

A MEETING OF THE REGULATORY BOARD

WAS HELD ON 13 MARCH 2007

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

179 APOLOGIES

Apologies for inability to attend the meeting were received from the Mayor (Councillor Mrs Cully) and The Chairman of the Policy and Organisation Board (Councillor Cully).

180 DECLARATIONS OF INTEREST

There were no declarations of interest.

181 MINUTES

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

182 DEPUTATIONS

It was reported that a deputation had been received on the following application:

- Item 1 – K4919/9 – Finsburys Garage, Gosport

183 PUBLIC QUESTIONS

No public questions had been received.

PART II

184 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:

185 K4919/9 - OUTLINE - ERECTION OF A CONVENIENCE STORE (CLASS A1) WITH 5NO. FLATS ABOVE, ALTERATIONS TO ACCESS TO CLASSIFIED ROAD (B.3333) AND ASSOCIATED PARKING (as amplified by letter dated 23.02.07) Finsburys Garage Privett Road Gosport Hampshire PO12 2SU

Members were informed that an additional 13 letters of objection had been received which brought the total number to 284, along with a total of 13 letters which could not be taken into consideration as the writers had not included their addresses. New issues raised in the additional letters included, the impact on privacy at 6 Gomer Lane and 7 Nasmith Road; the effect that the scale of the development would have on neighbours; impact on the health of residents as the development would discourage walking to Queens Parade; and the restriction of access to the external stopcock at 7 Nasmith Road. Members noted that due to an error on the drawings the ridge height of the pitched roof referred to in paragraph 3 of the report of the Development Services Manager should have read 9.2m rather than 17m. Due to an error on the website relating to the date by which representations could be made, an amended recommendation was circulated.

On behalf of a deputation against the proposal, Mr Bowers (6 Gomer Lane) addressed the Board. Included in the issues raised by Mr Bowers was the increase in size of the development; the possibility of attracting anti-social behaviour; that the last convenience store in the immediate area had closed and there had been no increase in demand since; that no retail studies had been done; the negative impact on Queen's Parade trade; road safety around the development; the hindrance to the passage of emergency vehicles, and the inadequate turning circle provision for lorries. Mr Bowers circulated a map of the area which illustrated greenfield space and the Queen's Parade catchment area in order to show that there was no demand for the convenience store. Mr Bowers closed by stating that residents were not opposed to the concept of development on this site, and would in fact welcome a more suitable development as an improvement to the area.

Councillor Gill, representing Privett Ward, presented his objections to the Board. Councillor Gill fully supported the stance of Mr Bowers and the surrounding residents and felt that the report of the Development Services Manager set out the case for refusal well. Councillor Gill reiterated that Nasmith Road would be badly affected by the proposed development.

RESOLVED: That planning application K4919/9 – Finsburys Garage, Privett Road, Gosport

- 1 be refused for the following reasons:
 - i The site is not located within a defined shopping centre but a sequential test has not been undertaken and insufficient information has been submitted in terms of a needs assessment for the proposed convenience store and its impact on existing defined shopping centres. In the absence of this information it is considered that the proposal will have a detrimental impact on the vitality and viability of the existing shopping centres in the area. As such the proposal is contrary to Planning Policy Statement 6 'Planning for Town Centres' and Policy R/S2 of the Gosport Borough Local Plan Review.

- ii The design and external appearance of the building is inappropriate in this prominent location and would be detrimental to the visual amenities of the area contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
 - iii The proposed development by reason of its detailed design, including the provision of a terrace and external fire escape, and excessive building mass would adversely affect the outlook from and privacy available to occupiers of the adjoining residential properties contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.
 - iv The level of parking provision is significantly less than the maximum provision and is considered to be wholly inadequate to meet the likely demand. This is likely to result in parking on Privett Road and Gomer Lane in the vicinity of the site which will interfere with the free flow of traffic and the safety of other road users contrary to Policies R/DP1(vi), R/T2(ii), R/T3(v) and R/T11 of the Gosport Borough Local Plan Review.
 - v The development will result in increased use of the existing access and this together with the repositioned access would cause undue interference with the safety and convenience of the users of the adjoining highway adjacent to a roundabout located on this busy classified (B.3333) traffic route contrary to Policies R/DP1(vi) and R/T2(iii) of the Gosport Borough Local Plan Review.
 - vi The access and internal parking layout does not provide sufficient manoeuvring space for the safe and convenient use of the parking spaces and will likely prejudice the safe use of the access points contrary to Policies R/DP1(vi) and R/T3(v) of the Gosport Borough Local Plan Review.
 - vii The proposal does not demonstrate that adequate provision is made for goods vehicles to manoeuvre, load and unload in a safe and convenient manner and without undue interference with other users contrary to Policies R/DP1(vi) and R/T3(v) of the Gosport Borough Local Plan Review
 - viii Inadequate and inappropriate provision is made within the proposed development for secure long term and short term cycle parking facilities contrary to Policy R/T11 of the Gosport Borough Local Plan Review.
 - ix No information has been submitted to demonstrate that the risk of pollution to controlled waters is acceptable. No assurance is given that the risks of pollution are understood as no desk study, conceptual model and assessment of risk have been provided to enable the issue to be addressed through appropriate measures. As such the proposal is contrary to Planning Policy Statement 23 'Planning and Pollution Control' and Policy R/ENV5 of the Gosport Borough Local Plan Review.
- 2 That the Regulatory Board further agrees to delegate authority to the Head of Development Control in consultation with the Borough Solicitor to,
- i Consider any further representations received in response to the information on the website up to 23 March 2007

- ii To issue the notice of refusal after that date with the reasons for refusal set out in the report together with any further reasons to address any planning issues raised in the further responses referred to in (i) above
- iii Enter into Section 106 obligations to secure the provision of outdoor playing space
- iv Include an additional reason for refusal, set out below, in the event that satisfactory obligations referred to in (iii) above are not secured by 27 March 2007

Additional reason for refusal

The proposal does not make adequate provision for outdoor playing space contrary to Policy R/OS8 of the Gosport Borough Local Plan Review.

**186 K5799/1 - CHANGE OF USE OF COMMUNITY HALL TO HOUSING ASSOCIATION OFFICE
Magennis Hall Magennis Close Gosport Hampshire**

Members agreed that the proposal was an excellent idea.

RESOLVED: That planning application K5799/1 – Magennis Hall, Magennis Close, Gosport 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 proposed use is acceptable in this location and the alterations to the building will not result in overlooking of, or loss of privacy within, surrounding dwellings. As such the development complies with Policies R/DP1 and R/CF2 of the Gosport Borough Local Plan Review.

**187 K15249/9 - DEMOLITION OF 6 NO. SHELL FILLING ROOMS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF 9 NO. DWELLINGS WITH ASSOCIATED ACCESS, LANDSCAPING, PARKING AND ANCILLARY STRUCTURES (CONSERVATION AREA)(as amended by plans received 02.02.07 and 26.02.07 and amended Flood Risk Assessment received 09.02.07)
Shell Filling Rooms Priddys Hard Heritage Way Gosport Hampshire**

Members noted that three minor oak trees were to be removed rather than two, as had been written in the report of the Development Services Manager. It was clarified by officers that the term 'minor' referred to young specimens which were not expected to reach full maturity .

RESOLVED: That planning application K15249/9 – Shell Filling Rooms, Priddys Hard, Heritage Way, Gosport be approved subject to a Section 106 agreement relating to 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 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the development is acceptable in principle in this location and by maintaining the historic layout, scale and massing, will ensure that the character and appearance of the conservation area is preserved and enhanced. A satisfactory flood risk assessment has been undertaken and mitigation measures will be implemented to prevent any adverse impact on archaeological and nature conservation interests or risk from contamination. The access and parking is adequate and provision has been made for amenity space on site and outdoor playing space within the Borough as a whole. As such the proposal complies with Policies R/DP1, R/DP3, R/DP4, R/DP6, R/DP8, R/T3, R/T10, R/T11, R/CH1, R/CH2, R/BH1, R/BH2, R/BH8, R/H4, R/OS8, R/OS10, R/OS11, R/OS12, R/OS13, R/OS14, R/ENV1, R/ENV2, R/ENV4, R/ENV5, and R/ENV9 of the Gosport Borough Local Plan Review

**188 K5776/1 - CHANGE OF USE FROM FINANCIAL AND PROFESSIONAL SERVICES (CLASS A2) TO A WOMEN'S HEALTH AND FITNESS CENTRE (CLASS D2)
10 Stokesway Stoke Road Gosport Hampshire PO12 1PE**

RESOLVED: That planning application K5776/1 – 10 Stokesway, Stoke Road, Gosport 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, it is considered that the proposed use would not be harmful to the retail function of the Stoke Road District Shopping Centre, or the amenities of any nearby occupiers, or traffic and parking conditions in the locality. As such, the development complies with Policies R/DP1, R/S3, R/S5, R/S7 and R/T11 of the Gosport Borough Local Plan Review.

**189 K14129/25 - ERECTION OF 47M HIGH YACHT MAST WITH ASSOCIATED LANDSCAPE WORKS AND PAYSTATION MACHINE
Haslar Marina Haslar Road Gosport Hampshire**

Members were informed that a letter of observation had been received which referred to an article in the local newspaper. Officers advised that Natural England had responded with no objection and provided clarification on the design of the mast. The Borough Solicitor advised that future maintenance was the responsibility of the landowner

RESOLVED: That planning application K14129/25 – Haslar Marina, Haslar Road, Gosport 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 proposal will not diminish the Haslar Lake Urban Gap visually or physically, and will not be detrimental to landward or seaward views or the character and appearance of the

area, or the interests of nature conservation, or the amenities of nearby residents, or the setting of Bastion No.1 Scheduled Ancient Monument or pedestrian and highway conditions in the locality and will not impede the flow of water or increase the number of people or properties at risk of flooding, or reduce the capacity of the floodplain to store water. As such, the development complies with Policies R/DP1, R/BH8, R/T11, R/CH1, R/OS1, R/OS3, R/OS10, R/OS11 R/ENV1 and R/ENV11 of the Gosport Borough Local Plan Review.

190 K7872/9 - CONVERSION OF DWELLING AND ANNEX TO FORM 1 NO. DWELLING HOUSE AND 2 NO. FLATS (as amended by plans received 1 March 2007)

63 Gosport Road Lee-On-The-Solent Hampshire PO13 9EJ

RESOLVED: That planning application K7872/9 – 63 Gosport Road, Lee-On-The-Solent be approved subject to a Section 106 agreement relating 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 development as proposed is acceptable in this location. It is of an appropriate design and density and will not have a detrimental impact the character of the area or on the amenities of neighbouring residents and makes provision for car and cycle parking and refuse storage. As such, the proposal complies with Policies R/DP1, R/H4, R/H7, R/T11 and R/OS8 of the Gosport Borough Local Plan Review.

**191 K16770/10 - LISTED BUILDING CONSENT APPLICATION - MINOR WORKS TO E MAGAZINE TO FACILITATE CHANGE OF USE TO D2 (ASSEMBLY AND LEISURE) (LISTED BUILDING IN CONSERVATION AREA)
Priddy's Hard Heritage Area Priddy's Hard Heritage Way Gosport Hampshire**

RESOLVED: That planning application K16770/10 - Priddy's Hard Heritage Area, Priddy's Hard, Heritage Way, Gosport be approved subject to no direction from the Secretary of State to call in the application and subject to the conditions set out in the report of the Development Services Manager, for the following reason.

- i That having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the works proposed are the minimum necessary to bring the building back into a sustainable use which will protect it in the long term from falling into disrepair or further vandalism. They are of a very minor nature and subject to conditions requiring further details of the windows, doors and materials, the method of working, and requiring recording of the screens prior to dismantling, reconstruction and storage, will not adversely affect the historic character and appearance of 'E' Magazine. As such the proposal complies with Policy R/BH3 of the Gosport Borough Local Plan Review.

**192 K3769/1 - REGULATION 3 - ERECTION OF REPLACEMENT FENCING WITH 1.8 METRE HIGH BOW TOP RAILINGS
Land At The Mead Gosport Hampshire**

RESOLVED: That planning application K3769/1 – Land at the Mead, Gosport 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 proposed railings are acceptable and will not have a detrimental impact on visual amenity within the street scene of The Mead. As such, the proposal complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

**193 K17308 - REGULATION 3 APPLICATION - CONVERSION OF FLAT ROOF TO TILED PITCHED ROOF (as amended by plans received 26.01.07)
4 - 52 St Vincent Road Gosport Hampshire PO12 4QN**

RESOLVED: That planning application K17308 – 4-52 St Vincent Road, Gosport 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 is of an acceptable design and will improve the appearance of the building and the visual amenities of the area. As such, the proposal complies with Policies R/DP1 and R/DP7 of the Gosport Borough Local Plan Review.

**194 K16605/1 - ERECTION OF A TWO STOREY REAR EXTENSION (amplified by letter received 26 February 2007)
7 Montgomery Road Gosport Hampshire PO13 0UZ**

RESOLVED: That planning application K16605/1 – 7 Montgomery Road, Gosport 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 is acceptable in this location. It is of an appropriate design and will not have a detrimental impact on the amenities of neighbouring residents. As such, the proposal complies with Policies R/DP1 and R/DP7 of the Gosport Borough Local Plan Review.

The meeting commenced at 6.00pm and concluded at 6.35pm

CHAIRMAN

