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Regulatory Board
8 February 2023

A MEETING OF THE REGULATORY BOARD WAS HELD ON 8 FEBRUARY 2023

Councillors Earle, Bradley, Bradley, Casey, Hammond, Gledhill and Burgess (Substituting for Scard)

37. APOLOGIES FOR NON-ATTENDANCE

An apology for non attendance was received from Councillor Scard.

38. DECLARATIONS OF INTEREST

There were none.

39. MINUTES OF THE MEETING HELD ON 7 DECEMBER 2022

RESOLVED: That the minutes of the meeting held on the 7 December 2022 be signed as a true and correct record.

40. DEPUTATIONS - STANDING ORDER 3.4

Deputations were received on the following items.

20/00362/FULL – 22 Chester Crescent
22/00415/FULL – Land at Fareham Business Park
22/00410/FULL – Land adjacent to 8 Penn Way
22/00451/FULL – 66 Portsmouth Road
22/00489/FULL – 5 Elgar Close

41. PUBLIC QUESTIONS - STANDING ORDER 3.5

There were none.

42. REPORT OF THE DEVELOPMENT MANAGER

Consideration was given to the reports of the Development Manager.

**22/00362/FULL – ERECTION OF TWO-STOREY SIDE AND REAR EXTENSION
ALTERATIONS TO
EXISTING LOFT AND DORMER WINDOWS, FRONT FACING BALCONY AND
DEMOLITION OF EXISTING SINGLE GARAGE
20 Chester Crescent Lee-On-The-Solent Hampshire PO13 9BH**

Consideration was given to the report of the Development Manager detailing application 22/00362/FULL.

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The Board was advised that the application was deferred for a site visit which had taken place on the Monday proceeding the meeting.

The Board was advised that the application was for a 2 storey side and rear extension and that the existing garage would be replaced. The Board was advised that 2 previous applications had been submitted, one approved and a subsequent one refused that was the subject on an appeal dismissed by the planning inspector on the basis of design, the amenity impact deemed to be acceptable. The application presented increased the bulk, to a greater size than currently permitted, but less than the application that had been refused.

Rachel Lundy was invited to address the Board she presented the Board with a report that looked at the issues raised, and objections made by the planning inspector as to why the previous appeal was dismissed.

She advised the Board that there had been 6 issues raised, 5 of which had been upheld.

The width of the building was bulky and dominant and the new proposal although under the previous side across 2 floors was wider across the first floor to compensate. This proposal was wider, not smaller than that proposed and refused previously.

The second point was the extended roof width, the scale and the massing, as detailed in the report of the Surveyor the proposed roofline was wider and the planning officer had not commented on the width, which was wider.

The third point was the dormer and this had been addressed.

The fourth point was the building's second storey was close to the common boundary and with the increased proposal it should be more empathetic but wasn't and that the proposal was greater than the one the planning inspector had dismissed. The proposals had made the first and second floor closer than the previous application and

The fifth issue is the windows facing number 22, the report advises that if an appropriate boundary was in place they were acceptable, however, there was not appropriate boundary in place and that comment should be made on this not being present.

It was acknowledged that the window was seen as secondary, however, the increase in bulk would reduce the light further and the difference in this had not been addressed. In summary the Board was advised that of the 6 issues identified by the planning inspector, one had been addressed, one had not been addressed at all and four had worsened. The proposed scheme was different to the rejected scheme and the scheme with approval and the proposed scheme was 85% larger than the existing property which was already the larger.

The planning officer advised that the discussion around whether the proposal was sympathetic was whether it was sympathetic to the existing design and that the dimensions of the proposal changing did not necessarily alter the assessment. It was clarified that the proposal would be no closer to the neighbouring property than the existing garage.

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It was clarified that although the proximity would not be closer, the proposal was larger so the impact would be greater. The proposal was for two storeys with a roof light and the inspector's opinion was that this would worsen the impact on number 22.

It was accepted that the ongoing fencing issue was not a planning consideration, but there was no update to the situation.

Owen Rushworth was invited to address the Board. He advised that he had addressed the Board previously regarding the application and would only address new points at this Board.

Any potential issue from overshadowing was dismissed at appeal, and it was not a window considered primary as there was multiple windows. The proposals increased scale was located to the rear of the property and therefore was not detrimental to number 22. He reiterated that the proposal was no closer to 22 than the garage, the line of which had been previously approved.

He also reminded the Board that the fencing issue was a civil matter and not for planning consideration.

It was confirmed that the floorplan proposed was 5% larger than previously approved. The width of the ground floor was the same but the 1st floor was slightly wider. The proposal was also 1 metre deeper to the rear than previously approved. There were to be cat slide windows which would create a bigger frontage.

A Member sought clarification with regard to the bulk of the proposal and it was felt that a two storey proposal would create an impact. The Board was advised that there would be some loss of light and that the proposal would impact on the side windows and there would be a change in the view as a result of the change to the garage. The planning inspector had previously concluded that the impact would not be so great an impact on amenity that the application should be refused. The Planning Officer's view was that the impact of the proposal would be similar.

Members expressed concern at the impact of the proposal on the streetscene as it was already the largest property in the street and felt the proposal was worse than the one that was refused and upheld at appeal.

It was reiterated to the Board that the footprint was greater by a metre to the rear.

The Board debated the proposal. It was felt that the proposal presented was greater than the one that had previously been refused and upheld at appeal and that the scale and mass was greater.

Members expressed concern that the property was already large and this would make it even larger and that and that the neighbours were rightly concerned about the impact the proposal would have on their property.

Members expressed concern about the proposal and felt on balance it should be refused.

It was proposed and seconded that application 22/00362/FULL be refused for the following reason.

That the proposal be refused as the proposal results in an increase in scale and mass which is harmful, specifically to the amenity of number 22, as commented in the report of the planning inspector at the last appeal and also that the bulk and visual appearance would be contrary to LP10 and impact on the streetscene. -

RESOLVED: That application 22/00362/FULL be refused because the proposal would, by reason of its increased scale and massing, have an adverse impact on the amenities of the streetscene and result in loss of light and outlook harmful to the residential amenities of the occupiers of number 22 Chester Crescent contrary to Policy LP10 of the Gosport Borough Local Plan 2011-2029.

**22/00415/FULL - ERECTION OF A DRIVE-THRU COFFEE SHOP / RESTAURANT SELLING FOOD AND DRINK FOR CONSUMPTION ON AND OFF THE PREMISES (SUI GENERIS) WITH EXTERNAL SEATING AREA, TOGETHER WITH ASSOCIATED ACCESS AND CAR PARKING (as amplified by supporting information received 08.12.22, 23.12.22 and 09.01.23 and amended by plans received 23.01.23)
Land At Fareham Business Park Lederle Lane Gosport Hampshire**

Consideration was given to a report of the Development Manager detailing the application.

The Board was updated that the applicant has provided clarification regarding the number of staff which would be 37 Full Time Equivalent. This falls below the threshold for providing a skills plan under Policy LP17. In addition the applicant has confirmed that the building programme is short, at approximately 16 weeks so does not lend itself to a longer training plan, or taking on apprentices. So it is proposed to remove condition 4 as shown in the report, from the recommendation.

Condition 2 relating to the plans is proposed to be amended to reflect the revisions to the plans already referred to in the report. The revisions are Plan 01 becomes revision B, 02 Rev E, 03 rev C, 04Rev B and 05 Rev B. Plan 06 and 002 A are unchanged.

Subject to changes to the plan numbers in condition 2 and the omission of condition 4 the recommendation remains to grant conditional planning permission.

The applicant was invited to address the Board. They advised that the proposal was for the sale of food for consumption on and off the site with external seating using the existing access to the site and would be on brownfield land. The proposal was for a coffee shop and a drive through and would be in an area designated for employment.

The proposal met with the requirements of LP10 and was acceptable by highways, it was also acknowledged that there were no public health concerns. There had been support throughout the community.

The Chief executive of Tim Horton's UK advised that there were now 70 restaurants in the UK and that the proposal would be for only the second one on the south coast. There would be no cooking on the site, therefore no grease or odour.

A Member advised the Board that residents had expressed concern about levels of litter and asked if a litter management plan could be implemented. In addition it was requested that additional signage be erected reminding of the traffic restrictions.

The Board was advised that the proposal would be for opening 6am- 11pm.

Members recognised that it was good to see a company such as Tim Horton's within the Borough and welcomed the jobs it would provide.

RESOLVED: That application 22/00415/FULL be approved subject to the conditions in the report of the Development Manager.

22/00410/FULL - CHANGE OF USE OF LAND TO GARDEN AND ERECTION OF 2M HIGH FENCE/WALL

(as amended by plans received 30.11.22)

Land Adjacent To 8 Penn Way Gosport Hampshire PO12 2RR

Consideration was given to a report of the Development Manager detailing the application.

The Board was advised that the area that the proposal covered did not include the pathway, although this formed part of the land owned, it was not proposed to be developed on.

Councillor Huggins was invited to address the Board. She advised that she was the Ward Councillor and that she would be reading a deputation on behalf of a resident, as follows.

I would like to start with an apology for not being here in person but unfortunately my husband and I had an important prior commitment which we have been unable to cancel. I feel very strongly opposed to this planning application for the following reasons:

The estate was built in the 1960's by Percy Bilton Homes and was designed with a spacious, green and open character. Indeed it had been specifically landscaped to be this way. The word 'landscaped' is quite important in this matter. The areas of open green spaces weren't left undeveloped by accident. It was a deliberate landscaping decision by the builder when designing and building the estate to make it an appealing and attractive place in which to live, and this is what has given this particular housing estate its distinctive character.

For some reason, Bilton Land Ltd (which now owns and manages the residential land developed by Percy Bilton Homes) has for some years now been selling off pockets of the green spaces on the estate in what is in my opinion an unscrupulous attempt to make some money. I feel this is both morally and ethically wrong. It seems as though Bilton Land Ltd has no interest in what the estate looks like now as long as they get to make some money out of it. I come to this conclusion simply because what possible other reason could there be for them to sell off these pockets of green spaces? This is not, in my opinion, acceptable behaviour.

There have been several instances in recent years of slices of green spaces on the estate being bought up and then disappearing behind fences but in the main, these slices of green spaces have been relatively narrow strips adjacent to the purchasers gardens and have still left most of the original areas of grass visible and available to the other residents of the estate to enjoy. Even so, it has been very disappointing to see this happening at all.

In this particular Planning Application though, it isn't a narrow rectangular sliver of land that is to be fenced in, it is quite a sizeable square (indeed wide enough to cover the full width of

the back garden of Number 11 Briar Close and half the width of the back garden of Number 13 Briar Close) and to make matters worse it will be enclosed by a two metre high fence which will have a considerable visual impact, especially as all the other surrounding garden perimeters are brick built.

Whilst I realise that the Council has no control over the actions of Bilton Land Ltd, I appeal to the Regulatory Board to carry out a damage limitation exercise and limit the amount of land that purchasers are allowed to fence in, so that some of the character of the original estate is kept.

Shirley Smith
A resident of the St Helens Road Estate

In answer to a Member's question, the Board was advised that a number of applications to enclose amenity land have been submitted, some of which have been permitted and others refused. Where applications had been refused, some were allowed at appeal and some were dismissed.

It was clarified that the land parcels had previously been maintained under agreement between Hampshire County Council and Gosport Borough Council.

Members recognised that the estate had been designed to include open spaces.

Members felt the proposal was acceptable and was a relatively unused piece of land.

RESOLVED: That application 22/00410/FULL be approved, subject to the conditions in the report of the Development Manager.

**22/00451/FULL- ERECTION OF 1.8M HIGH FRONT AND SIDE BOUNDARY WALL
66 Portsmouth Road Lee-On-The-Solent Hampshire PO13 9AG**

Consideration was given to a report of the Development Manager detailing the application

Mr Ellis was invited to address the Board. He advised that he had prepared a document that had been distributed to the Board.

He advised the Board that the key point of the deputation was the proposal in relation to the local streetscene, he had looked at other walls within the area of Lee Suburbs and showed the Board examples of other walls.

The permeability of the walls varied and the proposal was similar to one that was already present. There were walls of height that were similar to the proposal, walls with large concrete balls on top of them, and one wall that was nearly identical to the proposal. There was an eclectic mix of walls throughout the locality.

The proposal was cleaner for the site, removing overgrown, unruly bushes and providing more space for pedestrians to use the pathway. It would blend in with the surrounding properties and tidy up the locality as part of the garden renovations for the property.

In answer to a Member's question the Board was advised that the existing boundary line was 3.7m from the edge of the carriageway. The proposed work would remove the existing flower bed moving the proposed wall 50cm closer to the carriageway.

The Board was advised that the wall was currently built to its permitted height but that the applicant would extend it if permission was granted.

A Member expressed concern that the walls detailed in the deputation were mostly side walls and it was unusual to have such a large wall at the front of the property. Officers advised that taller boundary walls were more typical to side and rear boundaries where they enclose more private rear gardens.

Some Members felt that the wall was visually permeable and it would be acceptable in the location.

The Board was advised that many of the walls detailed in the deputation would not be considered acceptable under the current local plan.

Members felt that the wall was tidier and more acceptable than the bushes that had been on site and felt that as it would not impact on traffic it would be acceptable.

It was proposed and seconded that the application be approved as it did not impact on the streetscene or amenity of neighbours and was in keeping with the local area in line with LP10.

RESOLVED: That application 22/00451/FULL be approved as it did not impact on the streetscene or amenity of neighbours and was in keeping with the local area in line with LP10 and that authority be delegated to the Development Manager to attach appropriate conditions to the planning permission.

**22/00489/FULL - ALTERATIONS TO EXISTING BUILDING INCLUDING, EXTENSION OF BALCONY, ADDITION OF PITCHED ROOF AND ALTERATIONS TO EXISTING FRONT DORMER WINDOW, AND ERECTION OF FRONT PORCH (CONSERVATION AREA) (as amended by plans received 18.01.2023)
5 Elgar Close Gosport Hampshire PO12 2LU**

Consideration was given to a report of the Development Manager detailing the application.

Jenny Walker gave a deputation to the Board on behalf of Zella Compton as follows.

The properties at 1/1A Ashburton Road which backed on to the proposal and would be impacted by the frosted window facing the north. Even with frosting, it would impact on the property in Ashburton Road, reduce privacy and increase overlooking.

The report did not note the impact on the property at 1/1a Ashburton and stated that the bay would be an interesting feature, which the residents in Ashburton Road did not agree with and simply intruded on their property.

A previous application had been turned down as a result of privacy concerns and there was a covenant on the properties in Elgar Close to prevent the amenity of the residents in

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Ashburton Road being affected by the height of any development dating from when the gardens had been sold and the properties were larger.

Members recognised that covenants were not planning considerations and the Board was advised that specific legal advice would need to be sought.

The Board was also advised that on the grading scale of frosted glass the glass required would be level 4, with level 5 being the most opaque, in addition the window would not be able to be opened.

It was felt that it was a sufficient distance not to make an impact.

RESOLVED: That application 22/00489/FULL be approved subject to the conditions in the report of the Development Manager.

43. ANY OTHER ITEMS

The Board was advised that in December an application had been approved for Storm Athletic. Part of that application had included an assurance from the applicant that they would seek permission for a drop kerb as per the conditions of the application, this had been submitted at the 11th hour. The work now needed to be undertaken.

Members expressed disappointment that the application was delaying the implementation until as late as possible.

CHAIRMAN

Concluded at 7.52 pm