

**A MEETING OF THE REGULATORY BOARD  
WAS HELD ON 11 DECEMBER 2007**

The Mayor (Councillor Gill) (ex-officio), Chairman of the Policy and Organisation Board (Councillor Cully) (ex-officio), Councillors Allen (P), Carter (P), Chegwyn (P), Davis (P), Farr (P), Foster, Hicks (P), Taylor (P), Train (P) and Ward.

It was reported that, in accordance with Standing Order 2.3.6., notice had been received that Councillor Hook would replace Councillor Foster for the duration of this meeting.

**117 APOLOGIES**

Apologies for inability to attend the meeting were received on behalf of the Mayor and Councillors Cully, Foster and Ward.

**118 DECLARATIONS OF INTEREST**

- Councillor Carter declared a Personal and Prejudicial interest in item 6/04 (K9913/63 - Fort Blockhouse)

**119 MINUTES**

RESOLVED: That the Minutes of the Regulatory Board meeting held on 13 November 2007 be approved and signed by the Chairman as a true and correct record.

**120 DEPUTATIONS**

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

- Item 6/01 – K17320/1 – 6, 7 & 8 Marine Parade West, Lee
- Item 6/02 – K17387 – Land At Lederle Lane, Gosport

**121 PUBLIC QUESTIONS**

No public questions had been received.

## **PART II**

### **122 REPORT 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 decisions be taken on each application for planning consent as detailed below:

#### **123 K17320/1 - ERECTION OF 4 STOREY BLOCK OF 14 FLATS WITH ASSOCIATED CAR AND CYCLE PARKING (as amended by plans received 07.09.07) 6, 7 & 8 Marine Parade East Lee-On-The-Solent**

It was noted that Members had attended an informal site visit to assess issues which included: the separation distance between the application site and consequent effect on amenities of occupiers of neighbouring properties; the width and accessibility of the access road, and the impact of the proposal on the character of the area. Officers distributed and summarised to Members a document prepared by a consultant on behalf of the applicant which assessed possible impact as a result of loss of light to Bembridge Lodge. Members were informed that an additional letter of objection had been received which reiterated concerns previously raised.

Mrs Duffy was invited to address the Board as an objector to the application. Mrs Duffy read out a letter submitted by a neighbour, and which was also endorsed by the Lee Residents Association. She felt that the planning report was inaccurate and needed revision in order for Members to make a decision. She added that the proposal contravened policies contained in the Gosport Borough Local Plan, and would set a bad precedent for development on Marine Parade East if approved.

Mrs Roast was invited to address the Board as an objector to the application. Mrs Roast was representing the Lee Residents Association who felt that the report did not properly consider policies contained in the Local Plan and Marine Parade Supplementary Planning Document. She felt that the proposed development was too high, out of scale with surrounding properties and not in character with the rest of Marine Parade East. Mrs Roast added that there was to be a meeting between the Chief Executive, Lee Residents Association and planning officers in due course to discuss problems with the report.

Mr Shepherd was invited to address the Board as an objector to the application. He stated that planning guidelines had not been adhered to with the design of the application. Mr Shepherd believed that there would be a negative impact on neighbours, and a loss of light to his property. He desired a design that aimed to preserve the character of the area.

Mr Fenner, from Roxan Construction, was invited to address the Board in support of the application. He stated that due to the sensitivity of the area he had been in contact with the Conservation Officer for 18 months in an attempt to find a solution within the guidelines of the planning brief. In response to concerns over loss of light to Bembridge Lodge, a report

had been commissioned and had been made available to Members prior to the meeting which concluded that there would be no loss of light to Bembridge Lodge. He clarified the distance of the proposal from the footpath and road and stated that refuse could easily be collected from either the front or rear of the property. He believed that the flat roof style of the proposal was in keeping with Art Deco style properties that were built in more recent decades to the properties that possessed pitched roofs. In response to a question, Mr Fenner confirmed that the flat roof had a 10 year warranty and would not need to be treated for 20 years, with a service charge built in to cover future repairs and maintenance.

Councillor Burgess was invited to address the Board as the Ward Councillor for Lee East. He referred to the Marine Parade Supplementary Planning Document and stated that he did not believe the design of this application to be in keeping with the character of the area.

Members considered the loss of light to neighbouring properties, the position of the building line, the design of the application, the style of the roof in relation to surrounding properties and the height of the proposal. Some Members felt that the design of the building should be more innovative and not attempt to match 60s and 70s style designs. It was moved that the application should be refused on the grounds of an inappropriate roof form and as the design of the proposal did not reflect the special character of Marine Parade East, which would be contrary to Policies R/DP1 and R/DP10 of the Gosport Borough Local Plan Review; A vote was taken on the proposal and the application was refused.

RESOLVED: That application K17320/1 – 6, 7 & 8 Marine Parade East, Lee-On-The-Solent

1. be refused for the following reason.
  - i. The development by reason of its design, and in particular the inappropriate roof form, does not reflect the special character of Marine Parade East and as such would significantly harm the appearance of the area contrary to Policies R/DP1 and R/DP10 of the Gosport Borough Local Plan Review and the Marine Parade Area of Special Character Supplementary Planning Document.
2. authority be delegated to the Borough Solicitor to negotiate and enter into a Section 106 Agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space as without this agreement an additional ground for refusal would be raised.

**124 K17387 - ERECTION OF PLANT FOR THE PRODUCTION AND SUPPLY OF READY MIXED CONCRETE (PLOT 2) (as amended by plans received 16.11.07)  
Land At Lederle Lane Gosport Hampshire**

Mr Ward, a planning agent chosen to represent neighbouring businesses, was invited to address the Board in objection to the application. Mr Ward commented on the upmarket nature of the industrial park and the number of jobs that had been created and sustained in the Town by the resident businesses. He estimated that upgrades that would need to be made to his client's businesses in order to ensure their continued good function would come at a significant cost. He believed the work of Cemex to be intrinsically dusty and was concerned with their previous environmental record. In response to the report of the

Development Services Manager, he stated that a B2 use site was not an 'anything goes' site, and referred to policies listed in the Local Plan to support his view that the application should be refused.

My Norbury, Managing Director of Seldon Masts Ltd, was invited to address the Board in objection to the proposal. He drew Members attention to the potentially catastrophic impact that cement dust could have on his aluminium business. Aluminium was said to be rendered useless once it had come into contact with cement dust, and any minor contamination could prove to be dangerous as it would be unidentifiable until it was exposed to salt water, as was the nature of the boat masts they produced. He added that although Cemex had offered assurances that upgrades would be made to neighbouring businesses to negate possibilities for contamination, his company saw this as an admission that things could go wrong in the future. In response to a question, Mr Norbury stated that his company yard area was 20 metres away from the proposed Cemex site and that there was 80 metres between each of the building's rear doors.

Mr Frost, Head of Planning at Cemex, was invited to address the Board in support of the application. He acknowledged that there was always a possibility that dust could escape from a cement plant, but that every opportunity would be taken to prevent this from happening. He stated that a safety permit would be needed before any work could commence and that all concerns had been addressed in previous letters submitted to planning officers, as detailed in the report of the Development Services Manager. In response to a question, Mr Frost confirmed that the HGVs used to transport aggregate would take 20 tonne loads and that there would be one cement tank delivery a day. The majority of HGV movements would be made by cement mixer lorries. He offered that conditions could be enforced by Members of the Board to control the movements of transport HGVs. Mr Frost also confirmed that there would be 4 staff on site at any one time.

Members discussed the impact on highway safety that the proposal could have, as well as the potential loss of amenities to nearby residents and surrounding businesses. Officers clarified that there was always the potential for a less clean business that fell within the realms of a B2 use to take a plot on the site and that there was no particular planning policies within the Gosport Borough Local Plan which could apply to this situation, although the Board could consider the impact on amenities of other users and residents in the area. Members were concerned about the potential loss of jobs and the negative impact on the amenities of surrounding businesses and residents.

Members felt sorry that Cemex was not being welcomed as a new business in the Borough, but were also concerned that the resulting mix of businesses would not be compatible with one another. Members were of the opinion that a better site could be found within the Borough for Cemex to operate from and hoped that, rather than begin an appeal process in the result of a refusal, Cemex would attempt with the Council to find a more suitable location. It was moved that the application should be refused as it would have a detrimental impact on the character, appearance and environment of the area which would likely cause a significant harmful effect on other business operations in the vicinity, contrary to Policies R/EMP5 and R/DP1 of the Gosport Borough Local Plan Review; A vote was taken on the proposal and the application was refused

RESOLVED: That planning application K17387 – Land at Lederle Lane, Gosport be refused for the following reason:

- i The development, by reason of the nature of the operation, dust arising from the open storage and transport of materials to the site, and the potential release of cementitious dust, will have a detrimental impact on the character, appearance and environment of the area which is likely to have a significant harmful effect on other business operations in the vicinity. As such the proposal is contrary to Policy R/EMP5 and R/DP1 of the Gosport Borough Local Plan Review.

**125 K17440 – ERECTION OF 3 STOREY NURSING HOME AND 3 STOREY HEALTH RELATED OFFICE BUILDING WITH ASSOCIATED ACCESS AND PARKING (as amended by information received 26.10.07 and plans received 28.11.07)  
Land Adjacent To Huhtamaki Rowner Road Gosport Hampshire PO13 0PR**

RESOLVED: That planning application K17440 – Land Adjacent to Huhtamaki, Rowner Road, Gosport be deferred for a site visit.

**126 K9913/63 – ERECTION OF BOATSHED (AMENDED DESIGN TO K9913/61) (CONSERVATION AREA) (as amplified by Flood Risk assessment received 2.11.07, Ground Condition Assessment Report received 14.11.07) and photomontages received 9.11.07)  
Fort Blockhouse Dolphin Way Gosport Hampshire PO12 2AB**

**Note: Councillor Carter declared a Personal and Prejudicial interest in this item, left the room and took no further part in the discussion or voting thereon.**

RESOLVED: That planning application K9913/63 – Fort Blockhouse, Dolphin Way, Gosport be approved subject to the conditions set out in the report of the Development Services Manager, for the following reason.

- i. The development is for the reprovision of existing MOD facilities which will preserve and enhance the conservation area and through appropriate mitigation measures will not have an adverse impact on water quality, controlled waters or human health, or on any features of archaeological importance. It does not pose an increased risk to people and property as a result of flooding or a hazard to highway safety. As such the development complies with Policies R/MOD1, R/BH1, R/BH2, R/BH8, R/OS10, R/OS11, R/ENV1, R/ENV2, R/ENV5, R/ENV1 and R/T11.

**127 K12430/5 – ERECTION OF TWO/THREE STOREY BLOCK OF 5NO. FLATS WITH CAR PARKING (as amplified by letter and ecology report received 22.08.05, Flood Risk Assessment received 23.10.07, letters dated 19.01.06, 27.11.06, 6.12.06 and 24.5.07 and plans received 20.01.06, 29.11.06 and 30.5.07)  
Dolman Hall Old Road Gosport Hampshire**

Members were informed that 3 additional letters of objection had been received but no new issues had been raised.

RESOLVED: That planning application K12430/5 – Dolman Hall, Old Road, Gosport be refused, for the following reasons.

- i. The proposal, by reason of its design, layout, mass and density would be out of keeping with the established form and pattern of development in the area and would provide minimal private amenity space for occupiers. As such the proposal represents an overdevelopment of the land available and town cramming, contrary to Policies R/DP1 and R/H4 of the Gosport Borough Local Plan Review.
- ii. Having regard to the prominent location of the site, the proposal by reason of its design, height and overall mass would have a detrimental affect on the character and appearance of the area and the Coastal Zone. As such the proposal is contrary to Policies R/DP1 and R/CH1 of the Gosport Borough Local Plan Review.
- iii. Having regard to its orientation and its relationship to the adjoining development the proposal, by reason of its design, height and overall mass would result in an unsatisfactory living environment for existing and prospective residents in terms of light, outlook and privacy, contrary to Policies R/DP1 and R/ENV10 of the Gosport Borough Local Plan Review.
- iv. The proposal does not make satisfactory provision for refuse storage, contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
- v. The proposal does not make satisfactory provision for pedestrian or vehicle access, or access for people with disabilities, contrary to Policies R/DP1, R/T2, R/T3, R/T10 and R/T11 of the Gosport Borough Local Plan Review.
- vi. Insufficient information has been submitted on the proposed replacement sea wall and the relocation of the existing slipway to identify and assess the possible impacts on the SSSI, SPA and Ramsar Site. As such, the proposal is contrary to Policies R/OS10, R/OS11, R/OS13 and R/CH6 of the Gosport Borough Local Plan Review.
- vii. The possible risks from contamination have not been fully identified and assessed and therefore the suitability of the site for residential development and possible impact on the SSSI/SPA/Ramsar Site are currently unknown. As such, the proposal is contrary to Policies R/DP1, R/ENV5, R/OS10, R/OS11 and R/OS13 of the Gosport Borough Local Plan Review.
- viii. Insufficient information has been submitted to fully consider the risk to and from the development of flooding, contrary to Policies R/ENV1, R/DP1 and R/CH1 of the Gosport Borough Local Plan Review.

**128 K7208/3 - ERECTION OF ADDITIONAL STOREY (2ND FLOOR) TO FORM RESIDENTIAL FLAT, SINGLE STOREY REAR EXTENSION TO SHOP AND ERECTION OF THREE STOREY DETACHED BUILDING AT REAR TO FORM 2NO FLATS (as amended by plans received 12.07.07 and 20.09.07)  
145-147 High Street Lee-On-The-Solent**

RESOLVED: That planning application K7208/3 – 145-147 High Street, Lee-On-The-Solent be approved subject to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space 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 assist in providing a variety of residential accommodation to meet the housing needs of the Borough within an accessible Town Centre location. It will not be detrimental to the viability of the existing retail unit. Due to the appropriate design of the proposal it will improve the visual amenities of the area and will not have a detrimental impact on the amenities of neighbouring or prospective occupiers. Adequate provision is made for open space, car parking and cycle and refuse storage. As such the development complies with Policies R/DP1, R/DP7, R/S3, R/S6, R/S7, R/H4, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

**129 K14416/1 - ERECTION OF TWO PAIRS OF SEMI-DETACHED DWELLINGS (as amended by plans received 23.11.07)  
Land Adjacent To 90 Green Crescent Gosport Hampshire**

Members were informed that 4 letters of objection had now been received which raised concerns over the position of the southern boundary; the loss and condition of the existing garages; overlooking and loss of sunlight to neighbouring properties; a previous refused application and the affect on property values.

RESOLVED: That planning application K14416/1 – Land Adjacent To 90 Green Crescent, Gosport, be deferred for a site visit.

**130 K17475 - ERECTION OF 2NO. TWO BED DWELLINGS WITH AMENITY SPACE AND CYCLE PARKING (CONSERVATION AREA) (as amended by plan received 29.22.2007)  
Land To The Rear Of 94-96 High Street Gosport Hampshire PO12 1DS**

Members were informed that amended plans had been received showing a window at ground floor level on the southern elevation and that comments had now been received from the Gosport Society, Environmental Health, Building Control, Streetscene and Traffic Management and no objections had been raised. The Environment Agency had also queried a number of technical issues,

RESOLVED: That planning application K17475 – Land To The Rear Of 94-96 High Street, Gosport,

1. be approved subject to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space 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 proposed development is acceptable in this location. Due to its appropriate design, density and layout, the proposed development will enhance the character and appearance of the Conservation Area. It will not have a detrimental impact on the setting of adjacent Listed Buildings or the amenities of neighbouring or prospective occupiers. Adequate provision is made for open space, cycle and refuse storage and flood risk. As such, the development complies with Policies R/DP1, R/BH1, R/BH3, R/H4, R/S6, R/S7, R/T2, R/T11, R/DP8, R/ENV1, R/ENV14, R/ENV15 and R/OS8 of the Gosport Borough Council Local Plan Review.
2. authority be delegated to the Head of Development Control to issue the decision subject to the satisfactory resolution of the technical issues raised by the Environment Agency.

The meeting commenced at 6pm and concluded at 7.37pm

CHAIRMAN