space into an Independent 'Stand-alone' Annex

This garage structure was originally occupied by the developer of the HMS Daedalus Estate, who utilised it as their site office and when my client bought this house the garage structure was fitted out as a liveable, dry-lined space. The garage doors, although openable, cannot be driven through, therefore no parking spaces are being lost.

It is my client's proposed intention that this space be converted into a bedroom space with associated ensuite & kitchenette to allow her son to remain part of the household, but live independently when he wishes - i.e. an extension to the household.

To confirm this space will not be occupied at any time other than for purposes incidental to the residential use of the dwelling of 48 Bayntun Drive, as a single dwelling house.

That the Household is a HMO [House in Multiple Occupation]

My client has assured me that this is definitely not the case, the family take lodgers under the governments 'rent a room scheme', with a maximum of only two at any one time. When I visited there, it was clear to me that this is the family home not a property that is rented by three or more tenants who aren't part of the same household.

That this Development will Increase On-Street Parking

Integral within the proposed application is to increase the households parking spaces to 3 spaces to meet 'Gosport Borough Council's Parking: Supplementary Planning Document' for a 4+ bed house, therefore reducing the need for 'Off-Street Parking'.

My client explains the local parking problem as follows '*There is a parking issue on the double bend in the part of the street prior to ours; where because of parking on both sides of the road and the path around the whole bend, blind spots are created and room for traffic to only travel in one direction most of the time. This is not exacerbated by parking from our home (as is suggested) on any level and is fine if people proceed with due care and attention at a reasonable speeds*'.

Members were reminded that whether the occupancy of the residence was by a family or rented to tenants was not a planning consideration.

Members were advised that the development was built at a time when the minimum parking standards that were in operation are significantly lower than current standards, but officers were satisfied that the proposed parking met the SPD.

Members felt that the parking proposed was adequate.

RESOLVED: That the application was approved subject to the conditions in the report of the Development Manager.

21/00092/FULL DEMOLITION OF FIVE CLASSROOMS IN SOUTH-WEST CORNER OF THE SITE AND ERECTION OF SINGLE STOREY REPLACEMENT BUILDING WITH ASSOCIATED LANDSCAPING TO PROVIDE TEACHING SPACE AND MARINE & MARITIME CAREERS CENTRE
Bay House School, Gomer Lane Gosport Hampshire PO12 2QP

A Member supported the application as he had memories of being taught in the existing structures in 1973

RESOLVED: That the application was approved subject to the conditions in the report of the Development Manager

21/00100/FULL ERECTION OF DETACHED GARAGE
112 St Thomas' Road Gosport Hampshire PO12 4JX

RESOLVED: That the application was approved subject to the conditions in the report of the Development Manager

53. ANY OTHER ITEMS

The Development Manager updated members on the Cross Boundary planning application for the access road and residential development off Brookers Lane, and confirmed that the two appeals have been linked by the Planning Inspectorate so will be heard together at an informal hearing with a provisional date in June.

Dependent on Covid regulations this will either be a virtual meeting or held in person at the Civic Offices in Fareham.

Farehams' Planning Committee resolved that they would have refused the planning application, and as a result both Gosport and Fareham as the LPAs share a common position in opposing the development.

CHAIRMAN

Concluded at 6.34 pm