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Regulatory Board
14 July 2022

A MEETING OF THE REGULATORY BOARD WAS HELD ON 14 JULY 2022

Councillors Earle, Bradley, Bradley, Casey, Hammond, Scard and Gledhill

1. APOLOGIES FOR NON-ATTENDANCE

There were none

2. DECLARATIONS OF INTEREST

There were none

3. MINUTES OF THE MEETING HELD ON 8 JUNE 2022

RESOLVED: That the minutes of the meeting held on 8 June 2022 be signed as a true and correct record.

4. DEPUTATIONS - STANDING ORDER 3.4

5. PUBLIC QUESTIONS - STANDING ORDER 3.5

There were none.

6. REPORT OF THE DEVELOPMENT MANAGER

22/00214/FULL - ERECTION OF 4 GARAGES TO REAR (amended by plans received 21.06.2022)

7 Wych Lane Gosport Hampshire PO13 0SU

Consideration was given to a report of the Development Manager detailing application 22/00214/FULL.

The Development Manager advised that the application site was accessed from the private property of 7 Wych Lane and that the application site was a hardstanding with a proposal to build 4 garages.

Mr Squire was invited to address the Board, he advised that he objected to the proposal as he felt it was against the Local Plan LP23 and the Supplementary Planning Document for Parking. He also advised that the proposal did not safeguard a right of way that had been in place for 30 years.

He advised the Board that the proposed turning area for the cars was not sufficient and that the proposed garages were too small for modern day cars.

He advised the Board that the proposal would result in vehicles reversing on to the Highway and this was dangerous.

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In addition, Mr Squire advised that the proposal would result in the loss of safe and convenient parking spaces and that there was no cycle provision and that the parking spaces should not be removed in favour of garages. It would be a danger to emergency services and did not meet the Gosport Local Plan

The Development Manager was invited to comment on the deputation and advised that the site was not a public right of way, it was private land over which residents may have a private right of access.

He advised the Board that the proposal was not contrary to the parking SPD as the proposal did not accompany a development, but was a proposal for the reuse of an existing hardstanding. Parking had been the main use of the site for many years but there was no need for it to provide parking for a specific development. As a result there was no requirement for the garages to meet a specification or provide cycle storage.

The Board was advised that although the garages were slightly below the dimensions sought by the SPD, the modest shortfall was acceptable as they did not serve a development and therefore it would not be prejudicial.

In answer to a Member's question, the Board was advised that residents and visitors would use the area to park their cars and then walk to the properties via the rear. The proposal would make this dangerous. In addition the proposed garages had been incorrectly measured from the edge of the applicant's land.

Mr Bowles was invited to address the Board. He advised that he had provided some diagrams and photos which highlighted the border of the back of his garden and advised that the land in green was his land and should not be used for the proposal or when calculating the proposal.

The land had been infringed on and permission had not been granted for it to be used.

The Development Manger advised the Board that land ownership was not a material planning consideration and advised that information provided by the applicant and the Land Registry indicated that the land belonged to the applicant. If there was a debate on the boundary line this was also not a material planning consideration.

In answer to a Member's question, the Board was advised that any dispute over land was not a planning consideration and that the applicant had the right to apply to build on their land.

A Member questioned the right to access for neighbouring properties and was advised that the applicant had provided details of ownership. Without access to the deeds of each of the properties concerned it was not possible to tell who had a right to access. It was acknowledged that the site was useful to neighbours, however, rights were not automatic.

A Member questioned whether the fact that cars would no longer be able to turn within the site was a legitimate reason for the proposal to be refused and were advised that there was no right for people to be able to park on the site or turn. It was however stated by a Member that the detriment to Highway Safety in cars having to reverse onto Wych Lane.

It was reiterated that there was no development associated with the proposal and therefore there was no requirement for a minimum level of parking, or the ability to turn on the site, this would be different if there was the construction of a property associated with the site. Access to the site was historical rather than a right.

The Board was also advised that there was no obligation for the garages to be used for the storages of vehicles. A Member raised that the site was used for access for supermarket deliveries and that this would be compromised, meaning the vehicles had to reverse onto the road. It was reiterated that the use of the site for this purpose was not a right.

Members felt that the proposal was contrary to points 2 and 4 of Policy LP23 as the road layout was unacceptable as it contributed to the removal of safe and accessible parking. Members also expressed concern at the lack of space the proposal would create.

Members were advised that if they felt the proposal was unacceptable the reason for refusal would need to be robust and clearly articulated as part of the resolution.

It was proposed and seconded that the application be refused for the following reason.

The proposal would fail to provide adequate manoeuvring space for the vehicles using the garages such that multiple vehicle movements will be required to the detriment of the amenities of other users of the access. Furthermore the lack of adequate turning space would be likely to result in vehicles reversing onto Wych Lane to the detriment of the safety of users of the highway. The proposal is therefore contrary to Policy LP23 of the Gosport Borough Local Plan 2011-2029 and the Gosport Borough Council Parking: Supplementary Planning Document.

This was seconded.

A vote was subsequently taken and carried

RESOLVED: That application 22/00214/FULL be refused on the grounds that the proposal would fail to provide adequate manoeuvring space for the vehicles using the garages such that multiple vehicle movements will be required to the detriment of the amenities of other users of the access. Furthermore the lack of adequate turning space would be likely to result in vehicles reversing onto Wych Lane to the detriment of the safety of users of the highway. The proposal is therefore contrary to Policy LP23 of the Gosport Borough Local Plan 2011-2029 and the Gosport Borough Council Parking: Supplementary Planning Document.

21/00587/FULL - ERECTION OF TWO STOREY SIDE EXTENSION (as amended by plans received

13.06.22)

39 The Crossways Gosport Hampshire PO12 4RH

Consideration was given to a report of the Development Manager detailing application 21/00587/FULL.

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The application was presented to the Regulatory Board as it was that of a member of staff.

RESOLVED: That application 21/00587/FULL be approved subject to the conditions in the report of the Development Manager.

7. ANY OTHER ITEMS

Members were reminded of the protocol regarding site visits. It was reiterated that visits should be appropriate to the application and not put Members at the risk of lobbying.

Members should declare any visit they feel necessary as a declaration of interest.

CHAIRMAN

Concluded at 7.11 pm