

**A MEETING OF THE REGULATORY BOARD  
WAS HELD ON 15 FEBRUARY 2011**

The Mayor (Councillor Allen) (ex-officio), Chairman of the P & O Board (Councillor Hook) (ex-officio); Councillor Ms Ballard, Carter CR (Chairman) (P), Edwards (P), Geddes (P) Henshaw (P), Hylands (P), Langdon (P), Ronayne (P), Scard (P), and Wright (P).

**148 APOLOGIES**

An apology for inability to attend the meeting was received from the Mayor.

**149 DECLARATIONS OF INTEREST**

There were none

**150 MINUTES**

RESOLVED: That the Minutes of the Regulatory Board meeting held on 18 January 2011 be approved and signed by the Chairman as a true and correct record.

**151 DEPUTATIONS**

No deputations had been received.

**152 PUBLIC QUESTIONS**

No public questions had been received.

**PART II**

**153 REPORT OF THE BOROUGH SOLICITOR**

The Borough Solicitor 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:

**154 K15857/4 - RENEWAL OF PLANNING PERMISSION TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION OF PHASE 2 - OUTLINE APPLICATION - ERECTION OF 300 UNITS TO PROVIDE OFFICERS AND OTHER RANK MARRIED QUARTERS: PHASE 1 TO COMPRISE 148 UNITS AND PHASE 2 TO COMPRISE 152 UNITS (AREA 6) (as amended by plans received 12.07.02 and 28.01.03 and amended and amplified by letters dated 09.07.02, 29.07.02,11.12.02 and 24.01.03)**

**HMS DAEDALUS, LEE-ON-THE-SOLENT HANTS (as amplified by  
letters dated 28.09.10 and 14.01.11)  
HMS Daedalus Lee-On-The-Solent Hampshire**

Members were advised that two further letters had been received from the Ministry of Defence – Defence Estates and that they were available to view in the Letters of Representation folder.

The first letter expressed surprise at the Officer's recommendation for refusal. It acknowledged the Council's wish to ensure that there was a sufficient supply of employment land in the Borough and agreed that this came through strongly in the Draft Daedalus Supplementary Planning Document (SPD).

In the letter they expressed the view that they felt that the reasons for refusal were unreasonable and capable of challenge as the draft SDP did not require the MoD to show a commitment to the delivery of Service Family Accommodation (SFA) or demonstrate that married quarters couldn't be provided elsewhere in the Borough.

It was felt that approval of the application would not limit opportunities to identify regeneration options for the whole of the Daedalus site and requested that consideration be given to renew consent for a shorter time period, suggesting that 3 years would be acceptable.

The letter highlighted that the land was not surplus to requirements, it was accepted that there was uncertainty surrounding the exact housing requirements as a result of the Strategic Defence and Security Review but reiterated that the site may still be required by the MoD for future housing needs.

The letter advised that the outcome of a recent planning application at Rowner should not be seen as an indication that there was no requirement for married quarters in the Gosport Area.

The second letter was received following the publication of the report of the Borough Solicitor and highlighted the following points.

That the proposed use of the site for married quarters would not prejudice either the employment led mixed use development of the site, or the Council's economic objectives.

The Married Quarters site formed a relatively small part of the Daedalus site, and could not be seen as critical to the future use of the site as a whole. The use as Married Quarters would be an appropriate part of an employment led/mixed use development as reflected in the SPD.

The PUSH target for employment land in Gosport required a minimum of 81500sqm of floorspace. The Gosport Borough Employment Land Review 2010 (ELR) showed a shortfall in employment land for office and warehouse and distribution purposes, neither of which would be appropriate on the Married

Quarters site.

It was felt therefore that there was no overriding need to use the Married Quarters site for employment purposes and felt that the degree of proof required by the Council regarding the need for Married Quarters in the Borough was unnecessarily onerous.

In response to the letters received from the Ministry of Defence, Gosport Borough Council's Planning Policy team had advised that the responses from the MoD lacked justification for the need for Married Quarters and reiterated that the aims of the Borough Council were to maximise employment within the Borough.

It was accepted that the Married Quarters site was a small element of the entire Daedalus site. It was felt that should it be included as part of the whole site then it could be appropriate that parts of the Married Quarters site were more suitable for employment use given its proximity to the airfield and Broom Way.

The Married Quarters site was originally considered to be the most appropriate for employment in the 1997 Development Strategy.

The Borough Council agreed that the site was suitable for Married Quarters as highlighted in the SPD but required the MoD to demonstrate the need for SFA still existed, particularly in light of the Strategic Defence Spending Review (SDSR).

The ELR took into account the PUSH minimum figure of 81500sqm. As these figures were minimum figures, higher manufacturing floorspace figures could be appropriate, including sites such as Daedalus. It was requested that it be noted that Gosport has the lowest job density figure in South East England.

The ELR also identified other sources of employment floorspace, including the increase of employment figures on existing employment/mixed use allocation site. This included Daedalus and consequently the land used for Married Quarters, at least in part, could be used for additional employment.

It was recognised that the Daedalus site could be suitable for more specific and marine related employment uses.

The Borough Council in its emerging strategy had given specific figures for each type of employment land (office, warehouse, light and general industry). The ELR acknowledged that it would be important for Gosport to ensure that there was sufficient land for high-tech manufacturing and marine sectors, consistent with Government Guidance in PPS4 requiring a pragmatic and flexible approach to the allocation of land for employment and not restraining for specific employment uses.

Officers therefore felt that the reason for refusal remained appropriate in this instance.

Members requested that data be collected regarding the existing numbers of vacant Married Quarters in Gosport.

Members expressed concern that there was no evidence to support the need for SFA, particularly in light of the SDSR.

Members recognised the importance of the site for employment and that employment generation was the number one priority for the site.

Members recognised that any additional housing would inevitably impact on the already congested roads and that there were already vacant Married Quarters in the Borough.

RESOLVED: That application K15857/4 – HMS Daedalus, Lee-on-the-Solent, be refused for the following reasons:

- i This is an important employment led mixed-use site identified under Policies R/DP4 and R/EMP2 of the Gosport Borough Local Plan Review. The proposal is considered to be premature and prejudicial to employment generation on the site. No evidence has been presented demonstrating that there is a need for and commitment to the delivery of Service Family Accommodation in the Borough and that this cannot be provided on any other site in the Borough. The development would limit opportunities to identify alternative regeneration options for the whole of the Daedalus site which would have implications for the delivery of a comprehensive employment led mixed-use scheme which meets the Council's economic objectives for the whole site. Therefore the proposal is unacceptable and contrary to Policies R/DP1, R/DP4 and R/EMP2 of the Gosport Borough Local Plan Review and the draft Daedalus Supplementary Planning Document January 2011.
- ii The proposed development does not make adequate provision for transport infrastructure, services and facilities, contrary to Policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review.
- iii The proposed development does not make adequate provision for educational facilities, contrary to Policies R/DP3 and R/CF6 of the Gosport Borough Local Plan Review.
- iv The proposed development does not make adequate provision for affordable housing, contrary to Policy R/H5 of the Gosport Borough Local Plan Review.
- v The proposed development does not make adequate provision for outdoor playing space, contrary to Policy R/OS8 of the Gosport Borough Local Plan Review.

**155 K16713/8- ERECTION OF TWO STOREY BUILDING TO PROVIDE 3NO. TWO BEDROOM APARTMENTS (BLOCK F4) AND SINGLE STOREY BUILDING WITH ROOMS IN THE ROOF TO PROVIDE 15NO. TWO**

**BEDROOM APARTMENTS (BLOCK NM4/5) (PARTIAL AMENDMENT TO K16713/1 AND K16713/3) (CONSERVATION AREA) (as amplified by plans received 28.01.11)  
Royal Clarence Yard Weevil Lane Gosport Hampshire**

Members acknowledged that the application was for the reconfiguration of the buildings and that there was to be no overall increase in the number of residential units.

RESOLVED: That application K16713/8 – Royal Clarence Yard Weevil Lane be approved subject to the conditions set out in the report of the Borough Solicitor for the reasons 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 development is acceptable. The site is allocated for residential use as part of a mixed use development and the revised design and layout of Blocks NM4/5 and F4 will preserve the character and appearance of the Royal Clarence Yard Conservation Area, and the setting of the nearby Listed Buildings. The development will not be detrimental to residential amenity, or the interests of archaeology, nature conservation, land contamination and the SPA/Ramsar Site. The development will not increase the risk of flooding and adequate provision has been made for vehicle and bicycle parking, refuse storage and landscaping. The proposal is not required to contribute toward affordable housing or make contributions towards open space and improvements to highway/transport infrastructure. The development therefore complies with Planning Policy Statement 25 (PPS25) and Policies R/DP1, R/BH1, R/BH3, R/BH8, R/DP3, R/DP4, R/CH1, R/T4, R/T10, R/T11, R/H3, R/H4, R/H5 R/OS8, R/OS11, R/OS13, ENV1, R/ENV2, R/ENV3, and R/ENV5 of the Gosport Borough Local Plan Review.

**156 K16506/6 - CONVERSION OF ROOF SPACE TO FORM 1NO. TWO BEDROOM FLAT AND INSTALLATION OF 8 ROOFLIGHTS (CONSERVATION AREA) (as amended by plans received 21.01.11)  
Christchurch Community Centre 3 Avenue Road Gosport Hampshire PO12 1JY**

In answer to a Member's question, the Board were advised that the applicant is having ongoing discussions with Building Control to resolve the issue of means of emergency escape from the proposed development.

The Board were advised that a Member had observed the site in an independent site visit and had observed cars entering and exiting Cray House without issue.

RESOLVED: That application K16506/6 – Christchurch Community Centre, 3 Avenue 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 transport infrastructure, services and

facilities and subject to the conditions set out in the report of the Borough Solicitor for the reasons 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 proposal is acceptable in this location and would preserve the character and appearance of the Stoke Road Conservation Area. The proposal would not be harmful to the character or visual appearance of the area, or the amenities of existing or prospective occupiers, or highway safety and also makes provision for outdoor playing space and transport infrastructure improvements. As such, the development complies with Policies R/DP1, R/DP3, R/BH1, R/T4, R/T11, and R/OS8 of the Gosport Borough Local Plan Review.

**157 K17795/1 - ERECTION OF 1.25 METRE HIGH FRONT BOUNDARY RAILINGS (CONSERVATION AREA) (as amplified by information received 27.01.10)  
10, 12 & 14 St Marks Road Gosport Hampshire PO12 2DA**

Members were updated that a response had been received from the Conservation and Design section who felt the proposal would positively contribute to the Conservation Area.

RESOLVED: That application K795/1 –10, 12, 14 St Marks Road, Gosport, be approved subject to the conditions set out in the report of the Borough Solicitor for the reasons 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 development is acceptable. It will enhance the character and appearance of the Anglesey Conservation Area and will not have an adverse impact on the amenities of neighbouring occupiers or highway or pedestrian safety. As such the development complies with Policies R/DP1, R/BH1 and R/T11 of the Gosport Borough Local Plan Review.

**158 K17895 - ERECTION OF TWO STOREY SIDE EXTENSION AND DETACHED DOUBLE GARAGE (as amplified by photographs and plan received 21.01.11)  
47 Redhouse Park Gardens Gosport Hampshire PO12 3EG**

RESOLVED: That application K17895 – 47 Redhouse Park Gardens, Gosport be approved subject to the conditions set out in the report of the Borough Solicitor for the reasons 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 acceptable in design terms and will not have a harmful impact on the amenities of the occupiers of the neighbouring properties or highway and pedestrian safety and, as such, complies with Policies R/DP1 and R/T11 of the Gosport

Borough Local Plan Review.

**159 K9383/16 – CONSTRUCTION OF A NEW PARKING AREA FOR 17NO. CARS, WIDENING OF EXISTING ACCESS ROAD AND PROVISION OF NEW FOOTPATH(as amended by plans received 02.02.11)  
Huhtamaki (uk) Ltd Rowner Road Gosport Hampshire PO13 0PR**

Members were advised that there was a typing error in paragraphs 3 and 4 of the report as where the planning application number read K17740, it should read K17440.

Members were also advised that an additional letter of representation had been received expressing concern for pedestrian safety when crossing the car park.

Members were advised that lorries entering the site used a separate car park away from the pedestrian area.

Members were advised that any decision would be subject to the expiration of the Public Advert on 1<sup>st</sup> March 2011.

Members welcomed the additional car parking space on the site.

**RESOLVED:** That application K9383/16 - Huhtamaki (uk) Ltd Rowner Road Gosport, be approved subject to the expiry of the public advert and subject to the conditions in the report of the Borough Solicitor for the reasons 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 will not diminish the value of the designated Open Space, or be detrimental to the visual amenity of the locality, the interests of nature conservation or the amenities of neighbouring occupiers. It will improve access and parking arrangements at the site and highway and pedestrian safety. Adequate provision is made for the effective management of surface water. As such, the development complies with Planning Policy Statement 25 (PPS25) and Policies R/DP1, R/OS4, R/OS13, R/T11, R/ENV4, R/ENV10 and R/ENV12 of the Gosport Borough Local Plan Review.

**160 ANY OTHER ITEMS**

By reason of special circumstances, the Chairman determined that the following item be considered at this meeting notwithstanding the fact that the item had not been available for public inspection in accordance with the provisions of Section 100B(4)(a) of the Local Government (Access to Information) Act 1985.

The special circumstances were created by the need to urgently consider the below application in response to a planning appeal.

Members were advised that an appeal had been received against the decision to refuse application K11377/5 - 5 Flower Buildings Marine Parade East Lee-

On-The-Solent Hampshire PO13 9LB.

The Regulatory Board had refused the application for the following reasons:

*1) This is an important historic building which retains the simplicity of design and elevation treatment appropriate to its industrial character. The proposal to place 9 roof lights in 3 groups of 3 roof lights within the roofscape and installation of a further single door would fundamentally change the appearance of this building so that it has a domestic character. It would therefore harm the special character of the building, the Conservation Area and visual amenities of the area, contrary to Policies R/DP1 and R/BH1 of the Gosport Borough Local Plan Review and the principles set out in the Lee-on-the-Solent Conservation Area Appraisal.*

*2) The proposed development does not make adequate provision for outdoor playing space, contrary to Policy R/OS8 of the Gosport Borough Local Plan Review.*

*3) The proposed development does not make adequate provision for transport infrastructure, services and facilities, contrary to policies R/DP3 and R/T4 of the Gosport Borough Local Plan Review.*

The applicant had previously been unable to enter into a section 106 agreement for the provision of adequate outdoor playing space and transport infrastructure provision due to land ownership issues. This had resulted in refusal reasons 2 and 3. These issues had now been resolved.

The applicant was seeking to complete the section 106 agreement so that reasons for refusal 2 and 3 did not need to be considered as part of any appeal.

For clarification, Members were advised that the applicant had appealed against the decision of the Regulatory Board. The applicant's inability to be able to complete a section 106 agreement in relation to the payment of commuted sums towards adequate transport infrastructure provision and outdoor playing space had formed the basis of reasons 2 and 3 for refusal.

The Board were not requested to reconsider the decision to refuse the application, but to consider the approval of the appropriate action to allow the section 106 agreement to be completed so that refusal reasons 2 and 3 would be overcome.

Authority was therefore being sought from the Regulatory Board to allow the Borough Solicitor to enter into a section 106 agreement to overcome reasons for refusal 2 and 3 of application K11377/5 and withdraw reasons for refusal 2 and 3 on completion of the section 106 agreement.

RESOLVED: That:

- a) authority be delegated to the Borough Solicitor to enter into a Section 106 agreement in relation to the payment of a commuted sum towards the

provision of outdoor playing space and a commuted sum towards the provision of transport infrastructure for application K11377/5 – 5 Flower Buildings, Marine Parade East, Lee-on-the-Solent; and

- b) authority be delegated to the Borough Solicitor to withdraw refusal reasons 2 and 3 on completion of the section 106 agreement.

#### **161 EXCLUSION OF THE PUBLIC**

RESOLVED: That in relation to the following item the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item there would be disclosure to them of confidential information under Section 100 (3) (a) of the Local Government Act 1972.

#### **162 PLANNING APPLICATION RELATING TO NEW PLANT FACILITY AT MOD ESTABLISHMENT, GOSPORT**

Consideration was given to a confidential report of the Borough Solicitor on the above matter.

RESOLVED: That the proposed development be approved.

The meeting commenced at 6.00pm and concluded at 6.35pm.

CHAIRMAN