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Regulatory Board
5 June 2024

A MEETING OF THE REGULATORY BOARD WAS HELD ON 5 JUNE 2024

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

1. APOLOGIES FOR NON-ATTENDANCE

There were none.

2. DECLARATIONS OF INTEREST

There were none.

3. MINUTES OF THE MEETING HELD ON 27 MARCH 2024

RESOLVED: That the minutes of the meeting held on 27 March 2024 be signed as a true and correct record.

4. DEPUTATIONS - STANDING ORDER 3.4

Deputations were received on the following items:

DC04/018/23 - Royal Hospital Haslar, Haslar Road, Gosport

23/00108/FULL – The Piggeries, Land to the North of Mabey Close, and North West of Haslar Road

24/00063/FULL – 118 Rowner Lane Gosport

5. PUBLIC QUESTIONS - STANDING ORDER 3.5

There were none.

6. DC04/018/23 - ROYAL HOSPITAL HASLAR, HASLAR ROAD, GOSPORT, HAMPSHIRE

Consideration was given to a report of the Development Manager seeking authorisation to modify the legal agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) for the development at the former Royal Hospital Haslar.

Mr Wright was invited to address the Board. He advised that he was representing the residents of Canada House and the soon to be occupied Trinity House and wish to make comment/object to the proposed changes to reg 106 prohibiting dogs on the estate. Many residents had made their purchases because of this clause and were concerned about the proposed changes.

They had been provided with a generic example of an animal management plan which was not specific to the site but was the only document that could be referenced against regarding the application by HDL to provide an alternative to regulation 106. We therefore

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cannot accept and would strongly argue that this is not possible to make such a critical decision without an informed plan relating specifically to this development and one that addresses the no dogs policy on site and the requirements in the Solent and Gosport Council disturbance and mitigation protocol together with the SPA and SAC to mitigate the impact of dogs within these areas.

It was believed that the plan did not address the local protection requirements and raised the question of where dogs would be exercised, were HDL suggesting along the wall by Dolphin Way which it was understood was still part of the development, or on the airing ground within the paddock, this was not addressed as the document was not specific to the site.

As the plan was for 530 properties, this would increase the number of dogs significantly.

HDL had to date failed to perform their duty to manage the regulation 106 restricting dogs on the development and the breaches had been noted, yet it was understood that the whole purpose of the regulation was to reduce the recreational impact on the development on the breeding and feeding habitats of identified priority species.

It appears from the report that the Board, influenced by Natural England are considering supporting the alternative plan, and on behalf of the residents of Canada House suggested Regulation 106 should be retained and managed effectively.

Eamonn Prenter was invited to address the Board. He advised that the application was for the amendment to the 106 legal agreement which had been implemented when planning permission was granted but would not normally be a matter for Members, but delegated to officers.

Mr Prenter advised that he had sympathy for the residents that did not want dogs on site, but reiterated that this was not normally a planning matter and that it had been agreed on the large site to mitigate the impact from the recreational disturbance caused by dogs. When the application was originally considered, there were two options, mitigation or a contribution to Bird Aware. At the time the decision was made, prohibition was preferable, however the stance now was that a contribution was acceptable and preferred.

Those that were interested in the upcoming available flats had some level of care requirement and it had been found that some potential occupiers were reliant on dogs for companionship and support.

There was nothing commercial to be gained from the amendment, people simply wanted to be able to own dogs in their properties. The NPPF states that people should be encouraged to undertake healthy lifestyle choices and have the facilities available to do so and dog walking could contribute to this.

A Member questioned why the restrictions had not been implemented and why it was only now that a request had been made to amend them and was advised that due to a delay in development the units had only recently become available and were being lived in and it was reiterated that people interested in supported living often sought companionship with a dog. This has not been anticipated until the market was appraised.

The management of dog waste would fall under the site management plan, but it was noted that the site was already well maintained and litter and dog waste free.

The Board was advised that the paddock was allocated for dog walking on the site, so although there was provision to do so, there was prohibition on owning them in the properties. This was tied to leases and had been included as mitigation which could now be overcome with a financial contribution to Bird Aware.

Bird Aware would use funds on wardens, education schemes, and other schemes to protect species and that this form of mitigation was normal on developments now and was in place to protect specific issues for specific species.

It was confirmed that the paddock area was available to those not on site that had dogs to walk them as it was dedicated as a SANG.

Members were advised that the rules on restrictions on dogs on Council land would not apply on the estate and that the estate would be subject to any estate management plan.

Members were advised that the obligation to enforce the prohibition of dogs had sat with the management company, they had sought legal advice that has ascertained that in reality the clause was not enforceable and this was the best approach to take, as it would not stand up to a legal challenge.

Members questioned if this was the case, why such clause had been added in the first instance.

This mitigation would therefore be acceptable.

Some Members expressed concern for residents who had purchased the properties that welcomed the prohibition on dogs, and were advised that a challenge to this would be a private matter.

RESOLVED:

That the Board grant delegated authority to the Development Manager, in consultation with the Borough Solicitor, to remove the prohibition on dog ownership clause(s) of the Section 106 legal agreement for planning permission 12/00591/OUT and to allow for the keeping of dogs at the site subject to a Deed of Variation to secure alternative mitigation in accordance with the Gosport Bird Disturbance Mitigation Protocol.

7. REPORT OF THE DEVELOPMENT MANAGER

Consideration of the reports of the Development Manager.

23/00108/FULL - ERECTION OF 58 DWELLINGS (COMPRISING 17 IN NO. ONE AND TWO BED FLATS AND 41 IN NO. TWO, THREE AND FOUR BED HOUSES) WITH PLAY AREA, OPEN SPACE AND ASSOCIATED LANDSCAPING, PARKING WITH VEHICULAR ACCESS FROM HASLAR ROAD (CONSERVATION AREA) as amended by plans received 22.06.2023 and on 18.01.2024

The Piggeries, Land North of Mabey Close and North-West of Haslar Road Gosport Hampshire

Consideration was given to application 23/00108/FULL

The planning officer updated the Board that

- 1) Amendment to the recommendation to include:
 - 7) To secure the payment of a Primary Care provision contribution.

And amendment to the wording to condition 16.

16. a) The development hereby permitted shall not be occupied or brought into use until a detailed scheme regarding flood or other external lighting has been submitted to and approved, in writing, by the Local Planning Authority
b) Any flood or other external lighting shall thereafter be installed and retained in accordance with the approved details.

Reason: In order to protect the amenities of the area, and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029.

Alice Drew was invited to address the Board as follows

Good evening Councillors. My name is Alice Drew and I am a Planning Consultant at Southern Planning Practice. I am here this evening on behalf of the applicant, Bellway Homes, to support the Officer's recommendation to approve the planning application for 58 new homes including 40% affordable homes on the land known as the Piggeries to the north of Mabey Close, north west of Haslar Road in the southern part of Gosport.

Achieving a 5-star builder status in the national Home Builders Federation awards for five years running Bellway Homes is passionate about delivering quality homes and places for people to live, work and play.

The proposals have been sensitively designed to make efficient use of the site whilst seeking to respect and enhance the surrounding built and natural environment. The proposals respond to the criterion set out in the draft local plan, which proposes the allocation of the site for residential development of up to 60 homes.

The proposed scheme before you has been subject to proactive community consultation and extensive officer engagement. Information leaflets were distributed to approximately 500 local residents to gauge views on the initial proposals for the site in November 2022. The applicant also carried out a site visit with local ward members to understand any key areas of concern for the local community. Throughout the consideration of the application regular meetings have been held with the Case Officer to discuss and pragmatically

address consultee comments through revisions to the scheme where required. There are no objections from technical consultees in respect of the proposals.

In a sustainable location within the constrained Borough of Gosport the proposals will deliver many benefits to both the immediate and wider area.

A key benefit of the scheme is the delivery of 58 much needed new homes comprising a range of types and tenures to contribute to Gosport's Housing needs including 23 affordable homes for local people and 35 market homes.

In addition, while the site is currently inaccessible to the public, the proposals include:

- new areas of publicly accessible open space providing a high quality and rich landscaped environment comprising natural features including approximately 50 new trees, wildflower grasslands and integrated seating areas for social interaction, positively benefiting biodiversity and amenity uses.
- An equipped play area is also provided for use by new and existing residents.

The public open space will be accessible from a new footpath from Clayhall Road to the west, directly linking the new and existing community, encouraging walking and promoting healthy, active lifestyles, consistent with the objectives of both Local and National Planning Policy.

The scheme also includes biodiversity enhancements. 50% of the new homes will have a bird or bat box, along with inclusion of hedgehog highways between gardens to encourage wildlife to thrive on the site.

The new homes will be constructed to the latest energy efficiency standards, resulting in reduced energy bills for residents. On average new build home energy bills are typically 57% cheaper than comparable older homes and with considerably reduced carbon emissions.

- Each new home will also be provided with electric vehicle charging infrastructure.
- Bellway will also provide a financial contribution to local infrastructure through the Community Infrastructure Levy alongside other financial contributions and highway works to be secured through the section 106 legal agreement.

Subject to your endorsement this evening and obtaining subsequent technical approvals Bellway's intention is to commence on site later this year, to deliver the high quality, energy efficient homes for local people along with the many economic, social and environmental benefits that I've outlined.

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In answer to a Member's question with regard to the Police being unhappy with the pathway and were assured that there would be motion activated lights installed, and that this would help address concerns on security and safety.

Members were advised that there would be no access to the creek, this would protect the ecology of the site and there would be gardens backing on to it to prevent access. Concern had been raised as the site was an SPA and a SINC, the footpath had been seen to be detrimental, and it was reassured that boundary work would be significant enough to prevent access.

In answer to a Member's question, the Board was advised that the development was parking policy compliant and that and that allocated parking would be located on drives with further communal parking, concern was expressed that in line with other newer development the street parking would be difficult and obstructive as a result of the curvature of the streets.

A Members sought reassurance that the plans would protect the heritage of tank on the QinetiQ site and were reassured that the positioning of the properties was done in a sympathetic way.

Members were advised that the fire service had not objected to the proposal.

Members sought reassurance that appropriate pumping equipment was installed and working given the boggy nature of the site and its proximity to the creek and were reassured that this was part of the management plan and that this, and the parking would be controlled by the management company. The Board was also advised that the pre-installation of the pumping system was a preoccupation requirement. If this was not met enforcement action could be considered.

Members reiterated safety concerns regarding the lighting but were advised that discussions had take place between the Police and the applicant.

Members felt that it was important that the heritage around the site should be protected here and in other locations in the Borough. The tank located on the adjacent site had been used in testing Donald Campbell's Bluebird. Concern was also raised about the additional traffic that both this site and the Haslar would generate on the local area.

Members welcomed the inclusion of 40% affordable housing on the site

RESOLVED: That application 23/00108/FULL be granted permission subject to the conditions in the report of the Development Manager and subject to the following

- 1) Amendment to the recommendation to include:
 - 7) To secure the payment of a Primary Care provision contribution.

And amendment to the wording to condition 16.

16. a) The development hereby permitted shall not be occupied or brought into use until a detailed scheme regarding flood or other external lighting has been submitted to and approved, in writing, by the Local Planning Authority

b) Any flood or other external lighting shall thereafter be installed and retained in accordance with the approved details.

Reason: In order to protect the amenities of the area, and to comply with Policy LP10 of the Gosport Borough Local Plan 2011-2029

**22/00339/FULL - DEMOLITION OF EXISTING BUILDING AND ERECTION OF PART FOUR/PART THREE-STOREY BUILDING TO PROVIDE 7 FLATS AND GROUND FLOOR RETAIL UNIT (CONSERVATION AREA) (as amended by plans received 10.04.24)
137-140 High Street Gosport Hampshire PO12 1EA**

The Board was updated that conditions 7 and 13 within the report relate to landscaping and are duplicated, so only one of these is required. Condition 13 would, therefore be deleted from the recommendation. The recommendation is still for planning permission.

Members welcomed the development of an untidy and unattractive site, and recognised the use as flats and a retail unit was a positive one but commented that the site owner had once suggested that the High Street should be contained in its entirety to the east of North Cross Street and would this mean the development would convert entirely to residential in the future.

Members expressed concern there were badgers on the site and were advised that there were no indications of this.

The reduction in the size of the retail unit was seen as more appealing.

RESOLVED: That application 22/00339/FULL be approved subject to the conditions in the report of the Development Manager.

**23/00448/FULL - CONSTRUCTION OF TWO-STOREY DWELLINGHOUSE (CLASS C3) TO WESTERN SIDE OF EXISTING DWELLING WITH ASSOCIATED PARKING AND ACCESS FROM HOUSE FARM ROAD AND ALTERATIONS TO NO.154 PRIVETT ROAD (amended plans received 18.03.2024)
154 Privett Road Gosport Hampshire PO12 3SZ**

The Board was updated that there was an additional planning condition at the request of Southern Water as detailed.

a) Notwithstanding the submitted details, no development shall commence until precise details of the proposed means of foul sewerage and surface water disposal, to include details of any measures required to protect or divert existing drainage infrastructure, have been submitted to and approved, in writing, by the Local Planning Authority in consultation with Southern Water.

b) The development shall be carried out in full accordance with the details approved pursuant to part a) of this condition and thereafter retained in accordance with the approved details.

Reason - To ensure that the development has adequate foul and surface water disposal and existing drainage infrastructure is protected in accordance with Policy LP2 of the Gosport Borough Local Plan, 2011-2029.

The Board was advised that this required the developer to take measures to protect the sewer as the development was undertaken.

RESOLVED: That application 23/00448/FULL be approved subject to the conditions in the report of the Development Manager.

**24/00063/FULL - ERECTION OF PART SINGLE AND PART TWO-STOREY REAR/SIDE EXTENSION AND DORMER WINDOW, PART SINGLE AND PART TWO-STOREY FRONT EXTENSION AND FRONT PORCH
118 Rowner Lane Gosport Hampshire PO13 0ES**

Mr Moyce was invited to address the Board, he advised that he was the neighbouring home owner at 120 Rowner Lane.

He welcomed that Members had undertaken a site visit.

He advised that he had resided in 120 for 17 years at harmony with privacy in his rear garden. He therefore had an objection to the proposal as the already large dwelling would be extended causing greater overlooking and intrusion from the windows.

He advised that the proposal of 2 storeys would lead to excessive overlooking and that even with the 2m reduction as suggested it would be an extensive addition and impact on the privacy of the rear of their garden which was currently enjoyed throughout the day.

Although there was deemed to be no impact, requested to move the south facing wall inwards had been ignored.

The amenity of their garden was well used throughout the year and particularly in the summer as it created a suntrap, and whilst their neighbours at 122 would be respectful, this would not be. The Juliette balcony would overlook and added little value other than to impact on the privacy of number 120.

It was reiterated that it was dealt that the proposal was large, and would impact on the north east of Mr Moyce's property. It would also be intrusive and overlooking.

Members sought confirmation that Mr Moyce's property was to the South of the application site and therefore would not be impacted by loss of light. Confirmation regarding the depth of the conservatory was also sought. These were confirmed.

Mr Mamczur was invited to address the Board. He advised that the property was considered to be their forever home.

Members recognised that adjustments had been made to the plans.

RESOLVED: That application 24/00063/FULL 118 Rowner Lane be approved, subject to the conditions in the report of the Development Manager.

8. ANY OTHER ITEMS

There were none.

CHAIRMAN

Concluded at 7.31 pm

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