

## **A MEETING OF THE REGULATORY BOARD**

### **WAS HELD ON 7 NOVEMBER 2006**

The Mayor (Councillor Mrs Cully) (ex-officio), Chairman of Policy and Organisation Board (Councillor Hook) (ex-officio), Councillors Allen (P), Carter (P), Chegwyn (P), Farr (P), Foster (P), Hicks (P), Smith (P), Taylor (Chairman) (P), Train (P) and Ward (P).

#### **114 APOLOGIES**

Apologies for inability to attend the meeting were received from the Mayor (Councillor Mrs Cully)

#### **115 DECLARATIONS OF INTEREST**

Councillor Ward and Councillor Train declared Personal and Prejudicial interests in Item 3 (K17255 – 25-31 Rowner Road)

#### **116 MINUTES**

RESOLVED: That the Minutes of the Regulatory Board meeting held on 10 October 2006 be approved and signed by the Chairman as a true and correct record.

#### **Minute No. 100 (10 October 2006)**

K17094 – ERECTION OF TWO STOREY HEALTH CENTRE BUILDING (INCLUDING PHARMACY) WITH ASSOCIATED ACCESS ROAD AND CAR PARKING LAND ADJACENT HUHTAMAKI SITE ROWNER ROAD

The Borough Solicitor advised Members that during discussions between the applicant and Council regarding the Section 106 Agreement undertaking to provide a link to the existing cycle path; it had become apparent that part of the land on which the link was to be created was owned by the Council. It was necessary to secure the link by means of an amended condition to the planning approval rather than through a Section 106 Agreement. The Members ratified the action taken by the Borough Solicitor and Head of Development Control.

#### **117 DEPUTATIONS**

It was reported that deputations had been received on the following applications:

- K16401/5 – 38-42 Marine Parade East, Lee
- K17203 – Land to the Rear of 12 Burney Road, Gosport
- K4332/4 – The Wheatsheaf, 225 Brockhurst Road, Gosport

#### **118 PUBLIC QUESTIONS**

No public questions had been received.

## PART II

### 119 DEVELOPMENT CONTROL PERFORMANCE 01.07.06 – 30.09.06

Members considered the report of the Development Services Manager (a copy of which is attached in the Minute Book as Appendix 'A') which set out the background to the Best Value Performance Indicators relating to speed of determining planning and other applications; performance against other government and local targets in relation to applications and appeals; and performance in resolving complaints related to possible breaches of planning control.

Members of the Board congratulated Officers on the performance of the Development Control Section.

RESOLVED: That Development Control Performance 01.07.06 – 30.09.06 be noted.

### 120 REPORT OF THE DEVELOPMENT SERVICES MANAGER

The Development Services Manager submitted a report on applications received for planning consent setting out the recommendation in each case (a copy of which is attached in the Minute Book as Appendix 'B').

RESOLVED: That decisions be taken on each application for planning consent as detailed below:

### 121 K16401/5 – ERECTION OF BLOCK OF 46 SHELTERED FLATS, MANAGERS FLAT, COMMUNAL FACILITIES AND ASSOCIATED PARKING AND LANDSCAPING 38-42 Marine Parade East Lee-On-The-Solent Hampshire

Members were informed that two supplementary letters had been received. The first was a further letter of objection in which two new issues had been raised - that the development did not include any widening of the rear access road, and the potential for overlooking and loss of privacy to the High Street. With reference to the second of these issues, Members were advised that the layout drawing had shown inaccuracies, and therefore officers had examined and surveyed the site and conducted their own measurements. It was further clarified that the separation distances referred to in paragraph 4 of *Principal Issues* were correct. The second supplementary letter was one of support from the adjacent neighbour who commended the scheme to the Board and felt the use of land and design to be appropriate. Officers distributed a plan which showed the design of the current proposal compared to a previous application for the erection of 11 three storey houses and a three storey block of 11 flats (K16401/4) which was granted permission on 23 November 2005.

As the spokesperson on behalf of a deputation against the proposal, Mrs Alison Roast, representing the Lee Residents Association, addressed the Board. Mrs Roast referred to Appendix B of the Gosport Borough Local Plan Review and stated that 5 & 11 High Street were closer to the development than guidelines recommended. She also referred to

paragraph 5.2 of the Marine Parade Supplementary Planning Document and Policy R/DP10 of the Local Plan, expressing concerns over privacy and loss of light, and was of the opinion that the proposal did not comply with Council policy.

A further deputation was submitted on behalf of High Street residents to which Mrs Susan Davy (9 High Street) was the spokesperson. Mrs Davy was of the opinion that the separation distance between the proposal and 5 High Street was nearly 3m short of guidelines at 25.3m. Further issues of privacy, loss of light and loss of sky views from the High Street residences were raised and it was also felt that the size, height and mass of the proposal were not in keeping with the area. Mrs Davy believed that a precedent for future developments of flats backing onto houses in Lee would be set by this application.

Mr Child (The Planning Bureau Ltd) addressed the Board as the agent in support of the application. He alluded to the inaccuracy of the plans and the further inspection of the scheme by officers which clarified separation distances. Mr Child stated that the scheme had been developed with the views of local residents, officers and the appeal inspector being taken into account, and was designed to minimise overlooking of surrounding properties. Mr Child offered to discuss the possibility of amending the scheme in order to have the rear service road widened.

Officers clarified the inaccurate siting of adjacent dwellings as shown on the layout plan and confirmed that a visit had taken place in order to measure separation distances. It was verified that distances in the report were accurate and based upon the officer site visit. Some Members expressed concern regarding the impact on the amenities of residents as well as the high residential density. It was moved that the application should be refused on grounds of overdevelopment, which would be contrary to Policy R/H4 of the Gosport Borough Local Plan Review; and also due to the impact on the residential amenities of adjoining properties, which would be contrary to Policy R/DP10. A vote was taken and the proposal to amend the recommendation was lost.

RESOLVED: That planning application K16401/5 – 38-42 Marine Parade East, Lee-on-the-Solent be approved subject to a Section 106 agreement relating to:-

1. the age of residential occupancy; and the payment of a commuted sum towards,
2. the provision of affordable housing;
3. the provision and/or improvement of outdoor playing space;
4. the provision of highway improvements;
5. the administration and implementation of a Traffic Regulation Order;

and subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposal is acceptable in this location in land use and design terms, will be in keeping with the character and appearance of the Marine Parade Area of Special Character and will not be harmful to the amenities of existing and prospective occupiers. As such the development complies with Policies R/DP1, R/DP10, R/H1, R/H4, R/H5, R/H8, R/T2, R/T3, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

**122 K17251 - DEMOLITION OF EXISTING DWELLING AND ERECTION OF 2 NO. 2 BEDROOM FLATS AND 1 NO. 3 BEDROOM SEMI-DETACHED DWELLING HOUSE (as amplified by letter dated 10.10.06)  
7 Gladstone Road Gosport Hampshire PO12 4SU**

Members were informed that two additional letters had been received. The first was from a Ward Councillor who reiterated the concerns of residents and drew attention to a petition which had been signed by nearly every resident in the road. The second letter raised loss of amenities, vehicular access & parking problems, and the high density of the proposal. Also included were photos of cars parked on the pavement and on both sides of the road.

Members discussed the implications for parking in the cul-de-sac and concern was expressed that there would be an impact on the amenities of residents. Members therefore considered that a site visit would assist them in making a decision on the application.

RESOLVED: That planning application K17251 – 7 Gladstone Road, Gosport be deferred for a site visit.

**123 K17255 – OUTLINE - REDEVELOPMENT AND ENHANCEMENTS FORMING 2NO. FLATS OVER 27, RE-INSTATEMENT OF FLAT OVER 31, REMOVAL OF CANOPY, EXTENSION TO SHOPS AND HARD/SOFT LANDSCAPING WORKS  
25 - 31 Rowner Road Gosport Hampshire**

**Note: Councillors Train and Ward declared personal and prejudicial interests in this item, left the room and took no further part in the discussion or voting thereon.**

Members were informed that an additional letter of objection had been received which clarified that the land at the rear of the site was owned by the occupiers of 14 Masten Crescent rather than 18 Masten Crescent as stated in the report. The letter also raised several other concerns, which were as follows; loss of privacy, materials to be used in construction, alignment of fencing, the security of the bin stores and the fact they may be attached to a garage within the adjoining land. The letter also stated that the site was in a conservation area and urban gap and enquired whether the conservation officer and Environment Agency had been consulted. Members were advised that there was a high tree screen on the boundaries of the site and the new fenestration would not result in overlooking, that the application was in outline and details of materials, fences and bin stores were yet to be submitted, that the site was not within a conservation area or an urban gap, that the conservation officer had been consulted because the site was adjacent to a conservation area and that the design was a considerable improvement, and that due to the scale of the development the Environment Agency had not been consulted. In response to Members questions officers confirmed that a condition to retain the tree screen was proposed. An amended recommendation was tabled at the meeting as the Section 106 Agreement was yet to be completed.

RESOLVED: That planning application K17255 – 25-31 Rowner Road, Gosport be approved subject to a Section 106 agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and subject to the conditions set out in the report of the Development Services Manager, for the reason listed below. In the event that the Section 106 is not completed by 28 November 2006, authority be delegated to the Head of Development Control to refuse the application.

- i That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location and will enhance the facilities of the Local Shopping Centre. Appropriate provision is made for vehicle and cycle parking, storage of waste, amenity space and outdoor playing space within the Borough. As such it complies with Policies R/DP1, R/H4, R/S7, R/OS8, and R/T11 of the Gosport Borough Local Plan Review

**124 K16850/1 - ERECTION OF 4 STOREY BLOCK COMPRISING 3 GROUND FLOOR RETAIL SHOPS AND 14 RESIDENTIAL FLATS (INCLUDING LAND TO REAR OF 75-81 HIGH STREET) (as amended by plans received 27.09.06)  
83-93 High Street Lee On The Solent Hampshire PO13 9BU**

RESOLVED: That planning application K16850/1 – 83-93 High Street, Lee-on-the-Solent be approved subject to a Section 106 Agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and the conditions set out in the report of the Development Services Manager, for the following reason:

- i That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the proposal is acceptable in this location in land use and design terms and will not be harmful to the amenities of existing and prospective occupiers. As such the development complies with Policies R/DP1, R/DP3, R/S3, R/S7, R/T11, R/CF6 and R/OS8 of the Gosport Borough Local Plan Review.

**125 K15050/1 - OUTLINE APPLICATION - ERECTION OF DETACHED TWO STOREY DWELLING AND ASSOCIATED PARKING  
Land At 72 Wootton Road Lee On The Solent**

Members were informed that an additional 6 letters of objection had been received which raised the following new issues - loss of privacy, loss of light, loss of green space and the negative impact on the view of residents living in Elmore Avenue. The number and condition of the small trees in the rear garden were discussed by Members.

RESOLVED: That planning application K15050/1 – Land At 72 Wootton Road, Lee on the Solent be approved subject to a Section 106 agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i That having regard to the provisions of Section 38(6) of the Planning and Compulsory

Purchase Act 2004 and all other material considerations, the development as proposed is at an acceptable density in this location, makes appropriate provision for open space and will not have any significant or detrimental impact on the residential amenities of occupiers of adjacent residential properties, highway safety or the character and appearance of the area. As such it complies with Policies R/DP1, R/H4, R/OS8 and R/T11 of the Gosport Borough Local Plan Review.

**126 K17203 - ERECTION OF A ONE BEDROOMED DETACHED BUNGALOW WITH INTEGRAL GARAGE (as amplified by letter dated 03.10.06)  
Land To The Rear Of 12 Burney Road Gosport**

Members were informed that an additional letter of objection had been received in which no new issues were raised.

Robert Tutton, a planning consultant, addressed the Board as the agent in support of the application. He began by stating that residents of this locality enjoyed access to services and facilities without the need to use a private car. Mr Tutton expressed his support for the scheme by speaking about the character of the locality, the principle of development facing the spur road and the low residential density. He referred to a number of Policies in the Hampshire County Structure Plan Review and the Gosport Borough Local Plan Review in order to support his view.

During discussion, consideration was given to three precedent properties on the Bury Hall Lane cul-de-sac, the first of which was erected in 1964.

RESOLVED: That planning application K17203 – Land To The Rear Of 12 Burney Road, Gosport be approved subject to a Section 106 agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i. That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location. It is of an appropriate design and will not have any detrimental impact on the visual amenities of the area, adjoining and prospective residents or highway safety. As such the proposal complies with Policies R/DP1, R/H4, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

**127 K4332/4 - VARIATION OF CONDITION 2 ATTACHED TO PLANNING CONSENT K.4332/3 RELATING TO DOOR OPENING TIMES AND AMENDED DESIGN TO EXTERNAL DOORS TO ACCESS DINING ROOM  
The Wheatsheaf 225 Brockhurst Road Gosport Hampshire PO12 3AZ**

As the spokesperson on behalf of a deputation against the proposal, Mrs Heather Pilcher (224 Brockhurst Road) addressed the Board. Mrs Pilcher spoke about the history of the establishment as well as the history of the licensing application and was concerned the extended door opening times could cause a disturbance. In answer to a Member's question, Mrs Pilcher clarified that she did not object to the doors remaining unlocked and

opened occasionally for ingress and egress, but she did object to them being open at all times.

Fred Lloyd, Business Retail Manager of Punch Taverns, addressed the Board in support of the proposal. He referred to the history of the premises and the ongoing project to redesign the pub and grounds. Mr Lloyd envisaged that the doors through to the extended dining area would only be open in the Summer. In answer to a Member's question, Mr Lloyd explained that the rationale in applying for the doors to remain open was for aesthetic reasons.

Officers clarified Licensing issues and Planning Issues and explained their concerns that there would be noise disturbance if the doors were open past 8pm. It was noted that although the pub may be orientated towards a family atmosphere during the day, the possibility that the pub could become rowdy during the evening and cause a noise disturbance through the open doors would remain. In answer to a Member's inquiry, officers advised that it would not be appropriate to grant temporary permission for the application.

**RESOLVED:** That planning application K4332/4 – The Wheatsheaf, 225 Brockhurst Road, Gosport be refused, for the following reason:

- i. The proposed development would result in greater noise emission from the building during the evening and late at night to the detriment of the amenities of occupiers of nearby residential properties contrary to Policies R/DP1 (iv) and R/ENV10 of the Gosport Borough Local Plan Review.

**128 K17232 - ERECTION OF SINGLE STOREY FRONT EXTENSION, SIDE GARAGE, TWO STOREY SIDE EXTENSION AND TWO STOREY REAR EXTENSION (as amplified by letter dated 23.10.06 and amended by plans received 23.10.06)  
28 Palmerston Way Gosport Hampshire PO12 2LZ**

Members were informed that a further set of amended plans had been submitted on 01/11/2006 in response to objections. It was understood that discussions had taken place between the agent and the resident of 30 Palmerston Way and an agreement reached to redesign the garage and reduce the length by 700mm. Officers therefore clarified that in paragraph 5 of *Principal Issues*, rather than “a retained driveway 5.5metres long”, the sentence should have read “a retained driveway 6.2 metres long.”

**RESOLVED:** That planning application K17232 – 28 Palmerston Way, Gosport be approved subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development as proposed is acceptable in this location. It is of an appropriate design with adequate parking provision and will not have any detrimental impact on the street scene or the amenities of adjoining residents. As such it complies with Policies R/DP1, R/DP7 and R/T11 of the Gosport Borough Local Plan Review.

**129 K7022/13 - STATIONING OF A PORTACABIN (CONSERVATION AREA)(as amplified by e mail received 14.10.06)  
Gosport War Memorial Hospital Bury Road Gosport Hampshire**

Members were informed that in Condition 2 of the report, the land would have to be restored to its former condition on or before 31 December 2008, rather than 31 December 2006 as stated.

During discussions it was noticed by Members that the applicant's title may not have been correct. It was therefore decided to defer the decision in order that officers could check the accuracy of the applicant's title.

RESOLVED: That planning application K7022/13 – Gosport War Memorial Hospital, Bury Road, Gosport be deferred.

**130 K7191/6 - CHANGE OF USE OF LAND TO STORAGE OF VEHICLES AS EXTENSION OF ADJACENT CAR SALES (CONSERVATION AREA)  
Land To Rear Of Rowner Road Service Station Rowner Road Gosport PO13 9UF**

RESOLVED: That planning application K7191/6 – Land To Rear Of Rowner Road Service Station Rowner Road Gosport be refused for the following reasons:

- i The proposed development of this site within the defined Rowner Lane/Rectory Copse Urban Gap would be detrimental to the interests of nature conservation and contrary to Policy R/OS1 of the Gosport Borough Local Plan Review.
- ii The proposed development of this site within the defined Rowner Lane/Rectory Copse Urban Gap would be detrimental to the physical and visual character of the Urban Gap contrary to Policy R/OS3 of the Gosport Borough Local Plan Review.
- iii The proposed development of this site within an area of defined open space would be detrimental to the visual amenity of Rowner Copse contrary to Policy R/OS4 of the Gosport Borough Local Plan Review.
- iv The proposed development of this site within the defined Site of Importance to Nature Conservation would be detrimental to the interests of nature conservation within Rowner Copse, contrary to Policy R/OS12 of the Gosport Borough Local Plan Review.
- v The proposed development of this site for a car sales display area would neither preserve nor enhance the appearance of the Rowner Village Conservation Area contrary to Policy R/BH1 of the Gosport Borough Local Plan Review.
- vi The proposed development of this site for a car sales display area would result in the loss of trees which would be harmful to the appearance of the Rowner Village Conservation Area contrary to Policy R/DP8 of the Gosport Borough Local Plan

**131 K16770/9 - REGULATION 3 - DEMOLITION OF WALL AND ERECTION OF NEW AND REPLACEMENT FENCING AND GATES (CONSERVATION AREA)  
Priddys Hard Heritage Area Priddys Hard Heritage Way Gosport**

Members were informed that amended plans had been received which showed a slight alteration to fence lines adjacent to E magazine and that the Gosport Society had responded and had no objections. One additional letter of objection had been received which raised concern over replacing the wall with a fence, stating that the Camber was listed and the wall should be retained and questioning whether English Heritage had given permission. The letter also stated that the Air Raid Shelter on the site was the only WWII brick shelter in the Heritage Area and should be retained. Officers advised that the wall on top of the Camber was currently too heavy and was causing structural damage and that a lighter structure was required. Members were also advised that an additional condition could be imposed on the Conservation Area Consent ref K16770/8 requiring archaeological recording prior to and during demolition.

RESOLVED: That planning application K16770/9 – Priddys Hard Heritage Area, Priddys Hard, Heritage Way, Gosport be approved subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i That having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, these proposals will allow views in and out from the site to the harbour and improve the security of the site whilst reducing risk to public safety. The fences are of an appropriate design and construction which preserves and enhances the conservation area and historic integrity of the site and will not adversely affect nature conservation interests. As such the development complies with Policies R/DP1, R/BH1, R/BH3, R/BH8, R/CH1 and R/OS10.

**132 K16770/8 – REGULATION 3 - CONSERVATION AREA CONSENT APPLICATION - DEMOLITION OF WALL AND OLD AIR RAID SHELTER  
Priddys Hard Heritage Area Priddys Hard Heritage Way Gosport Hampshire**

Members were advised that the same additional letter of objection had been received for this application as had been received for the previous application (K16770/9), In response to the letter, an additional condition was proposed requiring archaeological recording prior to and during demolition of the shelter. Officers advised that the Gosport Society had responded and had no objection.

RESOLVED: That planning application K16770/8 – Priddys Hard Heritage Area, Priddys Hard, Heritage Way, Gosport be approved subject to the conditions set out in the report of the Development Services Manager, for the following reason:

- i. That having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the existing wall, due to its condition, and building, due to its design and construction, do not make a positive contribution to the character and appearance of the Conservation Area. A replacement fence more acceptable in terms of design and construction has been approved. The proposal therefore complies with Policy R/BH2 of the Gosport Borough Local Plan Review

**Addition Condition**

Prior to and during demolition the air raid shelter shall be recorded to RCHM standard Level 1. Reason – To ensure an archaeological record is made of the structure to comply with Policy R/BH8 of the Gosport Borough Local Plan Review.

The meeting commenced at 6.00pm and concluded at 7.47pm

CHAIRMAN