

**A MEETING OF THE REGULATORY BOARD  
WAS HELD ON 19 JANUARY 2016 AT 6PM  
*Subject to Approval***

The Mayor (Councillor Farr)(ex-officio); Chairman of the P & O Board (Councillor Hook), Councillors Allen (P), Bateman, Carter (P), Dickson (P), Ms Diffey (P), Hicks (P), Hazel (P), Mrs Hook (P), Jessop, Langdon (P), Mrs Wright (P) and Wright (P)

**It was reported that in accordance with Standing Order 2.3.6, Councillors Burgess and Hook had been nominated to replace Councillors Bateman and Jessop for this meeting.**

**76. APOLOGIES**

Apologies for inability to attend the meeting were received by Councillors Bateman and Jessop.

**77. DECLARATIONS OF INTEREST**

- Councillor Dickson declared a personal interest in respect of item 1 of the grey pages of the report of the Borough Solicitor and Deputy Chief Executive.
- Councillors Hook and Mrs Hook declared a disclosable pecuniary interest in respect of item 7 of the grey pages of the report of the Borough Solicitor and Deputy Chief Executive.

**78. MINUTES**

**RESOLVED:** That the Minutes of the Regulatory Board meeting held on 8 December 2015, be approved and signed by the Chairman as a true and correct record.

**79. DEPUTATIONS**

Deputations had been received on the following items:

- Item 1 of the grey pages – 15/00309/FULL – 5 Rosemary Walk
- Item 2 of the grey pages – 15/00620/FULL – Block NM7 Royal Clarence Yard
- Item 4 of the grey pages - 15/00432/FULL – 154 Fareham Road, Gosport
- Item 6 of the grey pages – 15/00589/FULL – 36 Lester Road, Gosport
- Item 7 of the grey pages – 15/00355/FULL – Bagot House, Melrose Gardens, Gosport

**80. PUBLIC QUESTIONS**

There were no public questions.

**PART II**

**81. 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.

**RESOLVED:** That a decision be taken on each application for planning consent as detailed below:

**82. 15/00309/FULL – ERECTION OF PART SINGLE, PART TWO STOREY  
REAR EXTENSION (as amended by plans received on 28.08.15)  
5 Rosemary Walk, Lee-on-the-Solent**

**Councillor Dickson declared a personal interest in respect of this meeting; he left the meeting room and took no part in the discussion or the voting thereon.**

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 15/00309/FULL.

Mrs Hewitt was invited to address the Board.

Members of the Regulatory Board had undertaken a site visit at 2:30 today at the application site which included viewing the application site from No. 4 Smeeton Close.

Mrs Hewitt thanked Members for the opportunity to represent residents who would be affected by the proposed planning application. She advised that she lived at no. 4 Smeeton Road which directly backed onto no. 5 Rosemary Walk.

Mrs Hewitt advised the Board that she felt the nature of the development; a two storey building would be out of character in the area. She further advised Members that the proposed separation distance of 17.8 metres between her property and the proposed development did not comply with the Councils Design Supplementary Planning Document, whereby the guidance advised that a minimum separation distance between properties should be 21 metres. She further advised that if this application was approved, it would set an undesirable precedent in the area.

In conclusion, Mrs Hewitt asked Members to consider the implications the excessive size of the proposed development would have on surrounding properties, including the restriction of light to her property and the impact of the loss of privacy she would experience by being overlooked in her back garden.

The Applicant Mr Uma was invited to address the Board but declined.

A Member raised concerns with the loss of light and overshadowing to no. 3 and no. 7 Rosemary Walk and queried whether the 17 metre separation distance proposed between the development and no. 4 Smeeton Road was acceptable.

The Planning Officer advised Members that when the assessment of the application was carried out it had been considered that the impact to neighbouring properties in terms of loss of light would be limited due to the reduced depth of the first floor extension and its northern orientation.

The Planning Officer further advised that each application was considered on its own merits and that it had been considered that the proposed development would not have a harmful impact on the occupiers of 3 and 7 Rosemary Walk and no. 4 Smeeton Road.

Following discussions, Members felt that the development would have an unacceptable, overbearing impact on the occupiers of the adjacent properties and would result in harmful overlooking of and loss of privacy to the occupiers of number 4 Smeeton Road and harmful overshadowing and loss of light to and outlook from numbers 3 and 7 Rosemary Walk

It was proposed and seconded that by reason of the proposals size, design and inadequate separation distance to the neighbouring properties, that the planning application be refused. A vote was taken on this proposal and subsequently agreed.

**RESOLVED:** That planning application 15/00309/FULL, be refused for the following reason:

The proposed extension, by reason of its size, design and inadequate separation distance to the neighbouring properties, would have an unacceptable, overbearing impact on the occupiers of the adjacent properties and would result in harmful overlooking of and loss of privacy to the occupiers of number 4 Smeeton Road and harmful overshadowing and loss of light to and outlook from numbers 3 and 7 Rosemary Walk, contrary to Policy LP10 of the Gosport Borough Local Plan 2011-2029 and the Gosport Borough Council Design Guidance SPD 2014.

**83. 15/00620/FULL – ERECTION OF BUILDING (NM7) COMPRISING 55 NO. FLATS WITH ASSOCIATED ACCESS AND CAR PARKING (CONSERVATION AREA) (as amplified by information received 15.12.15 and amended by information received 18.12.15)  
Block NM7 Royal Clarence Marina Weevil Lane, Gosport**

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive requesting that consideration be given to planning application 15/00620/FULL.

Mr West was invited to address the Board.

Members were advised that since the publication of the report one further letter of objection had been received which raised concerns that there was insufficient capacity within the sewerage system and any costs of upgrading it should not fall to existing residents. The Planning Officer advised that the matter of capacity was already addressed in the Officer report and a condition was proposed to secure appropriate details whilst the future management and maintenance of the sewerage system was a civil matter between landowners and, in this instance, Southern Water.

Mr West advised the Board that he was a resident at Royal Clarence Yard and felt that the application failed to address the issues with the under provision of parking at the North end of the Royal Clarence Yard site further advising that the application failed to meet the parking standards set out in the Local development plan: Supplementary Parking Design.

Mr West advised Members that he felt that if the applicant was to consider providing underground parking then this would have addressed the issues at the North end of the site.

Mr West raised concerns with the transport assessment document the applicants had provided which he felt erroneously referred to a regular bus service along Mumby Road. He advised Members that there was no regular bus services and stated that the distance from the centre of the NM7 plot which was the proposed entrance, to the nearest public transport was a 15 minute walk to an Eclipse bus stop and an 18 minute walk to the Gosport Ferry.

In conclusion Mr West felt that the developer should not be permitted to reduce the parking provision for the NM7 block below the standards set out in the Parking Supplementary Planning Document.

The agent, Olivia Forsyth was invited to address the Board.

Mrs Forsyth advised the Board that the new building would be reduced in height to a maximum of 4 storeys to respond more positively to the historic context of Royal Clarence Marina. Mrs Forsyth further advised the Board that 43 unallocated parking would be provided via the permit system within North Meadow car park with visitor parking available on Cooperage Green.

Following discussions, Members sought clarification with regards to how many parking spaces were available to residents on the site and whether the overall parking position of the site as a whole met the required parking standards. The Planning Officer confirmed that parking spaces proposed to be provided were in accordance with the approved 2015 Car Park Management Plan. Therefore, whilst the proposal was 3 parking spaces short of the standard advocated by the Parking Supplementary Planning Document significant weight must be given to the fall back position.

Following discussions, it was proposed and seconded that this application be deferred so that additional information regarding vehicular parking could be provided. A vote was taken on this

proposal and subsequently agreed.

**RESOLVED:** That planning application 15/00620/FULL, be deferred.

**84. 15/00183/FULL – ERECTION OF 13 NO. DWELLINGS WITH ASSOCIATED ACCESS, CAR PARKING AND WORKS TO BOUNDARY WALLS AND WALLS WITHIN THE BOUNDARY (CONSERVATION AREA) (as amended by additional information received 15.06.15, 17.08.15 and 10.12.15)  
ROYAL CLARENCE YARD G1-G3 Block Weevil Lane Gosport**

Members were advised that Environmental Health Officers had now confirmed that with regard to land contamination, the application site had been the subject of remediation works and a verification report had been agreed resulting in no requirement for any further investigation or mitigation. Therefore, the recommendation remained for approval but proposed conditions 16, 17 and 18 were no longer required and would be deleted as condition 19 (which deals with the discovery of any unexpected contamination) would be sufficient.

It was proposed and seconded that this application be deferred so that additional information regarding vehicular parking could be provided. A vote was taken on this proposal and subsequently agreed.

**RESOLVED:** That planning application 15/00183/FULL, be deferred.

**85. 15/00432/FULL – ERECTION OF A DRIVE-THROUGH RESTAURANT (CLASS A3/A5) WITH EXTERNAL SEATING AREA, TOGETHER WITH ASSOCIATED ACCESS AND CAR PARKING  
154 FAREHAM ROAD GOSPORT**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00432/FULL.

Members were advised of an amendment to condition 2 (plans) as follows: 9811 02 Rev C (not REV B) to correct the scale shown.

Members were advised of an update to condition 9 to state:

- The development, hereby permitted, shall not be brought in to first use until the equipment set out in the submitted technical note on noise (6323/pja dated 16 September 2015), **the Trion T4002 unit in single pass form as** specified in the submitted Trion Air Purification System document (as received 26 August 2015) and equipment specified in the UV-C and UV-O Odour Control Technology document (as received 26 August 2015) have been installed and are operational. The equipment shall be retained and operated in accordance with the submitted information unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To protect the amenities of surrounding properties, and to comply with Policies LP10, and LP46 of the Gosport Borough Local Plan, 2011-2029.

Ms Catherine Stephens was invited to address the Board. She advised Members that she was speaking on behalf of the Applicants that were a franchise of Burger King.

Ms Stephens advised Members that the original plan for a coffee shop located on the site had received no interest. Burger King had expressed a strong interest in the site and that it was now proposed to build a drive-through restaurant on the land to be operated by Burger King which would ensure that the land was developed and did not lie dormant.

Ms Stephens further advised the Board that this application would provide a mix of job opportunities and create approximately 35 new jobs.

Members were advised by Ms Stephens that Burger King were committed to minimising the impact of its operations on the local environment and given the central location of the unit it was felt that there would not be any adverse impact on parking, traffic or residential amenities.

Following a question from a Member, Ms Stephens confirmed that Burger King Restaurants had mechanical ventilation systems that were designed and installed to be as environmentally friendly as possible to reduce noise and odour.

A Member asked for clarification on how Burger King would manage litter on the site and it was confirmed by Ms Stephens that Burger King encouraged the control and management of waste, recycling and litter at all their sites and that they would be willing to engage with local residents to overcome any problems. It was further advised that there would be litter patrols at the restaurant where nominated staff members would undertake regular litter patrols outside of the building, and the vicinity of the site.

A Member expressed concern with the lack of signage on site in particular Barwell Lane signage not being visible from the carpark. The Planning Officer advised that this would be investigated.

Following discussions, it was proposed and seconded that either a Section 106 Agreement or a planning condition be imposed to control the management of litter from the site. A vote was taken and subsequently agreed.

**RESOLVED:** That planning application 15/00432/FULL, be approved subject to a Section 106 agreement or condition to secure the provision of litter bins and litter picking within the site and along Fareham Road in accordance with a scheme to be submitted to and approved by the Local Planning Authority and subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive with Condition 9 amended as follows :-

- The development, hereby permitted, shall not be brought in to first use until the equipment set out in the submitted technical note on noise (6323/pja dated 16 September 2015), **the Trion T4002 unit in single pass form as** specified in the submitted Trion Air Purification System document (as received 26 August 2015) and equipment specified in the UV-C and UV-O Odour Control Technology document (as received 26 August 2015) have been installed and are operational. The equipment shall be retained and operated in accordance with the submitted information unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - To protect the amenities of surrounding properties, and to comply with Policies LP10, and LP46 of the Gosport Borough Local Plan, 2011-2029.

**86. 15/00230/FULL – ERECTION OF BUILDING TO PROVIDE 4 NO. TWO BEDROOM FLATS, 1 NO. MAISONETTE AND 1 NO. ONE BEDROOM FLAT WITH ASSOCIATED PARKING BUN AND CYCLE STORAGE AND LANDSCAPING (as amended by plans received 05.11.15) 111 ELSON ROAD GOSPORT**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00230/FULL

Members were advised that there were no updates.

Members welcomed the development but expressed concerns with a neighbouring site which remained in disrepair.

**RESOLVED:** That planning application 15/00230/FULL, be approved subject to a Section 106 agreement relating to the payment of a commuted sum towards infrastructure, services and facilities to secure transport and green infrastructure improvements; the payment of a commuted sum towards measures to mitigate the impact of increased recreational activity on Special

Protection Areas and subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

**87. 15/00589/FULL – DEMOLITION OF EXISTING DETACHED GARAGE AND ERECTION OF DETACHED OUTBUILDING (as amplified by plan received 30.11.2015)  
36 LESTER ROAD GOSPORT**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00589/FULL.

Members were advised that there were no updates.

The Applicant Mr Barker was invited to address the Board. He advised Members that the purpose of this application was to accommodate his large family as they had limited space and storage to cover their needs.

Mr Barker advised Members that when making the application he had tried to be mindful of nearby neighbours and car parking issues. He also advised the Board that he did not wish for the proposed works to have any overbearing impact on neighbours however, he could not afford to move so felt the next best thing was to expand the property for his family.

**RESOLVED:** That planning application 15/00589/FULL be refused for the following reasons(s):-

1. The proposed outbuilding, by reason of its excessive height and scale, would have a harmful impact upon the character and appearance and the overall visual amenity of the area. As such, the proposal is contrary to Policy LP10 of the Gosport Borough Local Plan and the Design Guidance: Supplementary Planning Document.
2. The proposed outbuilding, by reason of its excessive height and scale, would have an overbearing impact on the occupiers of nos. 34 and 38 Lester Road contrary to Policy LP10 of the Gosport Borough Local Plan and the Design Guidance: Supplementary Planning Document.

**88. 15/00355/FULL – ERECTION OF PART TWO STOREY AND PART SINGLE STOREY DETACHED BUILDING TO PROVIDE 10. NO. ONE BEDROOM FLATS INCLUDING A COMMUNAL LOUNGE, WASTE STORAGE AND PARKING FOLLOWING DEMOLITION OF EXISTING BUILDING (CLASS C2) (as amended by email and plans received on 11.12.15)  
BAGOT HOUSE MELROSE GARDENS GOSPORT**

**Councillors Hook and Mrs Hook declared a disclosable pecuniary interest in respect of this item; they left the meeting room and took no part in the discussion or the voting thereon.**

**Councillor Carter chaired the meeting for this item.**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00355/FULL.

Members were advised that since the publication of the agenda, one further letter of representation had been received.

The Planning Officer advised that the letter highlighted issues of drainage and possible damage to adjacent property had been amplified in addition to those already noted and addressed in the report. The existing recommendation included a proposed condition requiring details of both the foul and the surface water drainage arrangements for the site and that possible damage to adjoining property was not a material planning consideration. No amendment to the recommendation was therefore proposed.

The Chairman invited Mr Penfold to address the Board. He was not present at the meeting.

The Applicant Mrs Anne Taylor and Agent Mr Bloomfield were invited to address the Board.

Mrs Taylor advised Members that she was the Chief Executive of the Thorngate Trust and was proud that the Thorngate Trust had remained true in providing comfort and security to those in need and were committed to developing the highest standards of housing and professional care.

Mrs Taylor further advised that the majority of residents were over 78 years old with mobility problems, this new scheme would alleviate storage issues as mobility scooters could be stored by resident's front doors.

Mr Bloomfield advised that following pre-application consultations the initial 13 units had been reduced to 10 flats.

Mr Bloomfield advised Members that the design process had focused on type and size layout principles. The proposed single storey building would not overlook neighbours due to the 6ft fence screening.

In conclusion, Mr Bloomfield advised that this application site was highly sustainable providing exceptional care facilities to the community.

**RESOLVED:** That planning application 15/00355/FULL, be approved subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

**89.           15/00466/GR3 – REGULATION 3 – INSTALLATION OF NEW CAR PARK, ALTERATIONS TO EXISTING CAR PARK AND ACCESS, INSTALLATION OF PATHS AND CYCLEWAY WITH ASSOCIATED BARRIERS, LANDSCAPING AND DRAINAGE (as amplified by e-mail dated 17.11.15 and amended by plan received 04.01.16)  
ALVER VALLEY COUNTRY PARK CAR PARK GRANGE ROAD GOSPORT**

**Councillors Hook and Mrs Hook returned to the room and Councillor Mrs Hook chaired the meeting.**

Consideration was given to the report of the Borough Solicitor and the Deputy Chief Executive requesting that consideration be given to planning application 15/00466/GR3.

Members welcomed the application and felt that this would complement the western site additions that were planned.

**RESOLVED:** That planning application 15/00466/GR3, be approved subject to the conditions of the report of the Borough Solicitor and Deputy Chief Executive.

**90.           ANY OTHER BUSINESS**

Members were advised that the Planning Inspectorate had dismissed the appeal at the Former Cordite Magazine, Britannia Way (15/00165/FULL). The Inspector gave significant weight to the comments of the Local Plan Inspector relating to the open space and nature designations of the site within the recently adopted Local Plan and dealt with the principle of the development in addition to commenting on the proposed mitigation measures.

The meeting concluded at 19:36

CHAIRMAN