

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 8 SEPTEMBER 2009**

The Mayor (Councillor Mrs Searle) (ex-officio), Chairman of the P & O Board (Councillor Hook) (ex-officio), Councillors Allen (P), Mrs Bailey (P), Carr, Carter (Chairman) (P), Dickson (P), Geddes (P), Hicks (P), Hylands (P), Miss West (P) and Wright (P).

It was reported that, in accordance with Standing Orders, notice had been received that Councillor Ms Ballard and would replace Councillor Carr for this meeting.

62 APOLOGIES

Apologies for inability to attend the meeting were received from the Mayor and Councillor Carr.

63 DECLARATIONS OF INTEREST

- Councillor Hicks declared a personal and prejudicial interest in item K14302/5 – 47 Monckton Road.
- Councillor Hylands declared a personal interest in item K14302/5 – 47 Monckton Road.
- Councillor Dickson made the Board aware of the position that he currently held as Chairman of the 'Allotment Stakeholders Consultative Group'

64 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 11 August 2009 be approved and signed by the Chairman as a true and correct record.

65 DEPUTATIONS

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

- K16750 – Revised Landscape Scheme, Cherque Farm
- K6814/12 – 108 Queens Road, Gosport
- K15384/2 – 3 Smeeton Road, Gosport

66 PUBLIC QUESTIONS

No public questions had been received.

PART II

67 K16750 –REVISED LANDSCAPE SCHEME AT CHERQUE FARM

Members of the Regulatory Board had attended a site visit at 10am on the day of the meeting and viewed the site from the cycle path and walked the length of the bunds.

Members were advised that an amended plan of the longitudinal section across the western end of the bund was received on 6th September which clarified the detailing on that part of the proposal.

Mr Bruce was invited to address the Board. He advised that he resided in Warwick Close and that he was concerned about the privacy of his bedroom particularly in winter when there was no foliage to obstruct the view into his property.

He also expressed concern that the tree line needed to be tidied up as there were large amounts of debris in the area.

He welcomed the additional planting proposed.

Mr Jessey was invited to address the Board. He advised that he resided in Westland Drive and objected to the proposals for the bunds. He advised that he felt the bunds should be replaced by turf and have a tree line with shrubs at the lower level. He suggested that, fences be installed and that this solution would provide screening similar to that along Cherque Way.

He advised the Board that the bunds served no purpose and compromised security; he felt that to use them as screening to provide separation between Wootton Road and Westland Drive was unnecessary as there were other properties with less separation distance between them than there was between the properties either side of the bund.

He felt that the existing path would be retrodden into the bunds, even with improved planting, that they would be costly to maintain and that the work undertaken to reprofile the site would be disruptive to residents.

He advised the Board that there were no other similar landscape features in Lee-on-the –Solent and that they would be problematic to the area.

Councillor Kimber, Ward Councillor for Lee East, was invited to address the Board. He advised the Board that he had originally been concerned that the height of the bunds could be dangerous for children.

He felt that the amended plans addressed his concerns and that he had only received two letters from residents in Westland Drive objecting to the proposals.

Members acknowledged that it would be difficult to find a resolution that satisfied every resident. It was felt that the amended plans reached an acceptable compromise, addressing the issues previously highlighted by Ward Councillors.

RESOLVED: That the revised landscape scheme in the southern part of Cherque Farm adjoining Wootton Road, Lancaster Close, Warwick Close, Westland Drive, Magister Drove and Proctor Drive as part of the Details approved for the final phase of the Cherque Farm development under planning permission K16750 for the erection of 22 dwellings at Cherque Farm, Lee-on-the-Solent be approved

68 REPORTS 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 the decisions be taken on each application for planning consent as detailed below:

69 K6814/12 - OUTLINE APPLICATION - PART DEMOLITION OF EXISTING BUILDING AND ERECTION OF 2 STOREY BUILDING TO PROVIDE 1NO. THREE BEDROOMED DWELLING AND 2NO. FLATS 108 Queens Road Gosport Hampshire PO12 1LH

The Board were advised that the new build element of the proposal was for 1no 3 bedroom dwelling, 1no 2 bedroom flat and 1no 3 bedroom flat and that the description of the development had been amended to include reference to the retained dwelling which is proposed to be amended from one to two bedrooms.

Members were advised that the required legal agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space had been not yet been completed. Officers requested that authority be delegated to the Head of Development Control to refuse the application on the basis of non-compliance with Policies R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review if the completed document was not received by 25 September 2009.

The Board were also advised that an additional 6 letters of representation had been received and that the additional issues raised related to the height and mass of the structure, loss of privacy, surface water drainage and concerns regarding obstruction of a public right of way at the eastern end of the development.

The Board was advised that the application was for outline consent and that issues concerning the design and the positioning of windows and drainage would be considered at the detailed application stage. In addition the Board

were advised that obstruction of the alley during construction works was a private matter and not for consideration by the Regulatory Board.

Mr Gilbertson was invited to address the Board. He advised that he resided opposite and that he felt that the proposed development would be out of character with the surrounding properties.

He expressed concern that the proposal would lead to the loss of a community facility and that amendments to the roof would result in loss of light to properties opposite the development. In addition, he felt the proposals exceeded the density range set out in the Local Plan Review.

He advised that 3 parking spaces were not sufficient for the development as the number of units would place strain on existing parking facilities.

Mr McLean, the architect for the application, was invited to address the Board. He advised that the revised application addressed the reasons for refusal given for the previous application.

He explained that the existing building was of poor quality and needed to be rebuilt and that the indicative drawings demonstrated that the proposed building would be in keeping with other corner plots in the area. In addition he advised that a garden area had been included in the amended plans.

He advised that the existing facility was privately used and was currently not available for public use.

In answer to a Member's question Mr McLean advised the Board that he was not aware of any issues surrounding the right of way on the rear access route.

Mr McLean advised that the eaves height of the development would follow on from the adjoining buildings and would only increase at the junction.

A Member advised the Board that there were a number of newer style properties within the area and that recently a new development comprising a block of flats and a community hall had been completed nearby.

Members acknowledged that the building was of poor quality and that amendments had been made to rectify concerns identified within the previous application.

RESOLVED: That outline application K6814/12, 108 Queens Road, Gosport be approved subject to the receipt of a completed S106 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 set out in (i) below. In the event that the completed legal agreement is not received by 25 September 2009, authority is delegated to the Head of Development Control to refuse the application.

- 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 in this location and will not harm the character or appearance of the area, or highway safety conditions in the locality, or the amenities of the occupiers of neighbouring dwellings, or the interests of nature conservation. Adequate provision is made for access, car parking, cycle parking, refuse storage and open space. As such, the proposal complies with Policies R/DP1, R/T11, R/CF2 and R/OS8 of the Gosport Borough Local Plan Review and Policies BE1 and CC6 of the South East Plan.

**70 K15384/2 - ERECTION OF SECOND FLOOR REAR EXTENSION AND ROOF ALTERATIONS TO INCLUDE INCREASE RIDGE HEIGHT OF MAIN ROOF
3 Smeeton Road Lee-On-The-Solent Hampshire PO13 8JJ**

Mr Yates was invited to address the Board. He advised that the property had previously been extended on a number of occasions.

He felt that the proposal would have a detrimental effect on the outlook from, and the sunlight to, his property.

He advised Members that the proposed extension would be out of keeping with the surrounding properties.

It was proposed that the application be deferred pending a site visit by Members of the Regulatory Board.

RESOLVED: That application K15384/2 – 3 Smeeton Road, Lee-on-the-Solent be deferred pending a site visit by Members of the Regulatory Board.

**71 K14302/5 - OUTLINE APPLICATION - ERECTION OF 3NO. DETACHED HOUSES WITH INTEGRAL GARAGES (as amended by plans received 11.08.09)
47 Monckton Road Gosport Hampshire PO12 2BG**

Note: Councillor Hicks declared a Personal and Prejudicial Interest in this item, left the meeting room and took no part in the discussion and voting thereon.

Councillor Hylands declared a Personal Interest in this item, remained in the meeting room and took part in the discussion and voting thereon.

RESOLVED: That outline application K14302/5 47 Monckton Road, Gosport be approved subject to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and the payment of a commuted sum towards the provision of transport infrastructure and 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 and will not have any detrimental impact on the character or visual amenities of the area, adjoining and prospective residents or highway safety. Any archaeological evidence will be monitored and recorded. Adequate provision is made for open space, transport infrastructure, car and cycle parking and refuse storage. As such the proposal complies with Policies R/DP1, R/DP3, R/H4, R/T4, R/T11, R/BH8 and R/OS8 of the Gosport Borough Local Plan Review.

**72 K9750/3 - REGULATION 3 - CONVERSION OF 2NO. FLATS INTO 1NO. SELF CONTAINED FLAT
Woodlands House Chestnut Walk Gosport Hampshire PO12 4BE**

RESOLVED: That Regulation 3 application K9750/3 – Woodlands House, Chestnut Walk, Gosport, Hampshire 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 development is acceptable. It will result in an upgraded standard of accommodation and will not have a detrimental impact on existing parking arrangements, local traffic conditions or the amenities of adjoining residents. The proposal therefore complies with Policies R/DP1, R/H8 and R/T11 of the Gosport Borough Local Plan Review.

**73 K9750/2 - REGULATION 3 - CONSTRUCTION OF ACCESS RAMP AND STEPS TO MAIN ENTRANCE
Woodlands House Chestnut Walk Gosport Hampshire PO12 4BE**

RESOLVED: That Regulation 3 application K9750/2 – Woodlands House, Chestnut Walk, 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 development is acceptable in this location. It is of an appropriate design and will provide safer access to the building and will not have a detrimental impact on the visual amenities of the area. As such, the proposal complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

**74 K16265/3 - ERECTION OF DETACHED CHALET BUNGALOW
Land Adjacent To 36 Cavanna Close Gosport Hampshire PO13 0PE**

Members acknowledged that the proposed development was now for one property rather than two as in the previous application which was refused.

Officers advised that a condition was proposed relating to the use of a Sustainable Urban Drainage System to address flooding concerns.

In answer to a Member's question the Board were advised that the dormer windows were acceptable as they did not directly oppose the windows in the adjoining properties.

RESOLVED: That application K16265/3 – land adjacent to 36 Cavanna Close, Gosport, Hampshire be approved, subject to Section 106 agreement relating to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and the payment of a commuted sum towards transport infrastructure, services and facilities 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. Due to its design, siting and orientation, it will not have a detrimental impact on the character of the area, the visual amenity of the locality, the amenities of existing or prospective residents or highway and pedestrian safety. Adequate provision is made for access, car parking, cycle parking, refuse storage, open space and highway and infrastructure improvements. As such, the proposal complies with Policies R/DP1, R/H4, R/T11, R/OS8, R/DP3 and R/T4 of the Gosport Borough Local Plan Review.

**75 K17683 - CHANGE OF USE FROM RETAIL SHOP (USE CLASS A1) TO COFFEE SHOP (USE CLASS A3) AND INSTALLATION OF EXTRACTION SYSTEM (as amended by plans received 05.06.09 and amplified by e-mails received 05.06.09, 25.06.09 and 27.07.09)
Unit 1 83 - 93 High Street Lee-On-The-Solent Hampshire PO13 9BU**

Members supported the proposal to open a Coffee Shop in Lee-on-the-Solent.

RESOLVED: That application K17683, Unit 1 83-93 High Street, Lee-on-the-Solent, be approved, subject to the conditions set out in the report of the Development Services Manager, for the following reason below.

- 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 change of use is acceptable in this location. The development will enhance the vitality and viability of the Lee-on-the-Solent District Centre and will generate additional employment opportunities. It will not have a detrimental impact on the traffic or parking conditions in the locality, the amenities of nearby residents through noise or smell generation, or the everyday operations of adjacent uses. As such, the proposal complies with Policies R/DP1, R/S3, R/T11 and R/ENV10 of the Gosport Borough Local Plan Review.

**76 K10519/2 - ERECTION OF REPLACEMENT REAR CONSERVATORY
13 Molesworth Road Gosport Hampshire PO12 1QT**

Members were advised that this application was required to be considered and determined by the Board as it had been made by a member of Gosport Borough Council staff.

RESOLVED: That application K10519/2, 13 Molesworth 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 visual amenity of the locality or the amenities of the occupiers of the adjoining properties. As such, the proposal complies with Policy R/DP1 of the Gosport Borough Local Plan Review.

**77 K12813/7 - CHANGE OF USE FROM SHOP (USE CLASS A1) TO RESTAURANT (USE CLASS A3) AND INSTALLATION OF INTERNAL EXTRACTION DUCT WITH EXTERNAL LOUVRE VENT ON REAR ELEVATION (LISTED BUILDING IN CONSERVATION AREA) (as amended by letter dated 17.08.09 and by plans received 18.08.09)
99 High Street Gosport Hampshire PO12 1DS**

RESOLVED: That application K12813/7, 99 High Street, Gosport, be approved, subject to the conditions set out in the report of the Development Services Manager, for the following reason below.

- 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 change of use is acceptable in this location. The development will enhance the vitality and viability of the Gosport Town Centre Principal Shopping Centre and will generate additional employment opportunities. It will preserve the character and appearance of the Conservation Area and will not have any detrimental impact on this Listed Building or its setting. It will not have a detrimental impact on the traffic or parking conditions in the locality, the amenities of nearby residents through noise or smell generation, or adjacent uses. As such, the proposal complies with Policies R/DP1, R/S3, R/BH1, R/BH3, R/T11 and R/ENV10 of the Gosport Borough Local Plan Review.

**78 K12813/8 - LISTED BUILDING APPLICATION - ALTERATIONS TO FACILITATE CHANGE OF USE FROM SHOP (USE CLASS A1) TO RESTAURANT (USE CLASS A3) AND INSTALLATION OF INTERNAL EXTRACTION DUCT WITH EXTERNAL LOUVRE VENT ON REAR ELEVATION (CONSERVATION AREA) (as amended by letter dated 17.08.09 and by plans received 18.08.09)
99 High Street Gosport Hampshire PO12 1DS**

RESOLVED: That listed building application K12813/7, 99 High Street, Gosport, be approved, subject to the conditions set out in the report of the Development Services Manager, for the following reason below.

- 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 this location. It will bring a vacant property back into use with a minor appropriate external alteration and does not have any detrimental impact on this Listed Building or its setting. As such the development complies with Policy R/BH3 of the Gosport Borough Local Plan Review.

**79 K7992/3 - REGULATION 3 - ERECTION OF REPLACEMENT 1.8 METRE HIGH GALVANISED BOW TOP RAILINGS WITH SUPPORT POSTS AND ACCESS GATES
Brockhurst Allotments Military Road Gosport Hampshire**

In answer to a Member's question, the Board were advised that the application was for replacement fences and access gates along Military Road, Greenlea Grove and Norfolk Close. The badgers on the site resided on the perimeter of the allotments adjacent to Captains Close and would therefore be unaffected by the development.

RESOLVED: That Regulation 3 application K7992/3, Brockhurst Allotments, Military Road, Gosport be approved, subject to the conditions set out in the report of the Development Services Manager, for the reason below.

- 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 improve the visual amenities of the locality and not have a detrimental impact on protected species. As such, the proposal complies with Policies R/DP1, R/OS9 and R/OS13 of the Gosport Borough Local Plan Review.

80 K17387 – APPEAL BY CEMEX AGAINST THE REFUSAL OF PLANNING APPLICATION K17387 FOR THE ERECTION OF PLANT FOR THE PRODUCTION OF READY MIXED CONCRETE AT PLOT 2, LEDERLE LANE, GOSPORT

Consideration was given to the report of the Development Services Manager updating the Regulatory Board on the progress of the appeal by Cemex against the Council's refusal of planning application K17387, including the negotiations that had been taking place to resolve the potential impact on the adjoining business, Selden Masts.

The Board were advised that an amendment was proposed to the recommendation:

"That authority is delegated to the Development Services Manager in liaison with the Borough Solicitor to withdraw the Council's objections to the erection of plant for the production and supply of ready mixed concrete at Plot 2, Lederle Lane, Gosport provided that the Development Services Manager and Borough Solicitor are satisfied that Selden Masts objections have been satisfactorily addressed".

In answer to a Member's question concerning an increase in traffic to the site, the Board were advised that the original decision to refuse the application was that:

"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."

Members were advised that the permission had previously been approved for industrial use and that the issue of increased traffic had not been identified as a reason for refusal when the original application was made.

The Board were advised that following the refusal of the original application, CEMEX had produced evidence in the course of the appeal process on the exact quantity of cement dust that would be emitted and were prepared to undertake mitigation measures to alleviate the risk to the adjoining business.

RESOLVED: That authority is delegated to the Development Services Manager, in liaison with the Borough Solicitor, to withdraw the Council's objections to the erection of plant for the production and supply of ready mixed concrete at Plot 2, Lederle Lane, Gosport provided that the Development Services Manager and Borough Solicitor are satisfied that Selden Masts objections have been satisfactorily addressed.

Regulatory Board
8 September 2009

The meeting commenced at 6.00pm and concluded at 7.10 pm

CHAIRMAN