

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 17 MARCH 2009**

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

156 APOLOGIES

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

157 DECLARATIONS OF INTEREST

- Councillors Carr and Dickson declared a Personal and Prejudicial Interest in item 6/1 (35 St Thomas's Road, Gosport)

158 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 17 February 2009 be approved and signed by the Chairman as a true and correct record.

159 DEPUTATIONS

No deputations had been received.

160 PUBLIC QUESTIONS

No public questions had been received.

PART II

161 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:

**162 K110/3 - ERECTION OF EXTENSION AND CONVERSION OF GARAGE TO
 CREATE A ONE BEDROOM BUNGALOW
 35 St Thomas's Road Gosport Hampshire PO12 4JU**

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

It was noted that a site visit had taken place at 11 am that morning, attended by Councillors Carter, Forder and Miss West. The position of the existing garage and fence and the proposed extension and fence on the application site were considered. Members then visited the adjoining property to consider the impact on the light and living conditions there. Car parking provision was also taken into consideration.

The Ward Councillor expressed the hope that there would not be many more instances of infilling in the area.

RESOLVED: That planning application K110/3 – 35 St Thomas's Road, Gosport, 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 of a commuted sum 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 one additional dwelling 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 detailed design of the proposed dwelling within the overall street scene is appropriate and acceptable. 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/DP/7, R/H4, R/T4, R/T11, R/ENV9 and R/OS8 of the Gosport Borough Local Plan Review.

**163 K3113/1 - DEMOLITION OF EXISTING SINGLE STOREY SHOP UNIT AND
 ERECTION OF AN ENLARGED GROUND FLOOR SHOP UNIT (CLASS A1)
 WITH 2NO. TWO BEDROOMED FLATS AT FIRST FLOOR (as amended by
 email dated 27.02.09)
 68A Brewers Lane Gosport Hampshire PO13 0LA**

This item was withdrawn from the agenda.

- 164 K6778/4 - ALTERATIONS TO AND CONVERSION OF EXISTING GROUND FLOOR SHOP (CLASS A1) WITH THREE BEDROOMED MAISONETTE OVER TO FORM REDUCED SIZE SHOP WITH 1NO. TWO BEDROOMED FLAT AND 1NO. ONE BEDROOMED FLAT OVER AND ERECTION OF DETACHED TWO BEDROOM DWELLING TO REAR (CONSERVATION AREA) (as amended by unilateral undertaking received 3.3.09)
13 Stoke Road Gosport Hampshire PO12 1LT**

Members were advised that a revised unilateral undertaking for the provision of a commuted sum towards the provision and/or improvement of outdoor playing space and towards transport infrastructure had been received but had not yet been signed. Officers requested delegated authority to refuse the application on the basis of non-compliance with Policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review if the completed document was not received by 2 April 2009.

RESOLVED: That planning application K6778/4 – 13 Stoke Road, Gosport, Hampshire be approved subject to the receipt of a completed Unilateral Undertaking relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and of a commuted sum towards transport infrastructure, and subject to the conditions set out in the report of the Development Services manager, for the following reason below. In the event that the completed Unilateral Undertaking is not received by 2 April 2009, authority is 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 proposal is at an acceptable density for this particular location and will assist in providing a variety of residential accommodation to meet the housing needs of the Borough. The development will enhance the character and appearance of the Conservation Area, and will not have a detrimental impact on the amenities of neighbouring or prospective occupiers. Adequate provision is made for open space, transport infrastructure, cycle and refuse storage. As such, the development complies with Policies R/DP1, R/DP3, R/DP7, R/BH1, R/BH2, R/H4, R/S6, R/S7, R/T4, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

- 165 K12345/70 - OUTLINE APPLICATION - DEMOLITION OF EXISTING WAREHOUSE & ERECTION OF WAREHOUSE FOR INDUSTRIAL USE (CLASS B1) & STORAGE/DISTRIBUTION (CLASS B8) USES
Wyeth Research 154 Fareham Road Gosport Hampshire PO13 0AU**

Members were advised that, following consultation with the Environment Agency, an additional condition was proposed to be added to the report of the Head of Development Services, referring to flood proofing and evacuation measures and the provision for surface water drainage.

RESOLVED: That outline application K12345/70 – Wyeth Research, 154 Fareham Road, Gosport, Hampshire be approved subject to the conditions set out in the report of the Development Services manager and the additional condition set out below, 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 development is acceptable in this location, will provide additional employment opportunities and will not have an adverse impact on nature conservation interests, controlled waters, the amenities of adjoining industrial units, the character and appearance of the area or highway and pedestrian safety. Appropriate provision is made for surface water drainage, vehicular and bicycle parking and refuse storage. The proposal complies with Policies R/DP1, R/DP6, R/DP3, R/EMP1, R/EMP3, R/EMP7, R/CH1, R/T2, R/T3, R/T4, R/T11, R/OS10, R/OS11, R/OS12, R/OS13, R/ENV1, R/ENV2, R/ENV3, R/ENV4 and R/ENV5 of the Gosport Borough Local Plan Review.

Additional Condition

Details of surface water drainage and flood proofing measures for the building, incorporating a scheme to ensure access and egress during times of extreme flood, shall be submitted to and approved, in writing, by the Local Planning Authority before works above slab level are commenced.

Reason – To protect the development from the risks from flooding and to comply with Policy R/ENV1 of the Gosport Borough Local Plan Review.

**166 K12345/73 - ERECTION OF TWO STOREY INDUSTRIAL UNIT (CLASS B2 & B8) WITH ASSOCIATED PARKING AND ACCESS
Plot 2B, Regent Trade Park Barwell Lane Gosport Hampshire**

This item was withdrawn from the agenda.

167 ANY OTHER BUSINESS

Appeal Decision – K12430/5 Dolman Hall, Old Road, Gosport, Hampshire

Members were advised that the Inspector had allowed the appeal against the Council's refusal of this application and therefore the proposed works could be undertaken.

The Inspector considered that the proposal did not constitute overdevelopment as there was sufficient provision for amenity space, car and cycle parking and refuse storage within the site. He also considered the modern approach to the design to be acceptable in this location.

The Inspector was of the opinion that obscure glazed and fixed frame windows and screening to the balconies on the northern elevation would prevent overlooking of the adjacent properties.

Given the alignment of the road, the existing traffic calming measures and that pedestrians walk along the highway at present, the Inspector felt that the lack of a safe walkway between cars parked in the allocated spaces and the highway would not compromise road safety.

The Inspector did not agree with the Council on the technical matters relating to flooding as the Environment Agency had seen the information that had been provided by the appellant and had no objection, in principle, to the scheme.

Planning conditions have been attached to control the external finishing materials, landscaping, floor levels, drainage, sea wall, car and cycle parking provision and refuse facilities. To protect amenities, conditions had also been attached concerning the requirement for a construction method statement, contamination of the site, nature conservation, the use of obscure glazed, non-opening windows and screening to the balconies on the north elevation.

Officers expressed their disappointment with this decision which was shared unanimously by Members. It was recognised that design is subjective and the Inspector's views had not reflected those of officers concerning this particular proposal. However, of concern to Members, was that the Inspector disagreed with the Council's views on the flooding issue on the basis that the Environment Agency had no objection to the application.

Members requested that Officers discuss with the Environment Agency their apparent inconsistent approach to planning applications in areas of potential flood risk.

The Borough Solicitor advised that an appeal to the High Court would be a very expensive undertaking and there were no legal grounds for appeal in this instance.

The meeting commenced at 6.00pm and concluded at 6.24 pm

CHAIRMAN