

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 9 DECEMBER 2008**

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

It was reported that, in accordance with Standing Orders, notice had been received that Councillor Ms Ballard would replace Councillor Mrs Bailey for this meeting.

112 APOLOGIES

Apologies for inability to attend the meeting were received from the Mayor and Councillor Mrs Bailey.

113 DECLARATIONS OF INTEREST

- Councillors Dickson and Geddes declared Personal and Prejudicial interests in items 6/1, 6/2, 6/3 and 6/4 (40 Bury Road, Gosport).
- Councillors Ms Ballard, Carr, Dickson, Forder and Hicks declared Personal and Prejudicial interests in item 6/6 (The Sanderson Centre, St Johns Close, Gosport).

114 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 11 November 2008 be approved and signed by the Chairman as a true and correct record subject to an amendment to the final paragraph before the Resolution on page 55 which should read:

“In answer to a Member’s question, the officer advised that the amended plans had not addressed the concerns raised in the previous application.”

115 DEPUTATIONS

It was reported that a deputation had been received on application:

- K17609 – The Sanderson Centre, St Johns Close, Gosport

116 PUBLIC QUESTIONS

No public questions had been received.

PART II

117 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:

- 118 K10024/5 - DEMOLITION OF EXISTING GARAGE, OUTBUILDINGS AND BOUNDARY WALLS AND ERECTION OF A 2 STOREY DWELLING (LAND TO THE REAR OF 40 BURY ROAD) (LISTED BUILDING IN CONSERVATION AREA) (as amended by email dated 19.11.08 and by plans received 24.10.08 and 19.11.08)**
40 Bury Road Gosport Hampshire PO12 3UD

Note: Councillors Dickson and Geddes declared Personal and Prejudicial Interests in this item, left the meeting room and took no part in the discussion and voting thereon.

Members were advised that the Section 106 agreement was ready for completion and authority was sought for the Borough Solicitor to enter into this agreement on behalf of the Council. Members were also informed that there was a typographical error in the penultimate sentence of paragraph 7 which referred to 5 additional units instead of one additional unit.

In answer to a Member's question, it was confirmed that the term 'backland development' did refer to residential development and that the proposal was unacceptable in this position as the pattern of existing development was for properties fronting the street and not the service road.

Members expressed their support for the recommendation contained in the report of the Development Services Manager.

RESOLVED: That planning application K10024/5 – 40 Bury Road, Gosport, Hampshire be refused for the following reasons:

- i That the proposed development, by reason of its location, density and design would result in an undesirable form of backland development, out of keeping with the established character of the area and appear incongruous in the street scene. As such it is contrary to Policies R/DP1 and R/H4 of the Gosport Borough Local Plan Review.
- ii That the proposed development would adversely affect the living conditions of the residents of 2 Walton Road by way of visual impact, contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- iii That the rear accessway intended to serve the proposed development does not provide adequately for on site parking and for vehicles to manoeuvre, load and unload in a safe and convenient manner appropriate to a principal means of access. It is of inadequate width to maintain safe and convenient passage for other vehicles. As such the proposal would adversely affect highway safety and the free flow of traffic contrary to Policies R/DP1, R/T3 and R/T11 of the Gosport Borough Local Plan Review.

- iv That no provision is made within the proposed development for short stay cycle parking facilities contrary to Policy R/T11 of the Gosport Borough Local Plan Review.

Authority be delegated to the Borough Solicitor to enter into a Section 106 Agreement relating to the provision of outdoor playing space and transport infrastructure to address v. below:

- v Adequate provision has not been made for outdoor playing space or transport and highway improvements, nor the payment of a commuted sum in lieu of the provision, contrary to Policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

**119 K10024/4 - CONSERVATION AREA APPLICATION - DEMOLITION OF DOUBLE GARAGE AND BOUNDARY WALLS (LISTED BUILDING) (as amended by email dated 19.11.08 and by plans received 24.10.08 and 19.11.08)
40 Bury Road Gosport Hampshire PO12 3UD**

Note: Councillors Dickson and Geddes declared Personal and Prejudicial Interests in this item, left the meeting room and took no part in the discussion and voting thereon.

RESOLVED: That Conservation Area application K10024/4 – 40 Bury Road, Gosport, Hampshire be refused for the following reason:

- i That satisfactory proposals have not been received for the redevelopment of the site and in the absence of such proposals the creation of a gap in the street scene would be detrimental to the character of the area contrary to Policy R/BH2 of the Gosport Borough Local Plan Review.

**120 K10024/6 - ERECTION OF DETACHED DOUBLE GARAGE IN REAR GARDEN (LISTED BUILDING IN CONSERVATION AREA)
40 Bury Road Gosport Hampshire PO12 3UD**

Note: Councillors Dickson and Geddes declared Personal and Prejudicial Interests in this item, left the room and took no part in the discussion and voting thereon.

RESOLVED: That application K10024/6 – 40 Bury Road, Gosport, Hampshire be refused for the following reasons:-

- i That the loss of the wall would have an adverse impact on the historic character and setting of the Listed Building and would neither preserve nor enhance the character of the Conservation Area. The proposal is therefore considered unacceptable and contrary to Policies R/DP1, R/BH1, R/BH2, R/BH3 and R/BH4 of the Gosport Borough Local Plan Review.
- ii That the garage is not in keeping with the historic character of the area. The roof is too high and metal roller shutter doors are inappropriate and unacceptable in such a location. The garage is therefore considered unacceptable in design terms and will have a detrimental impact on the visual amenities of the area contrary to Policies R/DP1, R/BH1 and R/BH3 of the Gosport Borough Local Plan Review.

**121 K10024/7 - LISTED BUILDING APPLICATION - DEMOLITION OF PART OF BOUNDARY WALL, GARDEN SHED AND ERECTION OF DETACHED DOUBLE GARAGE (CONSERVATION AREA)
40 Bury Road Gosport Hampshire PO12 3UD**

Note: Councillors Dickson and Geddes declared Personal and Prejudicial Interests in this item, left the meeting room and took no part in the discussion and voting thereon.

RESOLVED: That Listed Building application K10024/7 – 40 Bury Road, Gosport, Hampshire be refused for the following reason:

- i That the loss of the wall would have an adverse impact on the historic character and setting of the Listed Building. The proposal is therefore considered to be unacceptable and contrary to Policies R/BH3 and R/BH4 of the Gosport Borough Local Plan Review.
- ii The garage is not in keeping with the historic character of the area. The roof is too high and metal roller shutter doors are inappropriate and unacceptable in such a location. The garage is therefore considered unacceptable in design terms and will have a detrimental impact on the setting of the Listed Building contrary to Policy R/BH3 of the Gosport Borough Local Plan Review.

**122 K17255/2 - CHANGE OF USE FROM RETAIL SHOP (USE CLASS A1) TO VETERINARY SURGERY WITH ANCILLARY USE FOR SALE OF PET FOOD, PET TOYS AND ASSOCIATED PRODUCTS (USE CLASS D1) (as amended by plan and revised Design and Access Statement received 10.10.08)
27 Rowner Road Gosport Hampshire PO13 9UE**

Members welcomed this proposal as the property had been empty for some time and was unkempt. It was felt that the proposed veterinary surgery would bring customers to neighbouring businesses.

RESOLVED: That planning application K17255/2 – 27 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. The proposed use will improve the vitality and viability of the Rowner Road Local Shopping Centre and will preserve its retail function. It will not be detrimental to the amenities of nearby occupiers, the traffic and parking conditions in the locality or the existing refuse arrangements. As such, it complies with Policies R/DP1, R/S4, R/S5 and R/T11 of the Gosport Borough Local Plan Review.

**123 K17609 - DEMOLITION OF OUTBUILDINGS AND ERECTION OF FOUR STOREY BUILDING COMPRISING 6NO. TWO BEDROOM FLATS AND 2NO.ONE BEDROOM FLATS WITH ASSOCIATED PARKING AND AMENITY SPACE (as amended by plans received 13.10.08 and amplified by letter received 24.10.08)
The Sanderson Centre St Johns Close Gosport Hampshire PO12 3UL**

Note: Councillors Ms Ballard, Carr, Dickson, Forder and Hicks declared Personal and Prejudicial Interests in this item, left the meeting room and took no part in the discussion and voting thereon.

The Borough Solicitor asked the remaining Members if they wished to elect a Chairman for this item but they were content for her to act as Chairman.

Members were advised that the applicant had submitted a suitably worded unilateral undertaking under Section 106 which confirmed their willingness to make a payment towards the provision and/or improvement of outdoor playing space and, therefore, reason for refusal paragraph 5 in the report of the Development Services Manager was withdrawn. Members were also advised that there was a typographical error in the final sentence of paragraph 8 on page 24 of the report. It should read ' and therefore transport contributions are not being sought.'

Mr Tutton, the agent for the applicant, was invited to address the Board. He explained that the site was a redundant factory built in the 1920s. A structural report had confirmed that the building was in a poor state of repair. Provision would be found within other vacant units on the site for the 7 staff currently occupying the building and it could, therefore, be treated as vacant. Mr Tutton stated that a survey he had carried out earlier in the day had indicated there were 74 small to medium sized industrial units currently vacant in Gosport. With so many sites vacant, commercial use of this building, which only constituted 4.5% of the entire Sanderson Centre site, was no longer viable. Further, as the building adjoined St Johns Close, he considered that residential use would be more appropriate in this position. Mr Tutton confirmed that there would be level access to the proposed building and he considered it would be better for the community and the locality to have flats rather than an unoccupied commercial building. He requested that the Board put aside the Existing Employment Site designation and grant permission for the proposed development.

Members considered that it was important to retain employment sites within Gosport as the Borough needed more employment opportunities. They did not feel it was appropriate to make an exception the Local Plan policy in this instance.

RESOLVED: That planning application K17609 – The Sanderson Centre, St Johns Close, Gosport, Hampshire be refused for the following reasons:

- i That the proposed development is located on an Existing Employment Site where development for non-employment uses is not permitted. The proposed residential development is inappropriate and unacceptable in this location, contrary to Policy R/EMP3 of the Gosport Borough Local Plan Review.

- ii That the proposed development will result in an unacceptable level of overlooking between the windows in the proposed southern elevation and the existing windows in the northern elevation of the Sanderson Centre, to the detriment of the amenities of existing and future occupiers and contrary to Policy R/DP1 of the Local Plan Review.
- iii That the proposal does not make satisfactory provision for visitor cycle storage or access for people with disabilities, contrary to Policy R/DP1 and R/T11 of the Gosport Borough Local Plan Review.
- iv 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 adjoining land and surface and ground waters are currently unknown. As such, the proposal is contrary to Policies R/DP1 and R/ENV5 of the Gosport Borough Local Plan Review.

124 K17626 - USE OF BUILDING FOR STORAGE AND DISTRIBUTION (USE CLASS B8)
Unit C5 Heritage Business Park Heritage Way Gosport Hampshire PO12 4BG

Officers were unable to confirm to Members whether the staff to be employed on the proposed site were new or existing staff employed by the applicant as this information was not provided within the application.

Members expressed their support for an expanding and successful local business.

RESOLVED: That planning application K17626 – Unit C5, Heritage Business Park, Heritage Way, 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 proposed use is appropriate to the site and will retain an acceptable level of employment generating floorspace within the estate. Appropriate facilities are available for parking and refuse storage and there is adequate turning space to allow safe and convenient manoeuvring for delivery vehicles. As such the proposal complies with Policies R/DP1, R/EMP1, R/EMP7 and R/T11 of the Gosport Borough Local Plan Review.

125 K7618/7 - REGULATION 3: REMOVAL OF WALL IN CLARENCE ROAD CAR PARK ADJACENT TO KING STREET AND ERECTION OF 1.8 METRE HIGH BOW TOP FENCING
Long Stay Car Park Clarence Road Gosport Hampshire

Members were advised that there was an error in the last sentence of the first paragraph in the report of the Development Services Manager. Where the report referred to the west elevation it should state the east elevation.

In answer to a Member's question, it was confirmed that the wall had been damaged and required replacing. The railings would provide better visibility for security reasons.

RESOLVED: That Regulation 3 application K7618/7 – Long Stay Car Park, Clarence 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 and R/T11 of the Gosport Borough Local Plan.

**126 K4474/1 - ERECTION OF SINGLE STOREY SIDE EXTENSION (as amended by plan received 22.10.08 and 14.11.08)
112 Portsmouth Road Lee-On-The-Solent Hampshire PO13 9AF**

Officers advised that the objector had been in email correspondence with the Head of Development Control and had since withdrawn his objection. However, it was clear from the correspondence that he still had concerns over the issues he had raised previously. These were addressed in the report.

RESOLVED: That planning application K4474/1 – 112 Portsmouth Road, Lee-on-the-Solent, 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 and R/DP7 of the Gosport Borough Local Plan Review.

The meeting commenced at 6.00pm and concluded at 6.30pm

CHAIRMAN