

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 7 OCTOBER 2008**

The Mayor (Councillor Kimber)(ex-officio) (P), Chairman of Policy and Organisation Board (Councillor Smith)(ex-officio), Councillors Allen (P), Mrs Bailey (P), Carr (P), Carter (P), Dickson (P), Forder (P), Geddes (P), Hicks (Chairman) (P), Mrs Searle (P) and Miss West (P).

81 APOLOGIES

No apologies had been received.

82 DECLARATIONS OF INTEREST

- Councillor Allen declared Personal interests in items 6/01, 6/02 and 6/03 (Gosport War Memorial Hospital, Bury Road, Gosport) and remained in the meeting.

83 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 9 September 2008 be approved and signed by the Chairman as a true and correct record.

84 DEPUTATIONS

It was reported that deputations had been received on applications:

- K7022/20, K7022/19 and K7022/18 – Gosport War Memorial Hospital
- K12461/9 – Land at 50 Ferrol Road, Gosport
- K17593 – 8 Beaufort Close, Lee-On-The-Solent
- K15819/1 – 30 Seymour Road, Lee-On-The-Solent

85 PUBLIC QUESTIONS

No public questions had been received.

PART II

86 REPORTS 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 'A').

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

**87 K17593 – USE OF PREMISES FOR CHILDMINDING OF UP TO 12 NO. CHILDREN
8 Beaufort Close Lee-On-The-Solent Hampshire PO13 8FN**

Members were advised that a second hard standing had been added for 2-3 cars at this location. Three additional letters of support had been received, one from a neighbour which stated that no additional activity had been noted as a result of the child minding; only as a result of the new play area. Two letters had been received from clients, one stated that only once in 4 months had she used a car to take her children to this address. All 3 letters praised the quality of care. Therefore in total 8 letters had been received, 4 letters of objection and 4 letters of support.

Mrs Carrigan, the applicant, was invited to address the Board in objection to the officer's recommendation. Mrs Carrigan initially displayed a banner made by children as they had a right to be heard under a United Nations convention. She made the following points:

- explained how good she was with the children. Parents were pleased with their childrens' well being and how they were being developed
- referred to 'Choice for Parents' Green Paper (2004) and the implementation of flexible child care. Extension of 6-12 children would allow even more flexibility. Local Planning Authorities needed to respond to demand for child care facilities
- her application assisted the goal of more child care facilities in Lee-on-Solent and would provide more jobs
- two cars could park in front of the property. She would devise a traffic plan to control which cars could and could not park
- noise – most children at school, if not would use out door play area, making little use of her home
- most of Mrs Carrigan's clients walked or cycled to her home
- access – new parking area allowed more parking
- Mrs Carrigan was strictly governed and controlled by OFSTED
- restricted access – all children have the right to use LEAP facilities

Councillor Kimber was invited to address the Board as Ward Councillor. Councillor Kimber advised members that he fully supported the application. He circulated to members a photograph showing the hardstanding in front of the house. He felt that Mrs Carrigan did comply with policies R/DP1, R/CF5 and R/ENV10 and gave his reasons in support of this statement. He argued why Mrs Carrigan should not have to make provision for off-site transport and highway improvement, nor the payment of a commuted sum in lieu of the provision.

A number of members were concerned at the use of residential premises for such an enterprise and that no provision had been made for off site transport and highway contributions.

RESOLVED: That planning application K17593 – 8 Beaufort Close, Lee-on-the-Solent, Hampshire be refused, for the following reasons:

- i That a childminding business operating at the scale proposed is inappropriate in this

residential location. The unrestricted use of the rear garden and the comings and goings of clientele would result in an unacceptable level of noise disturbance to the occupiers of number 7 Beaufort Close and 10 Wessex Close, contrary to Policies R/DP1, R/CF5 and R/ENV10 of the Gosport Borough Local Plan Review.

- ii That adequate provision has not been made for off-site transport and highway improvements, nor the payment of a commuted sum in lieu of the provision, contrary to Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

**88 K15819/1 - ALTERATIONS TO 30 SEYMOUR ROAD AND ERECTION OF 5NO. THREE BEDROOM HOUSES AND 5NO. GARAGES, CAR PARKING SPACES, CYCLE PARKING FACILITIES AND ASSOCIATED REFUSE STORES (as amended by plans received 19.09.08 and amplified by letter dated 23.09.08)
30 Seymour Road Lee-On-The-Solent Hampshire PO13 9EG**

Members were informed that a revised plan had been received, showing that the first-floor bathroom had been relocated to the eastern side of the property. Whilst not a planning issue, the plans had been changed to address a concern raised by the owner of the adjacent property related to transfer of noise.

Mr Richardson, owner of 32 Seymour Road, was invited to address the Board. He reported that he no longer had an objection to the application, having seen the amended drawing. He referred to the fact he had to travel to the Town Hall to view application documents because they were not available to view on the web. He stated that the parking issues had also been addressed and, in the circumstances, he had no specific objections and was agreeable to the application going ahead as revised.

RESOLVED: That planning application K15819/1 – 30 Seymour Road, Lee-on-the-Solent, Hampshire be approved subject to Section 106 Agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and towards transport infrastructure, services and facilities and subject to the conditions set out in the report of the Development Services Manager, for the following reasons:

- 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 of five additional dwellings in this existing residential area is appropriate and will assist in providing a variety of residential accommodation to meet the housing needs of the Borough. The minor external alterations to the existing dwelling are acceptable as is the design of the proposed dwellings within the overall street scene. The proposal will improve the appearance of the area and will not have a detrimental impact on the amenities of neighbouring residents or prospective occupiers. Adequate provision is made for open space, transport infrastructure, car and cycle parking and refuse storage. As such the development complies with Policies R/DP1, R/DP3, R/DP7, R/H4, R/T4, R/T11, R/OS8 and R/OS13 of the Gosport Borough Local Plan Review.

**89 K7022/20 - ERECTION OF TWO STOREY DETACHED GP SURGERY (CONSERVATION AREA)
Gosport War Memorial Hospital Bury Road Gosport Hampshire PO12 3PW**

Ms Hebden, Director of Capital Planning, Hampshire NHS PCT, was invited to address the Board in support of the proposal. Ms Hebden outlined the following points:

- GP's currently at Redclyffe House on temporary basis
- the new surgery had been developed in consultation with GP's and patients and would benefit from its proximity to the hospital
- the original application had been refused because of concerns over the Travel Plan. The PCT had taken these comments seriously and had employed outside consultants to address these concerns

A number of members expressed concerns previously debated at the Board on travel movements to and from the hospital and the provision of parking spaces at the hospital. It was agreed that a site visit should be held to view the parking provision at the hospital.

RESOLVED:

- i. That a site visit for Board members be held at the War Memorial Hospital at 10.00am on Tuesday, 11 November 2008; and
- ii. That a briefing for members of the Board on the Transport Statement and Travel Plan be held at 6.00pm on Monday, 10 November 2008 at the Town Hall, Gosport.

**90 K7022/19 - ERECTION OF A SINGLE STOREY EXTENSION (CONSERVATION AREA)
Gosport War Memorial Hospital Bury Road Gosport Hampshire PO12 3PW**

Ms Hebden, Director of Capital Planning, Hants NHS PCT, was invited to address the Board in support of the proposal. Ms Hebden outlined the following points:

- this application would provide a third X-Ray facility alongside the two existing facilities
- this facility would provide extra capacity for the Minor Injuries' Unit at the hospital and give spare capacity for the needs of residents in Gosport and South Fareham
- the Minor Injuries' Unit would be moving to the War Memorial Hospital in June 2009

In response to questioning from members, Ms Hebden advised that no parking spaces would be lost as a result of the extension.

RESOLVED: That planning application K7022/19 – Gosport War Memorial Hospital, Bury Road, 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 will preserve the character and appearance of the conservation area and will not adversely impact on traffic conditions in the locality or amenities of adjoining occupiers. As such it complies with Policies R/CF1, R/BH1, R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

**91 K7022/18 - CONSTRUCTION OF A SINGLE STOREY GLAZED ENTRANCE LOBBY (CONSERVATION AREA)
Gosport War Memorial Hospital Bury Road Gosport Hampshire PO12 3PW**

RESOLVED: That planning application K7022/18 – Gosport War Memorial Hospital, Bury Road, Gosport be approved subject to the conditions set out in the report of the Development Services Manager, for the following reasons:

- 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 will preserve the character and appearance of the conservation area and will not adversely impact on traffic conditions in the locality or amenities of adjoining occupiers. Adequate provision is made for parking and access. As such it complies with Policies R/CF1, R/BH1, R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

**92 K12461/9 - REFURBISHMENT OF SITE TO INCLUDE REPLACEMENT BOAT REPAIR OFFICE, ERECTION OF 5NO. TWO BED FLATS IN THREE STOREY BLOCK, REVISED ACCESS AND CAR PARKING LAYOUT, GROUNDWORK TO INFILL EXISTING SLIPWAY (IN PART) AND FORMATION OF NEW LANDSCAPED BANK (as amended by letters dated 19.08.08, 25.08.08 & 18.09.08 and plans received 26.08.08 & 3.9.08)
Land At 50 Ferrol Road Gosport Hampshire PO12 4UG**

Members were informed that Streetscene had no objection to the revised refuse proposals. The applicant had also had ongoing correspondence with the Environment Agency to try and overcome their objection to the proposal on the grounds of flood risk and land contamination. However, to date, the Environment Agency had not withdrawn their objection.

The Hampshire and Isle of Wight Wildlife Trust had expressed concern regarding the proposed planting of seagrass on the bank as this, they feel, is unlikely to establish successfully above the mean high water mark. Correspondence had also been received from a Trustee of the boat repair yard which stated that boat repairs had taken place continuously since 1850; that in the event of a flood, occupiers would only be stranded for 2-3 hours until tidal water subsided and that the building had the appearance of a two-storey building with rooms in the roof, therefore, the application should be deferred for further negotiation. However, the applicant had requested that the application be determined.

Mr Nicholson, agent for this application, was invited to address the Board. He recognised the sensitivity of this site and the Environment Agency's input into this application. In order to try and address the issues, he had been in continuous dialogue with the Council's planners and

the Agency. He acknowledged the information given to the meeting, but still felt the application was an appropriate residential development for this site. He would continue to negotiate with the Environment Agency.

Members were aware that this site was particularly prone to flooding and were inclined to accept the Officer's recommendation. In conclusion, members were advised that this was a complex site with flooding, contamination, design, traffic and residential amenity issues, all of which had been discussed with the applicant. In the circumstances, members unanimously agreed to support the Officer's recommendation for this application.

RESOLVED: That planning application K12461/9 – Land at Ferrol Road, Gosport, Hampshire be refused for the following reasons:

- i. That insufficient information has been submitted to fully consider the risk to and from the development of flooding, contrary to Policies R/ENV1, R/DP1 and R/CH1 of the Gosport Borough Local Plan Review.
- ii That the possible risks from contamination have not been fully identified and assessed and therefore the suitability of the site for residential development and possible impact on the SSSI/SPA/Ramsar Site are currently unknown. As such, the proposal is contrary to Policies R/DP1, R/ENV2, R/ENV5, R/OS10, R/OS11 and R/OS13 of the Gosport Borough Local Plan Review.
- iii That the proposal, by reason of its design, mass, density and layout would be out of keeping with the established form and pattern of development in the area and would provide minimal private amenity space for occupiers. As such the proposal represents an overdevelopment of the land available and town cramming, contrary to Policies R/DP1 and R/H4 of the Gosport Borough Local Plan Review.
- iv That having regard to the prominent location of the site, the proposal by reason of its siting, design, height and overall mass would have a detrimental affect on the character and appearance of the area and the Coastal Zone. As such the proposal is contrary to Policies R/DP1 and R/CH1 of the Gosport Borough Local Plan Review.
- v That having regard to its orientation and its relationship to the adjoining development the proposal, by reason of its design, height and overall mass would result in an unsatisfactory levels of mutual privacy and an unsatisfactory living environment for the occupiers of 49a Ferrol Road in terms of light and outlook. The proposal would also result in an unacceptable living environment for occupiers of the flats by reason of their proximity to the retained boat repair activity and the likely levels of noise disturbance. As such the proposal is contrary to Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.
- vi That the proposal does not make satisfactory provision for pedestrian or vehicle access, or access for people with disabilities, or adequate provision for car and cycle parking, contrary to Policies R/DP1, R/T2 and R/T11 of the Gosport Borough Local Plan Review.

- vii That adequate provision has not been made for outdoor playing space, nor the payment of a commuted sum in lieu of the provision, contrary to Policy R/OS8 of the Gosport Borough Local Plan Review.

**93 K17595/1 – GPDO PART 24 CONSULTATION – INSTALLATION OF STREET FURNITURE STYLE TELECOMMUNICATIONS RADIO BASE STATION
Land At Junction Of Ann’s Hill Road And Forton Road Gosport PO13 3AA**

RESOLVED: That GPDO Part 24 Consultation K17595/1 – Land at Junction of Ann’s Hill Road and Forton Road, Gosport Hampshire be approved subject to the conditions set out in the report of the Development Services Manager, for the following reasons:

- 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 siting and appearance of the development as proposed is acceptable in this location and as such complies with Policies R/DP1 and R/ENV13 of the Gosport Borough Local Plan Review.

**94 K17533 – OUTLINE – DEMOLITION OF 2NO DETACHED DWELLINGS AND ERECTION OF 6NO DETACHED DWELLINGS AND ASSOCIATED ACCESS WORKS (as amended by letters dated 24.06.08, 9.07.08 and 14.08.08, plans received 10.7.08 and plans and badger report received 15.08.08)
389-391 Fareham Road Gosport PO13 0AD**

Members were minded to approve this application as this was a derelict area which would be tidied up and improved by the proposals outlined in the application. Members noted that the proposals included vehicle turning provision and were informed that the existing road markings on Fareham Road would be revised to provide a reservoir for vehicles turning right into the site.

RESOLVED: That outline planning application K17533 – 389-391 Fareham Road, Gosport, be approved subject to Section 106 Agreement relating to the payment of a commuted sum towards the provision of open space and the provision of off-site highway works to provide satisfactory access to the site and subject to the conditions set out in the report of the Development Services Manager, for the following reasons:

- 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 at an acceptable density in this location and will not harm the character or appearance of the area, or highway safety conditions in the locality, or the amenities of the occupiers of neighbouring dwellings, or the interests of nature conservation. The proposal also makes adequate provision for car and cycle parking, refuse storage and collection, drainage and open space. As such the proposal complies with Policies R/DP1, R/DP3, R/DP6, R/H4, R/T2, R/T3, R/T4, R/T10, R/T11, R/ENV4 and R/OS13 of the Gosport Borough Local Plan Review.

**95 K5856/4 - ERECTION OF DETACHED HOUSE WITH SEMI-BASEMENT
(CONSERVATION AREA)
Land Adjoining 24 Ashburton Road Gosport**

A member asked for clarification regarding the letter of compliance from the Environment Agency submitted with the application. Officers explained that this had been issued prior to the new advice on flood risk within PPS25.

Members noted that The Gosport Society had commented that the proposed design did not respect the architectural character of the conservation area.

RESOLVED: That planning application K5856/4 – Land adjoining 24 Ashburton Road, Gosport, Hampshire be refused, for the following reasons:

- i That the proposal, by reason of its design, layout, mass and density would be out of keeping with the established form and pattern of development in the area and would therefore be unacceptable in the overall street scene and detrimental to the visual amenities of the area. As such the proposal represents an unacceptable form of development, contrary to Policies R/DP1 and R/H4 of the Gosport Borough Local Plan Review.
- ii That having regard to the prominent location of the site within the Anglesey Conservation Area, the proposal by reason of its design, height and overall mass would have a detrimental affect on the character and appearance of the Conservation Area. As such the proposal is contrary to Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review.
- iii That having regard to the relationship of the raised garden and roof terrace to neighbouring properties the use of these areas would result in an unacceptable level of overlooking and loss of privacy to neighbouring occupiers. As such the proposal would be detrimental to the residential amenities of adjoining residents contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- iv That no Flood Risk Assessment has been submitted to fully consider the risk to and from the development of flooding, contrary to Policies R/DP1 and R/ENV1 of the Gosport Borough Local Plan Review.

**96 K8493/27 - REGULATION 3 APPLICATION - REPLACEMENT OF SINGLE
GLAZED ALUMINIUM WINDOWS AND PANELS WITH NEW DOUBLE GLAZED
ALUMINIUM WINDOWS AND INSULATED PANELS AND OVER-CLADDING OF
EXISTING MULLIONS (CONSERVATION AREA)
Town Hall High Street Gosport Hampshire PO12 1EB**

Members were informed that the Gosport Society had no objection to the proposal.

RESOLVED: That Regulation 3 application K8493/27 – Town Hall, High Street, Gosport Hampshire be approved subject to the condition set out in the report of the Development Services Manager, for the following reasons:

- 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 of an acceptable design and will improve the appearance of the building and the visual amenities of the area and preserve the character and appearance of the Conservation Area. As such, the proposal complies with Policies R/DP1, R/DP7 and R/BH1 of the Gosport Borough Local Plan Review.

97 K6354/9 - SITING OF TEMPORARY BUILDING FOR OFFICE USE (as amplified by e-mail received 22.09.08)
Land To The Rear Of Crossways Hall The Crossways Gosport PO12 4RH

RESOLVED: That temporary planning application K6354/9 – Land to the rear of Crossways Hall, The Crossways, Gosport, Hampshire be approved until 1st May 2010 subject to the conditions set out in the report of the Development Services Manager, for the following reasons:

- i That having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material planning considerations, the proposal is acceptable in land use terms and will not have a detrimental impact on the amenities of the occupiers of neighbouring buildings, the visual amenity of the locality, the highway network, parking and access arrangements, or flood risk. As such, the development complies with Policies R/DP1, R/EMP6, R/T11 and R/ENV1 of the Gosport Borough Local Plan Review.

98 K9383/15 - REGULATION 3 - RE SITING OF REAR FIRE ESCAPE DOOR
CCTV Centre Gatehouse Huhtamaki Rowner Road Gosport Hampshire
PO13 0PR

Officers clarified that the application had been made by Gosport Borough Council.

RESOLVED: That planning application K9383/15 – CCTV Centre Gatehouse, Huhtamaki, Rowner Road, Gosport, Hampshire be approved subject to the conditions set out in the report of the Development Services Manager, for the following reasons:

- 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 as such complies with Policies R/DP1, R/DP7, and R/EMP5 of the Gosport Borough Local Plan.

99 ANY OTHER ITEMS

Members were informed of new legislation and procedure. The first was an amendment to the Town and Country Planning (General Permitted Development) Order which came into effect on 1 October 2008. Officers explained the principal changes which affected householder extensions and alterations. The second was a change in the Planning Inspectorate procedure for determining householder appeals which would come into effect on 1 April 2009. From that date Local Planning Authorities would no longer be able to submit a supporting statement to explain the reasons for refusal in more detail. Inspectors would look only at the

officer/committee report and minutes.

The meeting commenced at 6.00pm and concluded at 8.07pm

CHAIRMAN