

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 12 JANUARY 2012**

The Mayor (Councillor Carter CR) (ex-officio), Chairman of the P & O Board (Councillor Hook) (P) (ex-officio), Councillors Allen (P), Mrs Bailey (P), Beavis (P), Geddes (P), Henshaw (P), Hylands (P), Langdon (P), Philpott (Chairman) (P), Ronayne (P), Scard (P), Smith and Wright (P).

62 APOLOGIES

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

63 DECLARATIONS OF INTEREST

- Councillor Henshaw advised that he was aware that a former colleague resided in Priory Road, but had no contact with them outside of his former employment.

64 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 22 November 2011 be approved and signed by the Chairman as a true and correct record.

65 DEPUTATIONS

Deputations had been received on the following applications

- Tree Preservation Order G.122 - Oak Tree at 36 Chester Crescent and 18 Lancaster Close, Lee-on-the-Solent
- K17874/2 - Land to the Rear of 84 Priory Road, Gosport
- K17981 – 14 Russell Road, Lee-on-the-Solent
- K17994/1 - 12 Carisbrooke Road, Gosport

66 PUBLIC QUESTIONS

No public questions had been received.

PART II

**67 TREE PRESERVATION ORDER G.122 – 36 CHESTER CRESCENT
AND 18 LANCASTER CLOSE, LEE-ON-THE-SOLENT**

Consideration was given to the report of the Borough Solicitor requesting that

consideration be given as to whether to confirm, amend and confirm, or not to confirm Tree Preservation Order G.122

Members were advised that an additional two letters and a 17 signature petition had been received in support of the proposal to confirm the Tree Preservation Order, no new issues had been raised.

Mrs Scullard was invited to address the Board. She advised that she was the owner of 18 Lancaster Close and that the tree was on the boundary of the properties at 18 Lancaster Close and 36 Chester Crescent.

Mrs Scullard advised that she had not sought to obtain support for her objection by knocking on the doors of neighbouring properties as she felt that the public advertisement was sufficient notice for people to decide.

Mrs Scullard distributed photographs of the view of the tree in question from her property, to Members. She advised that there were two additional oak trees in the vicinity and that the branches of these were nearly touching over the rear garden of 38 Chester Crescent, (the objector to felling of the tree) and that if the tree was felled, the residents would still enjoy a view of two oak trees from the rear of their property.

In response to a letter of representation objecting to the felling of the tree Mrs Scullard advised that she had been aware of the tree when purchasing the property but that both she and her husband had felt that they could manage the tree, however, this was not the case and the tree was now having a detrimental effect on the rest of the garden.

Mrs Scullard appreciated that there was no right to light and advised the Board that she was seeking to create a garden similar to the one she had previously owned and that the tree was preventing her from doing so. She felt that crowning the tree would be a waste of money as it would encourage thicker growth, enhancing the problems the tree currently generated.

Mrs Scullard advised that she appreciated trees and that her previous house was situated next to a wood but she felt that this particular tree was unsuitable for a garden and was preventing the enjoyment of the garden.

Mr Langford was invited to address the Board. He advised that the location plan for the tree was incorrect and that the tree was a significant presence in the cul de sac. He expressed concern that the tree presented a health and safety risk as it would hit property if it fell. He also advised that he had been rejected for the installation of solar panels as the tree blocked too much light.

He advised that the properties on the southern side of the tree did not experience the level of light loss that properties situated to the north of the tree did and requested that Members undertake a site visit to view the impact of the trees.

Mrs Scullard confirmed that she would like the tree felled and that she had

purchased 18 Lancaster Close in the summer of 2011.

Mrs Hurworth was invited to address the Board; she advised that she supported the confirmation of the Tree Preservation Order and that the tree was part of a hedge line and had historical interest.

She advised that the tree had been in place for 100-150 years and that previous owners of the property had lived with the tree in the garden. Mrs Hurworth felt that keen gardeners would not allow a build up of dropped leaves and would appreciate that oak leaves made good leaf mould. She advised that the tree did not cause a problem with standing water as the roots were deep and in sandy ground.

Mrs Hurworth accepted that there were cost implications as a result of the tree, but advised that there was an informal agreement in that the cost of maintenance was split four ways between neighbouring properties, including the Hurworths.

Mrs Hurworth advised that tree provided habitat for a large amount of wildlife and that concern about the effect of the tree on property was unfounded as they had been granted planning permission to erect a log cabin within four feet of the tree.

The Board was advised that the property had been purchased in the summer so potential owners would have seen the impact of the tree on the garden.

Mrs Hurworth concluded by advising the Board that the tree was popular with residents and a welcome addition to the environment.

Members were advised, for clarity, that the confirmation of a TPO did not prevent further work from taking place on the tree outright and that any future application to undertake work would be judged on its own merit. Members were also advised that the confirmation of a TPO would allow the local planning authority to require a replacement tree should it be considered appropriate for the tree be felled in future.

RESOLVED: That Tree Preservation Order, G.122 Oak Tree at 36 Chester Crescent and 18 Lancaster Close, Lee-on-the-Solent be confirmed.

68 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:

69 K17874/2 - ERECTION OF TWO-STOREY BUILDING TO FORM

4NO.TWO BEDROOM FLATS WITH ASSOCIATED GARAGING, CAR PARKING, REFUSE AND CYCLE STORAGE FOLLOWING DEMOLITION OF EXISTING SQUASH COURT AND GARAGES (CONSERVATION AREA)

Land To Rear Of 84 Priory Road Gosport Hampshire PO12 4LG

Members had undertaken a site visit and had viewed the property from 78a and 82 Priory Road. They also viewed a recent development at 112 Priory Road.

Mr Tutton was invited to address the Board. He advised that he had emailed Members and distributed proposed plans and images.

The Board was advised that the proposal would replace a dilapidated two storey squash court and offer an improved outlook to local residents. Mr Tutton advised that the ecological issues had been addressed and that the proposal would not cause a loss of light. He felt that the proposal was acceptable for the Hardway Conservation Area and noted that the Gosport Society had not objected to the proposal.

Mr Tutton advised the Board that the Annual Monitoring Report 2010 showed that only 41% of newly built properties were 2 bedroomed. This fell below the 60% required in the 2007 report.

In answer to a Member's question, Mr Tutton advised that the proposed materials had been agreed with the Conservation Officers and that it was intended that they resembled fishermens' cottages.

Members were advised that trees had been removed from the site, but through the submission of a Conservation Area Notification they had not been considered worthy of protecting.

Members discussed the existing building on site and felt that it was an eye sore and had been poorly maintained and welcomed a replacement. They did not feel that the building would be overbearing or too large for the site.

Members acknowledged the concerns of the Planning Officers, but felt that the condition of the site needed improving. Members expressed concern at the proposed external material and felt that it was unsightly and potentially unsustainable.

Members were advised that a unilateral undertaking had already been entered into to deal with Policy requirements and that should they choose to overturn the Officer's recommendation without further negotiations, the proposed application would be approved as currently presented. The process for an appeal following non determination of the application was also clarified.

Members reiterated their concerns over the proposed materials and requested that the application be deferred for further negotiations.

It was proposed and subsequently agreed that the application be deferred

pending further negotiations.

RESOLVED: That application K17874/2 - Land to the rear of 84 Priory Road, Gosport be deferred pending further negotiations.

**70 K17981 - ERECTION OF TWO STOREY SIDE/REAR EXTENTION AND RETENTION OF DETACHED GARAGE (as amended by plans received 29.09.2011 and amplified by badger survey received 21.09.2011 and method statement received 28.11.2011)
14 Russell Road Lee-On-The-Solent Hampshire PO13 9HP**

Members were advised that following the publication of the agenda, 1 petition of objection containing 58 signatures and 11 letters of objection had been received and had raised the following additional issues:

- previous applications were refused on account of badgers and previous pre-application advice precluded development on site,
- number of badgers that use the sett has declined, not increased
- application contains errors relating to trees on the site and an inaccurate site plan
- applicant used ecology report without permission and content contravenes Data Protection Act
- unsatisfactory consultation by the Local Planning Authority
- a site visit by Members should be undertaken and the decision deferred

Members were also advised that 12 letters of support had been received and had raised the following issues:

- applicants were following guidance of badger specialists, and works would be carried out under supervision of experts
- increased activity is an indication of sett being in good condition
- neighbours ought to take preventative measures against badger activity
- badger activity had neither increased nor decreased recently
- applicants are dealing with badgers in a sympathetic manner

Members were advised that there had been no other applications for planning permission on the site and there had only been one instance of pre-application advice being offered which did not preclude development; the advice was that adequate consideration must be given to the badgers to ensure that they are unaffected by the proposal or that appropriate mitigation measures would need to be implemented to safeguard their interests.

Members were also advised that the initial badger survey received had now been removed from the website and that it had been submitted with the planning application as the agent advised that the owners had inherited the report on purchasing the house.

Mr Masterton was invited to address the Board. He advised that he had been a consultant for a number of years and had previously supported the Council in

mitigation for the movement of reptiles and badgers at the former railway station in Gosport. He also advised that he was a member of the Badger Trust and was a member of the Mammal Society and that he felt that the application was being rushed through.

He advised the Board that the badger sett had been allowed to develop over a number of years as the previous owners of the property had used it as a chiropractor's clinic and left the garden relatively untouched.

Mr Masterton advised the Board that a number of the entrances and tunnels in the sett had already been blocked and that the police were undertaking investigations into this. In addition Mr Masterton advised that the proposals would damage the areas used for foraging by the badgers.

Mr Masterton advised the Board that any prospective owner of the property would have been aware of the restrictions that badgers may present.

Mr Masterton expressed concern that a report on the badgers had been published without consent, he also felt that the report contained errors and was unlawful. He questioned the consultation response received from the Hampshire County Council Ecologist and the recommendations made.

The Board were advised that the sett was significantly larger, with 19 to 20 entrances, and more occupied than the one situated at the former railway station and advised that he felt badger licensing measures were appropriate should the application be approved.

In answer to a Member's question, Mr Masterton advised that his main concern was the proximity of the sett to the proposed development. He felt that the size and scale of the sett were not being considered and that it was essential that any work undertaken was strictly licensed.

Mr Bowman was invited to address the Board. He advised that he was representing the applicant and was speaking in favour of the development.

He advised the Board that the proposal had not been rushed through and that the original application was submitted in June 2011. He advised the Board that the applicants had given full consideration to the report of the County Ecologist.

Mr Bowman advised the Board that the principal planning issues were the impact, size and scale of the proposed development and the amenity of the protected species on site.

Mr Bowman advised the Board that the applicants had proposed mitigation measures within a method statement and he advised that this would be adhered to throughout the development.

The Board was advised that the proposed extension was set back from the highway and mirrored the neighbouring property; he advised that the proposal had a hipped roof and that the extension would be subservient to the main

dwelling. He felt that the proposal would be in keeping with the surrounding area.

He advised the Board that the application was sympathetic to the difficult situation presented by the badgers and that there was sufficient separation from the proposed extension to the sett and that the hipped roof and the use of obscure glazing would mean that neighbouring properties were not overlooked.

Mr Bowman reiterated to the Board that mitigation measures were in place to protect the badgers, that excavation would be undertaken by hand where necessary and under the supervision of an ecologist.

The Board was advised that Natural England and the County Council Ecologist had no objection to the proposal, subject to the proposed planning conditions.

The Board was advised that the applicant had gone to great lengths to protect the badgers from harm and had welcomed and nurtured them. They were advised that the applicant had also sourced and would provide educational material for neighbours in relation to potential badger damage.

Members felt that it was difficult to determine the application without visiting the site and viewing the sett in relation to the proposed extension.

The process of work requiring a badger licence was clarified for Members and they were advised that Natural England had not required one to be imposed currently and were satisfied with the mitigation measures outlined in the method statement of the proposal.

Members were informed that in the event that badger tunnels were disturbed during the work, licensing measures would become necessary and work would not be able to continue until the correct measures had been taken. The work would be monitored by an ecologist.

It was proposed and accepted that the application be deferred for a site visit.

RESOLVED: That application K17981 – 14 Russell Road, Lee-on-the-Solent be deferred for a site visit.

**71 K17994/1 - RETENTION OF AND FURTHER WORKS FOR THE
ERECTION OF FRONT AND REAR EXTENSIONS, THE INSERTION
OF FIVE ROOF LIGHTS IN NORTHERN ROOFSLOPE AND
ERECTION OF BOUNDARY WALL
12 Carisbrooke Road Gosport Hampshire PO13 0HH**

Members were advised that to ensure that the windows in the North East roofslope did not result in harmful loss of privacy and were retained in accordance with the approved details it was proposed to amend the wording of the condition to read:

‘Before the first occupation of the extensions hereby permitted, details of the

north-east facing windows in the roofslope, outlined in red on the approved plan, shall be submitted and approved, in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and the windows shall be retained in that condition thereafter.'

The reason for this was to preserve the amenity of the adjacent property, and to comply with Policy RDP/1 of the Gosport Borough Local Plan.

Mr Brown was invited to address the Board. He advised that he resided at 10 Carisbrooke Road and that the proposed application was described as a front and rear single storey extension and that this was factually incorrect and misleading. He advised that the plans showed ground and first floor proposals and provided the Board with a definition of the term 'storey' and advised that rooms within a roof space constituted another storey.

He advised the Board that the size and the height of the proposal would be so close to his own bungalow that it would be overbearing and that neighbouring bungalows had single storey extensions with flat roofs but that this proposal had a pitched roof with an overall height of 6.6metres. He also advised that there was only a 1.5metre gap between the eaves of his property and the applicant's property.

In conclusion, Mr Brown advised that the extension would have a considerable detrimental effect to his property and quality of life. He advised that there were four windows in the side of his bungalow that would face the proposed extension that currently gave natural light and a view of the sky. He advised that the proposal would block out natural light and the sky making the bungalow dark and depressing.

He requested that the Board make a site visit to view the detrimental effect he felt the proposal would have.

In answer to a Member's question, Mr Brown advised the Board that he felt the property was a chalet style house rather than a traditional bungalow. He advised that there were other single storey extensions within the vicinity but other bungalows had not added two storey extensions.

Miss Hope was invited to address the Board. She advised that she was the applicant for the proposals and advised that Mr Brown currently looked out onto Perspex when it could in fact be solid fencing. She advised the Board that following the purchase of the property discussions had taken place with Mr Brown during which he had requested the removal of a tree blocking light to his property. She advised the Board that as a gesture of goodwill the fencing had been replaced and Perspex erected, rather than solid fencing. She also advised the Board that this was one of a number of neighbourly gestures that had been undertaken to assist Mr Brown.

Miss Hope advised the Board that a conservatory had been erected on the southern side of Mr Brown's property and that the layout of his bungalow meant that this was preferable to sitting in the kitchen on the darker northern side.

Miss Hope informed the Board that it was intended that, once completed, the proposal would make full use of rain harvesting and compost bins would be installed and the garden would be environmentally friendly.

Miss Hope advised that a lot of work and effort had gone into clearing the garden and improving the property and that it was intended that trees and bushes removed would be replaced.

Members discussed the proposals and the potential impact on neighbouring properties and felt that it would be useful to view the application property and the neighbouring property to assess any potential impact from the proposal.

It was proposed and agreed that the application be deferred for a site visit.

RESOLVED: That application K17994/1, 12 Carisbrooke Road, Gosport be deferred for a site visit.

**72 K2576/6 - DEMOLITION OF EXISTING DWELLINGS AND ERECTION
OF 2.5 STOREY BUILDING COMPRISING 8NO. TWO BEDROOM
FLATS WITH ASSOCIATED PARKING, CYCLE AND REFUSE
STORAGE FACILITIES
38-40 High Street Lee-On-The-Solent Hampshire PO13 9BZ**

Members felt that the proposal was not harmful or inappropriate for the proposed location.

RESOLVED: That application K2576/6, 38 -40 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 the payment of a commuted sum towards transport infrastructure, services and facilities and subject to the conditions in the report of the Borough Solicitor, for the following reason.

- i The proposed development is acceptable in land use terms. It has an acceptable design and layout and will not harm the character or visual amenity of the locality, biodiversity, the amenities of existing residents, local traffic conditions or highway or pedestrian safety. The site has good links to public transport and the development will provide a pleasant living environment for prospective occupiers. Appropriate provisions have been made for access, vehicular and bicycle parking, refuse storage, refuse collection, open space and highway infrastructure improvements. The proposal will not impact on the Safeguarded Area for the aerodrome at Lee-on-the-Solent. The development, therefore, complies with Planning Policy Statement 3 (PPS3), Planning Policy Statement 9 (PPS9) and Policies R/DP1, RDP3, R/H4, R/T4, R/T11 and R/ENV9 of the Gosport Borough Local Plan Review.

**73 K17660/2 – Variation of Condition Planning Application for the
Redevelopment of Holbrook Recreation Centre at Forest Way
Gosport**

Members were advised that the publicity period expired on 17.01.12 as opposed to 17.01.11 as set out in the report and that additional consultation responses had been received from HCC lighting who had advised that comments made in response to the previous applications applied and the lighting design complied with the ILP Guidelines regarding Reduction of Obstructive Light. A response had also been received from Sport England who had no objection to the proposal.

Consideration was given to a report of the Borough Solicitor with regard to planning application K17660/2, submitted by DC Leisure Management, to consider variation of conditions 14 (approved plans) and 35 (phasing) of planning application K17660/1 to allow minor alterations to the proposals and phasing of the scheme approved under planning permission K17660/1 relating to the demolition of the existing leisure centre and erection of a replacement leisure centre including swimming pool, sports hall, health and fitness suites, and all weather 5 a-side/7a-side synthetic turf pitches, erection of new hotel and pub/restaurant (including ancillary residential unit), associated access, car parking, servicing and landscaping (as amended by Ecology report received 17.06.11, plans and information received 21.06.11, Aboricultural Impact Assessment received 22.06.11, Energy Strategy report received 24.06.11, additional STP plans received 24.06.11, Badger Management Measures received 29.06.11 and amended plans received 01.07.11).

In answer to a Member's question, the Board was advised that should a response to the public advertisement be received, it was proposed that authority be delegated to the Head of Development control to respond and determine the application accordingly.

RESOLVED: That application K17660/2 – variation of condition planning application for the redevelopment of Holbrook Recreation Centre, Forest Way be approved subject to the outcome of the public advertisement and subject to the conditions in the report of the Borough Solicitor 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, will secure the provision of enhanced sports and leisure facilities for the community without adversely impacting on the environment of the site or the wider area or the amenities of occupiers of neighbouring residential properties. The proposal reflects the government's wider social, environmental and economic objectives relating to the provision of sustainable communities and provides opportunities to enhance biodiversity and landscaping within the site. As such, the development complies with the national policies, regional policies and the policies of the Gosport Borough Local Plan Review as set out in Section 4 of the report.

The meeting commenced at 6.00pm and concluded at 8.13pm.

CHAIRMAN