

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 6 OCTOBER 2009**

The Mayor (Councillor Mrs Searle) (ex-officio), Chairman of the P & O Board (Councillor Hook) (ex-officio), Councillors Allen (P), Mrs Bailey (P), Carr (P), Carter (Chairman) (P), Dickson (P), Geddes (P), Hicks, Hylands (P), Miss West and Wright (P).

It was reported that, in accordance with Standing Orders, notice had been received that Councillor Burgess would replace Councillor Miss West for this meeting.

81 APOLOGIES

Apologies for inability to attend the meeting were received from the Mayor and Councillors Miss West and Hicks.

82 DECLARATIONS OF INTEREST

- Councillor Dickson declared a personal and prejudicial interest in item K17720 2 Longdon Drive

83 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 8 September 2009 be approved and signed by the Chairman as a true and correct record.

84 DEPUTATIONS

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

- K1767/1 – Redevelopment of Rowner
- K17660 – Holbrook
- K15384/2 – 3 Smeeton Road, Lee-on-the-Solent
- K17720 – 2 Longdon Drive, Lee-on-the Solent
- K5261/8 – 13 High Street, Lee-on-the-Solent
- K10744/3 – Land Adjacent to 12 Ventnor Road

85 PUBLIC QUESTIONS

No public questions had been received.

PART II

86 K17671/1 Planning Application for Approval of Matters Reserved by Conditions of Outline Consent K17671 for the Redevelopment of Rowner

Consideration was given to a report of the Development Services Manager detailing the appearance, layout, scale and landscaping for Phase 1 and 8 of the Rowner Redevelopment reserved under condition 12 of Outline Consent K17671 and to consider plan and particulars showing the detailed proposals for the aspects listed in the report of phases 1 and 8 required by condition 13 of Outline Consent K17671.

Members were advised that the applicant had requested that the phase 8 element be removed from the application.

One additional letter of objection and 2 supplementary letters. New issues raised related only to phase 8 of the development.

Mr Newman was invited to address the Board. He advised that his main concern had been with the proposals for phase 8 of the development; the Head of Siskin Infant School had also approached him and expressed concern at this phase of the development.

He also identified an alternative site for development in Davenport Close, the old Rowner Recreation Centre.

He expressed concern that a compulsory purchase order was proposed for land in front of his house.

Mr Newman welcomed the opportunity to address Councillors. He requested that regular consultation be undertaken between residents and the developers.

Members questioned whether the Rowner Recreation Centre was to be included in the proposals for the regeneration of Rowner as it was felt that the site needed to be improved.

A Member advised the Board that they were aware of the difficulty in acquiring ownership of this site.

Members were advised that the site was not for consideration under this planning application.

In response to a Member's question, Mr Newman advised that he had met with planning officers. Consultation had taken place between Portsmouth Housing Association and the residents of Rowner but residents felt that the plans were constantly changing and their views and opinions were being ignored.

Mr Lamey of the Rowner Renewal Partnership was invited to address the Board. He expressed thanks to the planning officers for the comprehensive report.

In answer to a Member's question, he advised the Board that the intention was to replace the trees that Mr Newman had referred to.

The Board were advised that the density level for the development had been agreed within the previous outline application.

It was clarified that the report included the provision for cycle facilities in addition to refuse facilities.

Members welcomed the proposed improvements and acknowledged that the development needed to be undertaken in stages. It was hoped that before phase 8 was returned to the Regulatory Board, additional consultation would be undertaken with residents.

RESOLVED: That planning application for approval of matters reserved by conditions of outline consent K17671 for the redevelopment of Rowner be approved subject to the conditions set out in the report of the Development Services Manager, for the following reason set out in (i) below.

- i. Having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the details of appearance, layout, scale and landscaping are acceptable. The appearance of the buildings and landscaping will enhance the appearance of the area and with the scale and layout is appropriate in this location. There will be no adverse impact on residential amenity or highway safety and adequate provision has been made for car parking, cycle parking and storage and refuse storage, As such the details comply with Policies R/DP1, R/T3, R/T11, R/H4, R/H5, R/H9, R/OS8, R/OS13 and R/OS14 of the Gosport Borough Local Plan Review.

87 K17660 OUTLINE PLANNING APPLICATION FOR THE REDEVELOPMENT OF HOLBROOK RECREATION CENTRE AT FOREST WAY GOSPORT

To consider an outline planning application submitted by the Borough Council for the erection of a replacement recreation centre, to include swimming pools, health and fitness suite, sports hall, crèche and all weather sports pitch together with an hotel, restaurant and shop and associated car parking, servicing and landscape.

Janet MacNally was invited to address the Board. She advised that she had worked within the care profession for a number of years and that she saw the redevelopment of the Leisure Centre as an opportunity to provide a hydro pool for local residents. It was seen as particularly beneficial following the closure of Haslar Hospital which had previously been used by those patients requiring a hydro pool as part of their treatment.

Members were advised that residents were currently having to travel to the Queen Alexandra hospital for treatment and that the hospital was currently oversubscribed with patients needing to use the facility.

Members were advised that a hydro pool would benefit those residents with disabilities and that the inclusion of one within the proposed redevelopment had the support of physiotherapists at Gosport War Memorial and of Gosport and District Sports Association for the Disabled.

In addition to supporting those with disabilities, a hydro pool would aid those recovering from injuries, including residents under going post operative physiotherapy and those recovering from accident trauma.

Members were advised that the current facilities were overstretched and that the redevelopment of Holbrook would be an ideal opportunity to provide equal access for those residents that currently felt excluded from existing leisure facilities.

Members thanked Mrs MacNally for her address to the Board and questioned whether it was proposed to include a hydro pool in the redevelopment of the Haslar site.

Members requested that Mrs MacNally forward the details of her deputation to the Leisure Services Manager as the application being presented to the Board was for Outline Consent to establish whether the principle of the development was acceptable and details of the internal facilities would be considered at the detailed planning stage.

In answer to a Member's question, it was confirmed that the new leisure centre would be constructed on land between the A32 and the existing leisure centre. This would ensure the continuing use of the existing facility whilst the new one was under construction

Members welcomed the proposals and agreed that a new facility was much needed. Members also welcomed the provision of the additional leisure facilities, particularly as there was a need for a larger hotel in Gosport.

RESOLVED: That K17660 Outline Planning Application for the Redevelopment of Holbrook Recreation Centre at Forest Way Gosport be approved, subject to the conditions set out in Appendix 1 of this report for the following reasons:

- i. 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, will secure the provision of enhanced sports and leisure facilities for the community without adversely impacting on the environment of the site or the wider area, or prejudicing the vitality or viability of Gosport's defined shopping areas, or the redevelopment of other strategic Brownfield sites within the Borough. The proposal reflects the government's wider social, environmental and economic objectives relating to the provision of sustainable communities and provides opportunities to enhance biodiversity within the site. As such, the development complies with the national policies, regional policies and the policies of the Gosport Borough Local Plan Review as set out in Section 4 of this report.

88 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:

89 K15384/2 ERECTION OF SECOND FLOOR REAR EXTENSION AND ROOF ALTERATIONS TO INCLUDE INCREASE RIDGE HEIGHT OF MAIN ROOF

3 Smeeton Road Lee-On-The-Solent Hampshire PO13 8JJ

Members of the Regulatory Board had attended a site visit at 4.30pm on the day of the meeting. They viewed the relationship between 3 and 5 Smeeton Road from the rear gardens and from Fell Drive to establish the context of the proposal in the streetscene.

Mr Yates, of 5 Smeeton Road, was invited to address the Board. He thanked Members for attending the site visit and reiterated his concern that the property had previously been extended a number of times.

He felt that the proposal would have a detrimental effect on the outlook from, and the sunlight to, his property.

In addition he felt that the proposal was unsympathetic to the street scene and that the property would greatly differ from those in the surrounding area.

Mr Bullen was invited to address the Board. He advised that he was the architect for the project.

Mr Bullen advised the Board that these properties had not been built to accommodate the changing needs of a family. He advised that five of the six properties in the road had been modified.

The Board were advised of the proposed amendments to the building. Mr Bullen advised that the impact from the front would be limited and that the triangular window included would not overlook properties and had been included to create visual interest.

In answer to a Member's question Mr Bullen advised that he did not feel that the proposal would lead to the property being out of character with the surrounding properties as those in Smeeton Road were not identical. He also advised that he did not feel the proposed extension would be overbearing as it would be constructed using the same material as the existing property. In addition, the proposal would not extend the property any further to the rear.

Mr Bullen commented that amendments to the original design of the property were not unacceptable, in principle, and the original design concept would not now be acceptable in construction terms.

Members debated the proposal, discussing whether it was felt that the extension would be overbearing and detrimental to the amenities of the neighbouring properties. Members also debated the prominence of the extension within the street scene.

Members acknowledged the family's wish to extend the property but felt that the proposal, by reason of its design, scale and mass, would be overbearing and detrimental to the amenities of the area.

Members agreed that the application be refused.

RESOLVED: That application K15384/2 – Erection of second floor rear extension and roof alterations to include increase ridge height of main roof, 3 Smeeton Road, be refused for the following reason:

- i The proposal by reason of its design scale and mass would be overbearing and detrimental to the amenities of the area, contrary to policy R/DP1 of Gosport Borough Council Local Plan Review.

**90 K17720 - ERECTION OF TWO STOREY REAR EXTENSION
2 Longdon Drive Lee-On-The-Solent Hampshire PO13 8LR**

Note: Councillor Dickson declared a personal and prejudicial interest at this point in the meeting, left the room and took no further part in the voting or discussion on this item.

Miss Edwards was invited to address the Board. She advised that she resided at 4 Longdon Drive and that she strongly opposed the application.

She advised that her rear garden was south facing and that the extension would be two storeys of brick that would be overpowering and have a detrimental effect on her quality of life.

In answer to a Member's question, Miss Edwards advised the Board that she

thought the fence separating the two properties was 8ft, including the trellis.

Mrs Gilbertson was invited to address the Board. She advised the Board that two architects had been consulted to ensure that the extension was as sympathetic as possible.

She advised that the loss of light to the property would only be in the late evening in the summer and late afternoon in the winter. She also advised that the existing fence between the two properties was in excess of 8ft.

Mrs Gibertson advised the proposal included one window that overlooked the adjoining property but as it was for an en-suite it would be obscure glazed.

It was proposed that the application be deferred pending a site visit by Members of the Regulatory Board.

RESOLVED: That application K17720 – 2 Longdon Drive, Lee-on-the-Solent be deferred pending a site visit by Members of the Regulatory Board.

91 K5261/8 - INTERNAL AND EXTERNAL ALTERATIONS, INCLUDING THE PROVISION OF A NEW ROOF AND USE OF PREMISES AS A DAY NURSERY (USE CLASS D1) (as amended by plan received 16.09.09)
13 High Street Lee-On-The-Solent Hampshire PO13 9BS

Members were advised that there had been 2 additional letters of support received. The new issues raised were that the proposed external alterations were acceptable in design terms, that there was adequate on-street parking at the front of the site and that the proposal would bring a vacant building back into use.

Members were advised that a travel plan had been received on 2nd October and that in light of the additional information provided, the rear service road was likely to have adequate capacity to cope with the increased vehicular movements associated with the nursery.

Members were advised that the applicant had not submitted a unilateral undertaking (Section 106 Agreement) and that as a result, the Local Planning Authority were unable to enforce the implementation of the travel plan.

As a result, it was proposed to amend reason for refusal 2 as follows:

Arrangements have not been put in place to secure the implementation of a Travel Plan. Therefore, the Local Planning Authority is not satisfied that the proposed development will not result in overspill parking in the local road network to the detriment of the amenity of the area and highway and pedestrian safety, contrary to Policy R/T11 of the Gosport Borough Local Plan Review.

Freya Derrick was invited to address the Board. She advised that she had met

with Local Highway Authority and planning officers to try and address the concerns identified.

She advised that Local Highway Authority had withdrawn their objection to the application. She advised the Board that she would be prepared to enter into a Section 106 Agreement to allow the travel plan to be enforced by the Local Planning Authority.

Mrs Derrick was aware that there was still an outstanding issue surrounding the noise level from the site. However, she advised the Board that as the building was currently permitted for use as class D2, it could be used as a cinema, casino or a bingo hall.

Should any of these uses be implemented, the noise issues would be far greater and noise and light pollution from the site would continue much later into the night.

She advised that, as the Managing Director of Hopscotch, she had tried to ensure that the company was as amenable as possible to all residents with concerns surrounding the proposal. She advised the Board that she had been proactive in addressing concerns highlighted, and had been holding regular meetings to address issues surrounding the fences, waste management and external lighting.

Solutions had been found, in that hedgerows would separate the playing areas from the fences and turf would be laid rather than tarmac. The Board were also advised that the children would be supervised with a much higher ratio of adults than in a school. In addition the children would be aged 3 months to 5 years and therefore less likely to participate in running games.

Members were advised that the demographic of Lee-on-the-Solent had changed, particularly as a result of the Cherque Farm development. As a result, there was a large increase in the number of families with young children for whom childcare provision was needed. In addition, the proposal would create 35 new jobs.

Councillor Beavis, Ward Councillor for Lee West was invited to address the Board.

He recognised that childcare provision was needed in Lee-on-the-Solent and welcomed the work that had been undertaken to address the concerns surrounding traffic issues.

He advised the Board that he had facilitated meetings between the Managing Director of Hopscotch and residents of the Starlings to discuss any issues that were concerning residents. Meetings had also been arranged with Lee Residents Association and other local residents to address and resolve concerns identified. Solutions included the one way traffic flow, staff parking in the Beach Road car park, and the relocation of waste facilities.

The Board were advised that there was a need for childcare in Lee-on-the-Solent and that the creation of 35 jobs would be welcome.

A large number of parents would be walking to the site and would no longer have to travel to the Gosport and Titchfield Nurseries.

Councillor Beavis felt that the Managing Director of Hopscotch was professional and organised and that he was confident that any issues that arose would be dealt with efficiently.

He reiterated that the Local Highway Authority had now withdrawn their objection and that the traffic plan could be implemented by entering a Section 106 agreement.

Members queried how long it would take to prepare a Section 106 Agreement.

It was acknowledged that there was a need for child care within Lee-on-the-Solent. It was also recognised that the existing building was not currently in use.

Members considered it might be possible to resolve the concerns of local residents through mitigation measures. Members felt that the details of this should be considered prior to the Board reaching a decision.

Members proposed that the application be deferred to allow further negotiation with the applicant on matters relating to the recommended reasons for refusal, particularly issues relating to noise and disturbance and possible mitigation measures.

RESOLVED: That the application be deferred to enable officers to negotiate further with the applicant.

**92 K10744/3 - FELLING OF OAK TREE (T1 OF TPO G.70)
Land To The East Of 12 Ventnor Road Gosport Hampshire PO13
OPH**

Mr Langham was invited to address the Board. He advised the Board that he had resided in 12 Ventnor Road for 33 years and that a Tree Preservation Order had been placed on the tree in question in 1994 following unauthorised works to another TPO trees nearby.

The tree adjacent to his property was affecting nine gutters and 4 drains and a recent quote for the work needed to lop the tree was £850.

Mr Langham felt that the tree was overcrowding and too expensive to maintain.

Members extended sympathy to Mr Langham for the financial situation; however, it was also acknowledged that the tree in question was a fine specimen that did not warrant removal.

Members questioned officers with regard to the setting of a precedent in this instance and agreed that the application be refused.

RESOLVED: That Regulation 3 application K10744/3, felling of oak tree (T1 of TPO G.70) Land To The East Of 12 Ventnor Road Gosport be refused for the reason below.

- i. The tree is a large, mature, healthy and vigorous specimen with no sign of disease. It is located in a prominent position and makes an outstanding contribution to the amenity of the area. As such its removal would have a detrimental impact on the character and appearance of the area contrary to Policy R/DPI of the Gosport Borough Local Plan Review.

**93 K17320/3 DEMOLITION OF 3NO. CHALET BUNGALOWS AND ERECTION OF A 3 STOREY BLOCK (WITH TWO STOREY ELEMENT AT SOUTH EASTERN END) OF 11NO. TWO BEDROOM AND 3NO. ONE BEDROOM APARTMENTS WITH ASSOCIATED CAR AND CYCLE PARKING (as amended by plans received 19.08.09).
6, 7 & 8 Marine Parade East Lee-On-The-Solent Hampshire PO13 9LA**

Members welcomed development of this derelict site and recognised that alterations that had been made to the original application.

RESOLVED: That application K17320/3 – 6, 7 & 8 Marine Parade East, Lee-on-the-Solent, be approved subject to the payment of a commuted sum towards the provision of an outdoor playing space and the provision of off site highway infrastructure and subject to the conditions set out in the report of the Development Services manager, for the following reason

- i. 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 principle in this location and the design reflects the existing character of Marine Parade East. It will not have a significant impact on the amenities of adjoining residents and adequate provision is made for car parking, off site transport infrastructure, educational facilities, cycle parking, refuse storage, and open space. As such it complies with Policies R/DP1, R/DP3, R/DP10, R/H4, R/T4, R/T11, R/CF6 and R/OS8 of the Gosport Borough Local Plan Review and the Marine Parade Supplementary Planning Document.

**94 K3369/3 - ERECTION OF 4 STOREY BUILDING CONTAINING 6NO. FLATS WITH ASSOCIATED CAR AND CYCLE PARKING (as amended by plans received 28.11.08)
16 Marine Parade West Lee-On-The-Solent Hampshire PO13 9LW**

Members were advised that this item had been withdrawn from the agenda.

**95 K405/3 - DEMOLITION OF EXISTING BUILDING AND ERECTION OF TWO STOREY REPLACEMENT BUILDING TO PROVIDE 2NO. ONE BEDROOMED FLATS AND 2NO.TWO BEDROOMED FLATS
131 Brockhurst Road Gosport Hampshire PO12 3AX**

Members were advised that the section 106 agreement with regard to outdoor playing space and transport infrastructure and services had not been completed.

RESOLVED: That application K405/3 be refused for the following reasons:

1. The proposed development by reason of its inappropriate design and mass would have a detrimental impact on the character and visual amenity of the locality, contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
2. The proposed development makes no provision for on-site car parking which is likely to result in overspill car parking in the surrounding road network to the detriment of local amenity. The proposal therefore conflicts with Policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.
3. The proposed development provides no useable amenity space which will be detrimental to the living conditions of prospective occupiers and contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
4. Inadequate provision is made for long stay and visitor bicycle parking, contrary to Policy R/T11 of the Gosport Borough Local Plan Review.

And for the additional reason that:

5. The property does not make adequate provision for outdoor playing space or transport infrastructure services and facilities contrary to policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Council Local Plan Review.

**96 K17432/1 - REPLACEMENT ROOF, INTERNAL AND EXTERNAL ALTERATIONS AND ERECTION OF TWO STOREY AND SINGLE STOREY REAR EXTENSION AND REPLACEMENT STORE (as amended by plan received 24.08.09)
51 - 53 High Street Lee-On-The-Solent Hampshire PO13 9BU**

In answer to a Member's question, the Board were advised that the amended proposals were recommended for approval by the planning officers. Issues identified in the previous application had been addressed

RESOLVED: That application K17432/1 –51-53 High Street, Lee-on-the-Solent, 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 by reason of its design, siting and orientation will not have a detrimental impact on the appearance of the building, the visual amenity of the locality, the amenities of the occupiers of the neighbouring properties, the long term viability of the ground floor shop or highway and pedestrian safety. As such, the proposal complies with Policies R/DP1, R/S6 and R/T11 of the Gosport Borough Local Plan Review.

**97 K17729 - ERECTION OF 2NO.ONE BEDROOM AGED - PERSON BUNGALOWS ON LAND TO THE REAR OF 56 MILITARY ROAD AND WIDENED DROP KERB ACCESS FROM CLASSIFIED ROAD (C412)
56 Military Road Gosport Hampshire PO12 3BX**

RESOLVED: That application K17729 – 56 Military Road, Gosport 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 the payment 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 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 at an acceptable density and will provide accommodation for the elderly within an accessible location. There will be no adverse effect on the character and appearance of the area, protected trees, the amenities of occupiers of adjoining properties, or highway safety. Adequate provision is made for open space, transport infrastructure, car parking, cycle and refuse storage. As such the development complies with Policies R/DP1, R/DP3, R/H4, R/H8, R/T4, R/T11, R/ENV14 and R/OS8 of the Gosport Borough Local Plan Review.

**98 K11377/4 - CONVERSION OF EXISTING ROOF VOID TO PROVIDE ONE BEDROOM FLAT FOR EMPLOYEE/MANAGER OF AMUSEMENT ARCADE (CONSERVATION AREA) (as amended by plans received 19.08.09)
Olympia Amusement Arcade 5 Flower Buildings Marine Parade East Lee-On-The-Solent Hampshire PO13 9LB**

Members welcomed the recommendation to refuse the application as it was felt that there should not be residential development on the south side of Marine Parade.

RESOLVED: That application K11377/4, 5 Flowers Buildings, Marine Parade East, Lee-on-the-Solent, be refused, for the following reasons below.

1. This is an important historic building which retains the simplicity of design and elevation treatment appropriate to its industrial character. The

proposal to place 9 roof lights within the roofscape and installation of a door would fundamentally change the appearance of this building so that it has a domestic character. It would therefore harm the special character of the building and the Conservation Area, contrary to Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review and the principles set out in the Lee-on-the-Solent Conservation Area Appraisal.

2. The proposed development does not make adequate provision for outdoor playing space, contrary to Policy R/OS8 of the Gosport Borough Local Plan Review.
3. The proposed development does not make adequate provision for transport infrastructure, services and facilities, contrary to Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

**99 K17736 - REGULATION 3 - INSTALLATION OF EXTERNAL WALL CLADDING/INSULATED RENDER SYSTEM
76-82 (Even Nos) Prideaux - Brune Avenue & 1-15 (Odd Nos) Bridgemary Road Gosport Hampshire**

RESOLVED: That Regulation 3 application K17736, 76-82 (Even nos) Prideaux Brune Avenue and 1-15 (Odd Nos) Bridgemary Road Gosport, be approved, subject to the conditions set out in the report of the Development Services Manager, for the following reason below.

1. 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 will improve the appearance of the buildings and the visual amenities of the locality and reduce energy use. As such, the proposal complies with Policies R/DP1 and R/ENV14 of the Gosport Borough Local Plan Review.

100 ANY OTHER BUSINESS

The Chairman advised the Board that this would be the last meeting of the Regulatory Board attended by the current Head of Development Control, Pat Aird, as she had secured a position at English Heritage.

Members conveyed their thanks and best wishes to Mrs Aird and extended their best wishes to Debbie Gore, the new Head of Development Control.

The meeting commenced at 6.00pm and concluded at 8.03 pm

CHAIRMAN