

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 8TH APRIL 2014
*Subject to approval***

The Mayor (Councillor Beavis)(ex-officio); Ms Ballard(P), Carter CR (P), Ms Diffey (P), Farr (P), Geddes (P), Gill (P), Hazel (P), Hook (P), Mrs Hook (P), Jessop, Langdon, Ronayne (P) and Wright (P).

It was reported that in accordance with Standing Order 2.3.6, Councillor Hook had been nominated to replace Councillor Langdon for this meeting.

83 APOLOGIES

Apologies for inability to attend the meeting were received from The Mayor, Councillors Jessop and Langdon.

84 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

85 DEPUTATIONS

Deputations had been received on the following applications:

- 14/00105/FULL, 3 Chark Cottages, Shoot Lane, Lee-on-the-Solent
- 13/00387/FULL – Land at the Junction of Green Road and Little Lane– The Chairman asked the Board, under Standing Order 6.3.6, to consider receiving the deputation despite notice under Standing Order 3.5.1 not being given. The Board agreed to receive the deputation notwithstanding the notice under Standing Order 3.5.1 had not been given.

86 PUBLIC QUESTIONS

No public questions had been received.

PART II

**87 14/00076/OUT – HYBRID APPLICATION COMPRISING:
DEMOLITION OF ALL EXISTING BUILDINGS AND THE ERECTION OF A 1550
SQUARE METRE FOOD STORE (CLASS A1) AND 1 NO. 275 SQUARE METRE
COMMERCIAL UNIT (CLASSES A1, A2, A3, A4, A5, B1 AND D1)
(APPEARANCE, LAYOUT, SCALE, ACCESS AND LANDSCAPING) AND THE
ERECTION OF UP TO 48 NO. RESIDENTIAL UNITS (CLASS C3) (SCALE,
LAYOUT AND ACCESS)**

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 14/00076/OUT.

The Board were advised that since the publication of the report two additional letters of representation had been received. One was an additional letter of observation from a local resident advising that whilst they had no objection to the redevelopment of the site as it was an eyesore they expressed concern at the loss of trees.

The Board were advised that matters relating to landscaping, including the removal of trees at the site was considered in Paragraph 8.8 of the Officer Report and in particular paragraph 8.8.4.

A letter of representation had also been received from Peacock and Smith, on behalf of Morrisons supermarket.

A copy of the letter from Peacock and Smith and a copy of the Planning Officer's written update in response to the letter was distributed to Members and the applicant prior to the start of the meeting for consideration.

In summary, the Board were advised by the Planning Officer that it was considered that the proposed development complies with both Local and National Planning Policy.

It was not considered that that the development proposal would harm the vitality or viability of the Town Centre. Rather, it was considered that the proposed development, by reason of its edge of centre location, adjacent to the Town Centre, with good links to the High Street, would help make the Centre less vulnerable from competing centres, secure greater expenditure in the High Street, and 'claw-back' expenditure that was currently leaving the Borough.

In answer to a Member's question the Board were advised that only a small proportion of the application site was located within Flood Zones 2 and 3, and where this was the case, the floor levels would be set above the relevant threshold for flooding in that zone.

Members also questioned the provision of car parking for the residential element of the proposal. The Board were advised that consultation had been undertaken with the Local Highway Authority and that, given the proposal was for a Town Centre location the level of parking spaces was deemed adequate for the site.

Members sought further clarification as to how the supermarket car parking would be controlled and were advised that a 'Private Eye System' would be used to record number plates as cars entered the car park and for the prescribed period and take enforcement action if necessary.

Members expressed concern that an additional supermarket would create additional issues with the abandonment of trolleys as they felt they presented a

real problem within the Borough. Members were advised that the Local Authority had the power to address abandoned trolleys under the Environmental Protection Act 1990.

Members commented that Southern Water had advised that the sewers were currently inadequate for the site, and questioned whether improvement to this would be a condition of the application and what level of improvement work would need to take place. Members were advised that details of the measures to deal with foul water and surface water drainage across all parts of the site are to be controlled by condition.

Members recognised that the existing site was an eyesore and that bringing commercial development to the area was part of the Local Plan and were pleased that retailers had confidence in the rejuvenation of the High Street area. Members recognised that retail units on the main High Street were not always large enough for large retailers but were pleased that the current statistics of empty units of one in fifteen, was well below the national average of one in seven. Members also welcomed the updating of High Street furniture and the introduction of wayfinding signage.

Members welcomed the fact that the landlords of the site had assisted the current tenants, Quirepace, to move to a more suitable unit within the Borough and that the proposal would bring jobs to the Borough and add to the attractiveness of the High Street area.

Members recognised that shopping trends had changed as consumers used a number of different supermarkets for their shopping needs and were looking for best value; they also recognised that concern had been expressed for the viability of Asda when Morrisons had opened.

A Member stated that they welcomed the reduction in residential units from the previous application and the jobs that the store would bring to the Borough, but expressed concern that the entry and exit point for traffic was on a bend in the road.

RESOLVED: That application 14/00076/OUT be approved subject to:

- a) appropriate conditions covering those matters set out in Appendix B of the report of the Borough Solicitor and Deputy Chief Executive;
- b) appropriate planning obligations to secure the provision of, or a contribution towards, improvements towards highway and transport infrastructure; Traffic Regulation Orders; open space; educational facilities; affordable housing; ecological and recreational disturbance mitigation measures; and a training and employment plan; and
- c) delegated authority being given to the Head of Development Control, in consultation with the Borough Solicitor and Deputy Chief Executive, to determine the appropriate planning obligations, subject to viability assessments, and conditions.

**88 REPORTS OF THE BOROUGH SOLICITOR AND DEPUTY
CHIEF EXECUTIVE**

The Borough Solicitor and Deputy Chief Executive submitted a report on applications received for planning consent setting out the recommendation in each case.

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

**89 13/00387/FULL – DEMOLITION OF CAR GARAGE AND SHOWROOM
AND PAIR OF SEMI - DETACHED HOUSES AND ERECTION OF 5 NO.
THREE BEDROOM AND 3 NO. FOUR BEDROOM HOUSES AND
ASSOCIATED ACCESS, CAR PARKING AND CAR PORT
(CONSERVATION AREA) (as amplified by plans received 21.03.14)
LAND AT JUNCTION OF GREEN ROAD AND LITTLE LANE
GOSPORT HAMPSHIRE PO12 2ET**

Consideration was given to the Report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 13/00387/FULL.

Members were advised that an additional letter of objection had been received since the publication of the report. The letter was from the same objector as contained within the report. The objector requested that the letter be read out to the Regulatory Board.

A copy of the letter and the Planning Officer's response to the letter were distributed to Members and the applicant prior to the start of the meeting. The Planning Officer read to the Board the issues raised in the letter and their response as follows.

- Do the garages mentioned in paragraph 11 have walls, if not there is potential for noise nuisance.

The Planning Officer advised that the garages would have walls.

- Why was it proposed to allow the application if the proposed garages are smaller than those set out within the SPD and whether approval is legal?
- Whether it is legal of the Local Highway Authority to accept the proposed development on the basis of insufficient car parking, viability splays, aisle widths and the absence of a contribution to Transport infrastructure, services and facilities
- The impact on future planning standards.
- The Gosport Society conclude that the failure to mention visitor parking spaces in contrary to the policy further emphasises the sub-standard of this development.

The Planning Officer advised that these matters were addressed in paragraph ten on page twelve of the grey pages, each planning application being determined on its own merits.

- The comments from the Economic Prosperity team were a contradiction.

The Planning Officer advised that this matter was addressed in paragraph two on page ten of the grey pages.

- The wording of paragraph one on page ten is misleading in that there are multiple trees and shrubs on the site. Building Control state that foundation depths may be affected by existing trees. Trees and Shrubs may have been removed by the developer and this may have been done without Conservation Area Consent. The wording of the report should be amended to reflect this.

The Planning Officer advised that there were a number of trees and shrubs on site but that none were worthy of formal protection, foundation depths required by the Building Regulations will take into account of previous and existing trees and planting both on and off the site.

- The wording of paragraph two, line one is misleading, the occupiers of the existing residential properties have been under pressure to leave the site which may have affected their willingness to object. Question fourteen of the application for states the site is vacant, which it is not. This does not instil confidence that the site has been properly marketed and suggests the applicant is trying to make the site more developable.

The Planning Officer advised that Tenancy agreements for existing occupiers on the site were a private legal matter. The site was not protected for employment purposes and in the local plan and nevertheless had been marketed since 2006.

- The wording of paragraph five, lines two and four raise concern. The position of the windows relative to the eaves look unnatural in architectural terms and do not represent the local vernacular. The requirement for energy efficient measures has been ignored and, nevertheless, is not a reason to ignore the architectural inadequacies of the proposed development.

The Planning Officer advised that the design was considered to be acceptable as set out in paragraphs three, four and five of the principal issues section of the report and there was no policy requirement for energy efficiency to be incorporated into the design.

- The wording of paragraph six, line one was misleading, there have been commercial operations at the site since 1950.

The Planning Officer advised that the report stated that the commercial operations have been on the site since 'at least' 1968 and it is accepted that development may have been present on the site since before this time.

- The wording of paragraph six, lines thirteen and fourteen cause concern as, although it is considered that the use is more consistent with surrounding development, other contrasts between the proposals and the surrounding areas have been ignored.

The Planning Officer advised that the design and impacts of the development were considered within the principal issues section of the report.

- The wording of paragraph seven, line twelve ignores the fact that there is insufficient car parking.

The Planning Officer advised that car parking was addressed within the report.

- The wording of paragraph seven, line thirteen does not consider that open car ports will magnify noise, be used for car maintenance and that noise does not travel in straight lines and will affect Charlotte Mews.

The Planning Officer advised that this matter was addressed within the report.

- Paragraph nine, lines one to three suggest that it is acceptable to allow development not compliant with current planning policy. The Local Plan Review sought to improve the planning standards and if the Local Planning Authority does not properly consider its policies an inspector may not take any notice at appeals.
- Plot one is detrimentally affected by the access road.

The relevant policies have been considered within the report and each application is determined on its own merits, taking all relevant planning matters into consideration. The car parking Supplementary Planning Document provides guidance to assist and is not policy.

- Concern regarding car parking conflict with the parish centre. Visitors may park in the parish centre car park.

Car Parking and Highway and pedestrian safety are addressed within the report.

- Recent vandalism to a local bus shelter and takeaway highlight opportunistic crime in the area.

The Planning Officer advised that lighting, to minimise the likelihood of opportunistic crime, is recommended to be secured by condition as set out in paragraph nine on page twelve of the grey pages.

- Indiscriminate car parking in the parish centre car park cannot be controlled by planning condition.

The Planning Officer advised that parking on private land was a private matter.

- Trees overhanging the access road may be impacted by large vehicles accessing the site.

The Planning Officer advised that an access route is established along the side of the site and any damage to private property was a private legal matter.

- The discussion regarding the Section 106 agreement ignores the fact that children may play on the green at the junction of Green Road and The Avenue, The nuisances and litter this may cause are ignored.

The planning Officer advised that the space in question is a protected open space already available for public use.

- The units may be subdivided in future or used as a hotel, hostel, or bed and breakfast or another socially undesirable use.

The Planning Officer advised that planning permission would be required for any future subdivision of the units and enforcement action could be considered in respect of any unauthorised change of use.

- Whether the granting of planning permission would undermine the Council's future policy position.

The Planning Officer advised that each application was considered on its own merits.

The letter also requested that some points raised in the earlier letter of representation regarding concern about the increase in access points to the site from Green Road, lack of car parking, noise and disturbance from the car port, likelihood of crime to cars within the carport, revisions made to the application not taking into account the previous objection and the requirements for archaeological surveys are brought to the attention of Members.

The Board were advised that there was no change to the recommendation set out in the report.

Mr Dyer, the applicant was invited to address the Board. He advised that he was surprised at the objection as the removal of the MOT testing garage would lead to a decrease in fumes and the removal of the contamination. He advised that the remaining tenant was not being forced out, and was being rehoused in a property of their choice for the same rent they were paying on their current property. The Board were advised that the site had been marketed for commercial use, but that there had been no interest in purchasing it.

Mr Dyer advised that a previous application for flats and a small Co-op had drawn opposition and that the applicant had worked hard to ensure that the proposal was an acceptable one.

RESOLVED: That application 13/00387/FULL – Land At Junction Of Green Road And Little Lane Gosport, be approved subject to the payment of a commuted sum towards public open space and management and mitigation against recreational disturbance and subject to the conditions in the report of the Borough Solicitor and Deputy Chief Executive.

90

**13/00559/FULL – ERECTION OF COASTAL SAFETY TRAINING HUB AND RESCUE STATION WITH TRAINING WALL AND ASSOCIATED ENGINEERING WORKS, ACCESS, CAR PARKING AND LANDSCAPING (as amplified by information received 20.01.14, 21.01.14 and 06.02.14 and amended by forms received 04.02.14)
DAEDALUS AIRFIELD CHARK LANE LEE-ON-THE-SOLENT**

HAMPSHIRE PO13 9FL

Consideration was given to the Report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 13/00555/FULL.

Members were advised that there was a proposed additional condition to be added to the proposal.

RESOLVED: That application 13/00559/FULL – Daedalus Airfield, Chark Lane, Lee-on-the-Solent, be approved subject to the conditions in the Report of the Borough Solicitor and Deputy Chief Executive and the additional condition listed below.

The development hereby permitted shall be carried out in accordance with the following approved plans:

LS01

EBG285227DA-P-001

EBG285227DA-P-002

EL(SK)00-00 Rev B

SK005 Rev A

SK006 Rev A

SK007 Rev A

SK11 Rev A

SK12 Rev A

SK13 Rev A

SK16 Rev A

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

**91 14/00105/FULL - ERECTION OF TWO STOREY SIDE AND FIRST
FLOOR REAR EXTENSION
3 CHARK COTTAGES SHOOT LANE LEE-ON-THE-SOLENT
HAMPSHIRE PO13 9PA**

Consideration was given to the Report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 14/00105/FULL.

The Board were advised that since the publication of the report, two letters of support for the application had been received; advising that the property would benefit from the work proposed by the application and would still be in character with the property and surrounding area.

The Planning Officer advised that the issues raised had been addressed within the report.

The Board were advised that there was no change to the recommendation as set out in the report.

Cate Mullen, the applicant was invited to address the Board.

She advised the Board that her and her partner were seeking approval for an amendment to their original plans which were approved in January of this year. She thanked the Board for the opportunity to speak and represent the views of both herself and her family.

Miss Mullen advised the Board that herself and her partner were born and brought up in the Borough and that they now had two children aged 6 and 3. Their eldest son attended the local infant school and their youngest son attended the attached pre-school. She advised that her partner was a stay at home parent and that in addition to this role he was also to undertake the building of the extension during school hours, as the project was a 'self build'.

The Board were advised that despite Miss Mullen's daily commute to work being nearly a 100 mile round trip they had always been committed to remaining in Lee On The Solent as they believed that it was a fantastic place to bring up a family.

She advised the Board that they had moved to Chark Cottages in June 2013 and loved the property as soon as they saw it and felt that it was their forever home. She acknowledged that there was a possibility that their children would remain with them into their 20s or beyond so were therefore keen for it to be a property they could grow into.

Miss Mullen advised that Chark Cottage had never previously been sold since being built, and understood that it was a tied cottage to the adjoining farmland. There were 3 pairs of cottages, 2 of which were demolished relatively recently leaving only theirs and their neighbours house. The cottage was built for a working family and it had been poorly maintained over the years, including an extension in the 1940s and some modernisation in the 50s/60s which involved a lot of artex. Other than the internal doors, no other original features remained. She advised the Board that they had not been able to find any photographs of the cottage to guide them to how it would have looked in the past and that the cottage was not Listed nor was it in a Conservation Area, however it was recognised that it had views across the Alver Valley and that they considered it to be in a nice location.

Miss Mullen advised that whilst in planning terms the house was considered to be Outside of the Urban Area, it was difficult to consider it to be so in real terms as when you looked at what surrounded the house. From the front windows the newly constructed college was very evident as would be the Innovation Centre which will be adjacent to it. In addition, running down the side of the house was the new road linking Lee-on-the-Solent to Gosport and on the other side of the road was the Cherque Farm development. She advised that they were not opposed to these factors, as development of the local area meant progress and financial benefits to the Borough that her family would benefit from, but acknowledged that they also however, meant changes to the landscape, traffic noise and other urban trappings.

The Board were advised by Miss Mullen that when the house was purchased it was known that it would need to be updated and extended to make it suitable for modern family living. The house currently had no upstairs bathroom and in order to make room for this an additional bedroom would be required. Pre-planning advice had been sought both before purchasing the house and afterwards and liaisons had taken place with the Planning Officer throughout. The application sought to add a bedroom upstairs and a living room downstairs. It was simple and therefore affordable in its design. The house

has no central heating and no means of accessing mains gas, meaning that in the long term it would need to be heated in a more sustainable way and that modern methods of doing this required significantly more space than more usual means, for example a combination boiler.

Miss Mullen advised that original plans had been approved for an extension with a width of 3.-5 metres, and that this would allow an internal measurement of approximately 3.2 metres. The Board were advised that a research had shown that with the exception of retirement properties which seem to be designed with a floor plan of a postage stamp, other comparable properties, three bedroom semi detached houses do not have living space akin to this. She advised that upon marking out the 3.5 metres demonstrated it would be a narrow living space and would compromise what it could be utilised for.

The Board were advised by Miss Mullen that the reason for requesting the amendment they was not that they were attempting to 'supersize' a Victorian cottage nor detract from its charms, or to spoil the location in which it was situated. It was not their intention to develop and then sell on the property. They were simply attempting to create a home for their family. The amendment sought an adjustment of 70cms. The impact of 70cm internally to them would be significantly greater in their opinion than the impact of 70cm externally.

Miss Mullen advised that she would like to comment upon some of the points made by the planning department for this meeting:

- The extension was subservient to the existing building by virtue of it being set well back from the existing front elevation and the dropped ridge line as per the plans
- The front gable would remain as the dominant visual feature, as they would want it to be – as to be able to look at the entire frontage of the house would require people to be in the front garden as the planting at the front and side of the property made this view rather challenging to obtain
- That they could not see how an additional 70cm could impact negatively upon the appearance or character of the Strategic Gap, and would contest this; and
- That they would be very happy to plant some indigenous trees upon the western boundary and northwest corner to reduce the potential visual prominence of the building from the road which is public realm.

Miss Mullen concluded that the additional 70cm was described as rendering their amendment as 'excessive' in its width and that she had very little knowledge of planning terms and laws but wondered if the use of the term 'excessive' to describe the plans was a subjective opinion of the planning department rather than an objective application of planning terminology or law and that it seemed curious that an application could move from approval at 350cm to being viewed as 'excessive' with the addition of 70 further centimetres.

She reinstated that the purpose of the amendment and the original plan was to allow them to provide a modern family home which would serve them as their family grew up. The sole focus of the amendment and the department's reason for recommending refusal was a 70cm increase to the original plan.

Members sought clarification as to why the applicant had originally only applied for an extension width of 350cm, when it was deemed to be too narrow for a family size extension. The applicant advised that the Planning Officer had advised that 350cm would be an acceptable width for an extension so that was the application they had made. As the proposal was a self build, it was only when the proposal was measured out they realised it was too small for their needs.

Members sought clarification as to whether there were any other amendments, or whether it was just a proposed increase in the width of the extension.

The Head of Development Control clarified that the proposal was for an increased width of 70cm and that design was a subjective matter, however, approval had previously been given to an application that respected the existing symmetrical design, with gables paired in the middle of the properties which was in line with the Supplementary Planning Document guidance. The Board were advised that although 0.7m might not seem a significant width, it would emphasise the width of the building, rather than allowing the gables to be the focus creating a horizontal emphasis, rather than the vertical emphasis retained within the original proposal.

A Member noted that the applicant had admitted that the previous extension was too small and that they were hoping to 'push the envelope' by submitting an application for a larger extension and expressed concern that should the application be refused the applicant would appeal and if the appeal was won, Gosport Borough Council would be liable for costs.

It was proposed, seconded and subsequently voted on and agreed by the Board that the application be approved.

RESOLVED: That application 14/00105/FULL – 3 Chark Cottages, Shoot Lane, Lee-on-the-Solent, be approved and delegated authority be granted to the Borough Solicitor and Deputy Chief Executive and planning officers to add appropriate conditions.

**92 14/00071/FULL – ERECTION OF ENCLOSED DECKED AREA
PEBBLE BEACH BISTRO STOKES BAY ROAD GOSPORT
HAMPSHIRE PO12 2BL**

Consideration was given to the Report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 14/00071/FULL.

RESOLVED: That application 14/00071/FULL – Pebble Beach Bistro, Stokes Bay Road, Gosport, be approved subject to the conditions in the Report of the Borough Solicitor and Deputy Chief Executive.

93 ANY OTHER BUSINESS

The Chairman advised that this would be his last meeting Chairing the Regulatory Board

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and that he had found it both interesting and challenging. He expressed thanks to the Planning Officers for the work they had undertaken during the period of his chairmanship and extended thanks to the Borough Solicitor and Deputy Chief Executive and to his Vice-Chairman for their support over the last Municipal Year.

The meeting concluded at: 6.50pm

CHAIRMAN