

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 6 NOVEMBER 2012**

The Mayor (Councillor Dickson) (ex-officio), Chairman of the P & O Board (Councillor Hook); Councillors Ms Ballard (P), Beavis (P), Carter CR (P), Ms Diffey (P), Farr (P), Gill (P), Henshaw (P), Mrs Hook (P), Jessop (P), Langdon (P), Ronayne (P) and Wright (P).

45 APOLOGIES

There were none.

46 DECLARATIONS OF INTEREST

There were none.

47 MINUTES

RESOLVED: That the Minutes of the Extraordinary Regulatory Board meeting held on 17 October 2012 be approved and signed by the Chairman as a true and correct record.

48 DEPUTATIONS

Deputations had been received on the following applications:

- K15458/1 – Land at 32 Manor Way

49 PUBLIC QUESTIONS

No public questions had been received.

PART II

49 K12216/6 – Hazardous Substances Consent application relating to the retention and continued storage of substances at the Oil Fuel Depot, Forton Road, PO12 4TH

Consideration was given to a report of the Borough Solicitor recommending the approval of a Hazardous Substances Consent application, made by the Oil and Pipeline Agency relating to the retention and continued storage of substances at the Oil Fuel Dept, Forton Road subject to the conditions set out in the report of the Borough Solicitor.

Members were advised that following the publication of the agenda consultation responses had been received from Portsmouth City Council, Hampshire County Council and Southern Electric and that no objections had been received.

In answer to a Member's question the definition of Part A no, 36(a) of the regulations was clarified.

It was also clarified that the Fire Service has been given the opportunity to respond to

the application, but had not done so.

It was also clarified that the application was retrospective for a site that had been used for the purpose of fuel storage for a number of years.

RESOLVED: That application K12216/6 – Hazardous Substances consent application relating to the retention and continuous storage of substances at the Oil Fuel Depot Forton Road be granted subject to the conditions set out in Appendix A of the report of the Borough Solicitor.

50 REPORT OF THE BOROUGH SOLICITOR

The Borough Solicitor 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:

51 K15458/1 - ERECTION OF 1NO THREE BEDROOM DETACHED CHALET BUNGALOW WITH ASSOCIATED ACCESS AND LANDSCAPING (CONSERVATION AREA) (as amended by plans received 07.09.12 and design and access statement received 12.09.2012) Land at 32 Manor Way Lee-on-the-Solent, Hampshire

Members were advised that since the publication of the agenda an additional letter of representation had been received stating that a covenant protected the land. The Board were advised that covenants were a private legal matter and were not a material planning consideration.

Mr Bonage was invited to address the Board. He advised that he was the applicant and was the owner of the land adjacent to 32 Manor Way and that outline planning consent was granted in 2000. The Board were advised that the property at 28 Manor Way on the south side of Manor Way was far more modern and had been approved by the same conservation team.

John Tyrell was invited to address the Board, he advised that he was the agent for the application and that outline permission had previously been granted for outline consent for a similar application. He advised that the application was recommended for refusal on conservation grounds and that these concerns had not been identified during the pre application process. He advised modifications had been made to make the design more traditional and that the application was similar to that previously approved.

Councillor Kimber was invited to address the Board. He advised that he was not addressing the Board as Ward Councillor, but that he had been Ward Councillor when the previous application was approved in 2000.

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Councillor Kimber advised the Board that the approval of neighbouring 28 Manor Way had changed the character of the heritage area and that this had been for the worse. He advised that the development undertaken on the adjacent farm site had a more significant impact on Le Breton Farm than the proposal.

The Board were advised that the application regarding the store and flats on the neighbouring site had changed the layout of the surrounding area and that the proposal would not affect the views from Le Breton Farm as it was surrounded by a 6ft wall.

He advised that the applicant was not intending to get rich quick but wanted erect a building next to his daughter to retire in.

A Member questioned as to why a previous application for outline consent for 5 dwellings had been approved and this application was recommended for refusal. The Board were advised that this application had been withdrawn.

Members questioned why comments from the Conservation team had not been included in with the pre application advice. The Board were advised that the applicants had been notified at the time the response was provided that the pre application advice did not contain comments from the conservation and design team.

Members were advised that there were target timescales for the development control team to meet when providing pre application advice and that the comments from the Conservation and Design Team had not been received within this time frame.

A Councillor advised that they accepted the importance of the Le Breton Farm site and the need to protect the conservation of the area but that stating that the proposal would be crammed into the space was unfair as the construction of number 28 had been much more damaging to the area. They also advised that numbers 17 and 19 Manor Way were located close together and therefore sought clarification as to what was allowed and not allowed.

The Board were advised that there had been a number of policy changes since the approval of number 28; PPS 3 had superseded Planning Policy Guidance 3 which had itself been superseded by the NPPF. The emphasis in PPG3 had previously been on the reuse of land, including garden land. This was no longer the case as garden land had been removed from the definition of Previously Developed Land. The different character of the two sides of Manor Way was also explained.

The Board were advised that outline permission did not include any detail of the proposed development and that now an application had been made for full permission which enabled an assessment of the impacts from this design and layout to be made.

Members recognised the importance of Le Breton Farm House but reiterated that the view to and from it was hidden by a 6ft wall, that the proposal would not affect Le Breton Farm and felt that further discussions should have taken place with the applicant to discuss suitable alternatives, particularly as the outline application had previously been approved. Members also felt the proposal would not have an impact on the Bun Penny site.

Members were advised that the application had been recommended for refusal as the proposal was for a dwelling that was seen as inappropriate for the proposed location.

In answer to a Member's question, it was reiterated that there had been a number of changes to national and local policy since the previous outline approval for the site had been given.

Members voted not to accept the recommendation set out in the Planning Officer's report.

The Borough Solicitor advised that the application had not been determined by the Board so a further report would be presented to the next meeting which would include details of conditions and planning obligations in case Members were minded to approve the application.

RESOLVED: That application K15458/1 not be refused and this application be brought back to the next meeting of the Regulatory Board.

**52 K155/1 – ERECTION OF REAR EXTENSION WITH 1NO. ROOF
 LANTERN
 35 Testcombe Road Gosport Hampshire PO12 2EL**

The Board were advised that there were no updates.

RESOLVED: That application K155/1– 35 Testcombe Road, Gosport, be approved subject to the conditions set out in the report of the Borough Solicitor, 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 acceptable in design terms, will not have a harmful impact on the amenities of the area or the occupiers of the neighbouring properties or on flood risk and, as such, complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

The meeting commenced at 6.00pm and concluded at 6.36pm.