

**A MEETING OF THE REGULATORY BOARD
WAS HELD ON 17 OCTOBER 2012**

The Mayor (Councillor Dickson) (ex-officio), Chairman of the P & O Board (Councillor Hook); Councillors Ms Ballard, Beavis (P), Carter CR (P), Ms Diffey (P), Farr (P), Gill (P), Henshaw (P), Mrs Hook, Jessop (P), Langdon (P), Ronayne (P) and Wright (P).

It was reported that, in accordance with Standing Orders, Councillor Hylands had been nominated to replace Councillor Ms Ballard for this meeting.

32 APOLOGIES

Apologies for inability to attend the meeting were received from the Mayor and Councillors Mrs Hook and Mrs Ballard

33 DECLARATIONS OF INTEREST

- Councillor Gill advised that he resided at 65 Bury Road and would leave the meeting when item K4805/6 69 Bury Road was considered
- Councillors Wright and Farr declared a non pecuniary interest in item K18093 Land at junction of Westland Drive and Magister Drive

34 MINUTES

RESOLVED: That the Minutes of the Regulatory Board meeting held on 25 September 2012 be approved and signed by the Chairman as a true and correct record.

35 DEPUTATIONS

Deputations had been received on the following applications:

- Tree Preservation Order G.125 – 154 Fareham Road
- K18091 – 9 The Haven
- K18093 – Land at the Junction of Westland Drive and Magister Drive
- K5562/4 – 107 Elson Road
- K12345/76 – 154 Fareham Road
- K18087 – 48 Grange Crescent

36 PUBLIC QUESTIONS

No public questions had been received.

PART II

37 TREE PRESERVATION ORDER G.125 – TREES AT FAREHAM ROAD

Consideration was given to a report of the Borough Solicitor and the Deputy Chief Executive requesting that the Board consider whether to confirm, confirm with modifications, or not confirm Tree Preservation Order G.125 where objection has been received.

Mr Holmes was invited to address the Board. He advised that he was representing Oceanic Estates on behalf of the applicant and had concerns regarding the proposed Tree Preservation Order.

Mr Holmes advised the Board that he accepted the necessity to maintain the frontage of trees but felt that 3 of the Horse Chestnuts were in poor condition, that a Lime tree was out of character and that one of the Horse Chestnut trees had a split in the trunk. He also felt that the plum trees should not be subject to a Tree Preservation Order. He reiterated his appreciation for the concerns regarding the maintenance of the landscaped frontage but hoped this could be addressed and a long term management plan agreed.

In answer to a Member's question Mr Holmes confirmed that the views set out in the 'Response to Public Advertisement' section of the report of the Borough Solicitor and Deputy Chief Executive were those of his client's consultant arboriculturalist.

A Member reiterated the purpose of Tree Preservation Orders was to ensure the Council could protect the trees and control what happened to them and that there was nothing stopping the applicant applying to remove the trees in future. The Tree Preservation Order would allow the Council to control any future replacement if appropriate.

A Member advised the Board that in June 2012 security fencing had been erected around the site without notice or planning permission and that access to the site was blocked as a result. The Board were advised that on the 30th June the Ward Councillors for Bridgemark North received an influx of calls from residents near to the site concerned that trees were being felled on the site between the former Cyanamid building and Fareham Road. The Member visited the site, but could not gain access and the felling continued the following day. At the end of the weekend 31 trees had been felled and residents had concerns that the remaining trees, adjacent to Fareham Road, would also be removed.

Concern was expressed at the removal of the remaining trees as they formed a barrier between the road and the building. It was accepted that replacements could be stipulated, but it would take years for the re-growth to replace the existing screen of trees.

Members reiterated concern that the developers had not sought permission to fell the trees on site and agreed that Tree Preservation Order G.125 be confirmed.

RESOLVED: That Tree Preservation Order G.125 be confirmed.

38 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:

**39 K12345/76 - USE OF LAND AND BUILDINGS FOR FLEXIBLE CLASS B1(b) and (c), B2 AND B8 USE WITH ANCILLARY B1(a) AND ALTERATIONS TO EXISTING CAR PARKING AND ACCESS FROM LEDERLE LANE (as amplified by information received 29.03.12, 03.08.12 and letter dated 11.09.12)
154 Fareham Road Gosport Hampshire PO13 0AS**

Members were advised that since the publication of the agenda two further letters of representation had been received from a local resident.

Whilst the continued use of the site for employment purposes was supported, concerns were raised about existing noise generation and a condition was requested to control hours of operation in the evenings and at weekends.

The Board were advised that the issue of noise had been addressed in the Officer's report.

For clarity, it was proposed to amend the description of the development to include the words '(INCLUDING OPEN STORAGE)' in brackets after 'B8 use' and the word 'existing' before access to Lederle Lane.

It was also proposed to amend the schedule of conditions on pages 33 and 34 of the grey pages of the report of the Borough Solicitor and Deputy Chief Executive to reflect the additional information received and discussions with the applicant since the publication of the report as follows:-

1. **Unchanged** The development hereby permitted must be begun within a period of three years beginning with the date on which this permission is granted.

Reason - To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. **Plan reference changed** The development hereby permitted shall be carried out in accordance with the following approved plan:

969-CU-01 Rev C

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

3. No open storage or industrial use outside of existing buildings shall take place **within the area cross-hatched on the approved plan, reference 969-CU-01 Rev C, at the southern end of the site**, until details of the individual areas to be used, the Class of industrial use to be carried out, the maximum storage heights within these areas and the proposed means of enclosure, and a scheme for landscape planting for those respective areas, have been submitted to and agreed, in writing, with the Local Planning Authority. No open storage or industrial use outside of existing buildings shall take place on the **cross hatched area** until the agreed means of enclosure and landscape planting for each respective area has been carried out.

Reason - In the interests of the amenities of the area and to comply with Policy R/DP1

of the Gosport Borough Local Plan.

4. **Plan ref inserted** No existing landscape planting within the area hatched green on the approved plan **reference 969-CU-01 Rev C** shall be removed without the prior consent, in writing, of the Local Planning Authority.

Reason - In the interests of visual amenity and retention of existing habitat in accordance with Policy R/DP1 of the Gosport Borough Local Plan.

5. **Unchanged** Any landscape planting carried out pursuant to condition 3 which fails, is removed or become seriously damaged or diseased during the first five years, shall be replaced with others of identical species (or as may otherwise be agreed in writing with the Local Planning Authority) during the next planting season.

Reason - In the interests of amenity and the appearance of the locality, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

6. **Reworded.** Details of **any new** proposed surfacing materials and **associated** method of drainage for the new car parking areas hereby approved, shall be submitted to and approved, in writing, by the Local Planning Authority before works on this part of the development are commenced. If contamination is identified during these works, all works shall cease until appropriate pollution prevention measures, have been submitted to and approved, in writing, by the Local Planning Authority. The works shall thereafter be carried out as approved.

Reason - In the interests of the safety and amenity of future occupants and to prevent pollution of the water environment and to comply with Policies R/DP1, R/ENV2 and R/ENV4 of the Gosport Borough Local Plan Review.

7. **Reworded** The car parking spaces hatched black on the approved plan **reference 969-CU-01 Rev C** shall be retained at all times **unless otherwise agreed, in writing, with the Local Planning Authority.**

Reason – In the interests of highway safety and to comply with Policy R/T11 of the Gosport Borough Local Plan.

8. **Plan ref inserted** No use or development shall take place on the areas hatched blue on the approved plan **reference 969-CU-01 Rev C** until the car parking spaces hatched red have been surfaced, marked out and made available for use. Those spaces shall be retained for that purpose thereafter.

Reason - In the interests of highway safety and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.

9. **Reworded** **The existing cycle storage facilities provided on the site shall be retained at all times unless otherwise agreed, in writing, with the Local Planning Authority.**

Reason - In order to ensure that adequate cycle storage is provided in compliance with Policy R/T11 of the Gosport Borough Local Plan Review.

10. **Reworded** The areas shown for the storage of refuse for removal on the approved plan **reference 969-CU-01 Rev C** shall be retained for that purpose at all times unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - In order to protect the amenities of the area, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

New condition 11

Notwithstanding the requirements of condition 8 above, the height of any open storage on land to the north of the existing building, edged black on the approved plan, reference 969-CU-01 Rev C, and marked 'A'-'A'-'A'-'A', shall not exceed 10 metres.

Reason – In order to protect the visual amenity of the locality and to comply with Policy R/DP1 of the Gosport Borough Local Plan.

Mr Holmes advised that he was available to answer questions and that Oceanic estates ran a number of industrial sites that specialised in providing flexible employment uses on site. The Board were advised that it had been difficult to establish the lawful use of the site and that the approval of flexible use would allow tenants to get into the building quickly making the site more attractive to potential tenants.

Mr Holmes advised that he did not know how many jobs the site would create but stated that there was 12,000 square feet of floorspace currently being actively marketed. He advised that there had been interest in the site, but that tenants were looking for the certainty of usage before signing up.

Mr Holmes advised the Board that no investigation or disturbance of other land was proposed and that only existing floorspace would be used. He advised that in future should this be considered, the company had previous experience of dealing with contaminated land.

In answer to a Member's question, the Board were advised that granting a flexible permission would enable new tenants to come in to the site without having to wait for further consent for consent for a change of use to be granted. It was acknowledge that Class B2 Use was considered the least neighbourly but it was noted that this was a risk the owners would take.

Members were in favour of creating jobs on the site, but were concerned at the impact the development would have on neighbouring properties. Members expressed concern as to what the open storage would be used for and felt that a condition should be included controlling this if the application were to be approved.

Members reiterated their concern that the applicant had not liaised with the Council before felling trees but welcomed the creation of jobs the site would provide.

Mr Holmes advised the Board that the hoardings had been put in place for health and safety purposes during demolition works and that the removal of the trees had taken place as there was the potential for additional usage of the space where they were currently located.

Members sought further clarification as to how there would be a reduction in trips to the site. The Board were advised that an assessment had been based on the trips generated by the previous floorspace and mix of uses compared with that proposed under the application.

Members expressed concern at the potential increase in noise. It was accepted that conditions were proposed to be attached to protect the amenities of the occupiers of neighbouring properties but concern was expressed for the residents of the two bungalows in Lederle Lane. Clarification was provided that industrial Class B1 use was a use that could be operated in a residential area without causing detriment in terms of noise, dust, vibration etc.

Members were advised that any decision on the application would be subject to the expiration of the publicity period. Members were advised that authority was requested to be delegated to the Head of Development Control to determine the application. If additional representations were received that raised new planning issues, the Head of Development control would, if necessary, report the application back to the Regulatory Board.

RESOLVED: That application K12345/76 – 154 Fareham Road be approved subject to the expiry of the publicity period and that authority be delegated to the Head of Development Control to determine the application at the end of this period and also subject to the amended conditions set out below, for the following reason:

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. The mix of uses is acceptable in this Existing Employment Area and the proposal will not have a detrimental impact on the visual appearance of the area, the amenities of the occupiers of nearby residential properties, highway safety or the interests of nature conservation and appropriate measures are in place to control surface water drainage and pollution. As such, the development complies with Policies R/DP1, R/DP3, R/EMP5, R/EMP7, R/ENV2, R/ENV4, R/ENV10, R/ENV12, R/T3, R/T4, R/T11, R/OS11 and R/OS13 of the Gosport Borough Local Plan Review.

Amended conditions:

1. The development hereby permitted must be begun within a period of three years beginning with the date on which this permission is granted.

Reason - To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plan:

969-CU-01 Rev C

Reason - To ensure that the development is completed satisfactorily in all respects and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

3. No open storage or industrial use outside of existing buildings shall take place within the area cross-hatched on the approved plan, reference 969-CU-01 Rev C, at the southern end of the site, until details of the individual areas to be used, the Class of industrial use to be carried out, the maximum storage heights within these areas and the proposed means of enclosure, and a scheme for landscape planting for those respective areas, have been submitted to and agreed, in writing, with the Local Planning Authority. No open storage or industrial use outside of existing buildings shall

take place on the cross hatched area until the agreed means of enclosure and landscape planting for each respective area has been carried out.

Reason - In the interests of the amenities of the area and to comply with Policy R/DP1 of the Gosport Borough Local Plan.

4. No existing landscape planting within the area hatched green on the approved plan reference 969-CU-01 Rev C shall be removed without the prior consent, in writing, of the Local Planning Authority.

Reason - In the interests of visual amenity and retention of existing habitat in accordance with Policy R/DP1 of the Gosport Borough Local Plan.

5. Any landscape planting carried out pursuant to condition 3 which fails, is removed or become seriously damaged or diseased during the first five years, shall be replaced with others of identical species (or as may otherwise be agreed in writing with the Local Planning Authority) during the next planting season.

Reason - In the interests of amenity and the appearance of the locality, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

6. Details of any new proposed surfacing materials and associated method of drainage for the new car parking areas hereby approved, shall be submitted to and approved, in writing, by the Local Planning Authority before works on this part of the development are commenced. If contamination is identified during these works, all works shall cease until appropriate pollution prevention measures, have been submitted to and approved, in writing, by the Local Planning Authority. The works shall thereafter be carried out as approved.

Reason - In the interests of the safety and amenity of future occupants and to prevent pollution of the water environment and to comply with Policies R/DP1, R/ENV2 and R/ENV4 of the Gosport Borough Local Plan Review.

7. The car parking spaces hatched black on the approved plan reference 969-CU-01 Rev C shall be retained at all times unless otherwise agreed, in writing, with the Local Planning Authority.

Reason – In the interests of highway safety and to comply with Policy R/T11 of the Gosport Borough Local Plan.

8. No use or development shall take place on the areas hatched blue on the approved plan reference 969-CU-01 Rev C until the car parking spaces hatched red have been surfaced, marked out and made available for use. Those spaces shall be retained for that purpose thereafter.

Reason - In the interests of highway safety and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.

9. The existing cycle storage facilities provided on the site shall be retained at all times unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - In order to ensure that adequate cycle storage is provided in compliance with Policy R/T11 of the Gosport Borough Local Plan Review.

10. The areas shown for the storage of refuse for removal on the approved plan reference 969-CU-01 Rev C shall be retained for that purpose at all times unless otherwise agreed, in writing, with the Local Planning Authority.

Reason - In order to protect the amenities of the area, and to comply with Policy R/DP1 of the Gosport Borough Local Plan Review.

New condition 11

Notwithstanding the requirements of condition 8 above, the height of any open storage on land to the north of the existing building, edged black on the approved plan, reference 969-CU-01 Rev C, and marked 'A'-'A'-'A'-'A', shall not exceed 10 metres.

Reason – In order to protect the visual amenity of the locality and to comply with Policy R/DP1 of the Gosport Borough Local Plan.

40 K18091 - DEMOLITION OF GARAGE AND ERECTION OF PART SINGLE AND PART TWO STOREY SIDE/REAR EXTENSION (as amended by plans received 02.07.2012 and 11.07.2012 and amplified by letter received 26.07.2012)
9 The Haven, Gosport, Hampshire PO12 2BD

The Board were advised that a site visit had taken place and that Members had viewed the proposal site from the applicant's property, the deputies property, the adjoining property to the south and from the rear in Leep Lane.

Mrs Smith was invited to address the Board and she represented 17 residents from 9 of the 11 owner occupied properties.

Mrs Smith advised the Board that she was pleased that a site visit had taken place as it had allowed Members to view the current situation and hoped that it would allow Members to see the concerns of the residents and allow them to make an informed decision.

Mrs Smith reiterated that her main concerns were that the proposal was an 85 % enlargement to the footprint of the house, and that the proposal would detract from the character of the 1930's Northcott style property. She was concerned that, whilst the work was being undertaken, the property would be a building site leading to disruption to parking for neighbours for a considerable period. Concern was expressed that the proposal would affect the light to and the outlook from number 10 The Haven and that there had been many letters of objection to the proposal. Mrs Smith advised the Board that of the letters of support, one did not reside in the Haven and another would potentially benefit by being employed by the residents of number 9. The Board were advised that the applicants had made no effort to contact neighbours, particularly those at number 10 The Haven, who would be most affected.

The Board were advised that the local residents were not against the building of an extension at number 9, but were concerned at the proposed size and that it was out of character. Mrs Smith concluded by advising the Board that residents hoped a conclusion could be met that addressed everyone's needs.

Members felt that the site visit had been useful in allowing them to see the aspects of the properties concerned and noted that there were a number of other extensions on properties in the road. Mrs Smith confirmed that there were properties with extensions, but that the proposal for number 9 was much larger and that only one other property

had a side extension.

In answer to a Member's question Mrs Smith advised the Board that she believed that the tenants at number 11 would benefit from gaining paid employment from number 9 if the application was approved.

Mr Mansfield was invited to address the Board.

He advised that he purchased No. 9 The Haven, with his wife, in March this year and applied for planning permission shortly after due to its condition and the obvious need to improve the property.

He advised the Board that after reading the objections based on the original plans, they had submitted new plans to try to address the neighbours concerns. He advised that he had also felt the need to speak to a number of the residents to reassure them about the build, parking, construction traffic - and importantly that no building contractors would be employed throughout the build, which would significantly reduce the amount of disruption, as these were all common themes for concern.

Mr Mansfield advised the Board that the majority of residents had not objected and that only 3 of the 6 who were originally notified of the application by the Council had objected, and those who had not been notified became involved after what he felt was lobbying by 3 main objectors. He advised the Board that 3 out of the now 6 objectors had double storey extensions of different sizes, improvements that would all have needed planning permission and furthermore, 2 residents from Leep Lane, (who were originally notified of the application by the council), plus one resident from The Haven had all submitted statements of support. In all 9 out of the 15 households involved had not objected, with 3 writing supporting statements.

Mr Mansfield advised that in relation to the concerns raised at the previous meeting of the Board, number 9 The Haven was set to the north of number 10 with the sun rising in the east, this meant that light could not be blocked by the proposed extension. Mr Mansfield advised the Board that he had pictorial evidence which showed where the sunlight was at different times of the day.

Mr Mansfield advised that the photographs had been taken at 10am, 1pm and 4pm and had not been superimposed or left to the imagination and that they were factual and current. He was concerned that if the scenic views mentioned within the objections from the properties opposite to number 9 existed, they could only be gained through their garden, in which case, privacy of number 9 must come into question.

Mr Mansfield advised the Board that with regards to the photos submitted at the last committee meeting, showing the views from windows of no 10, both photos were computer generated with a superimposed wall. He advised that it was not sound evidence of what the proposed wall would look like and gave no true indication of scale. Mr Mansfield stated that the distance from no 10's first floor window to the proposed extension wall was over 2 metres away and not right next to the window as shown in the 'after build' photo. He advised that the 'before build' photo showed a view of the creek and his garden that had clearly been taken by leaning out of the window and looking along the line of the wall, rather than looking through the window

from the inside, which would be the natural view. He advised that the other 'after build' photo, taken from the ground floor had showed a perceived view of a blank wall and was also misleading. No 10 currently had a view of large shrubs planted on the property and behind that, a garden fence— after the build the occupants would still see only those shrubs.

Mr Mansfield advised that the plans and the Planning Officer's report detailed the measurements of the proposed extension which clearly indicated that it was not double the size of the current property. The side extension would be set back from the front of the property by over 5m, and was a width of 2.5m which would mirror the extension at no 8. Due to the amount of space at the side of number 9 and the angle in which the property sat, it would not result in a terracing effect. The side extension itself would not be visible to the majority of the street. They would be using matching building materials, incorporating hipped roofs, plus the finish and decor of the extension would match that of the current house, maintaining the character and style of The Haven which pleased them.

Mr Mansfield advised the Board that the current extension to the ground floor of number 9 was a bathroom and conservatory and that both needed to be removed and replaced due to structural damage and deterioration. The proposed rear extension was to gain a third bedroom and bathroom on the first floor with increased living space on the ground floor, to allow his family to grow. The extension would extend beyond the property at number 10 by 90cm, giving over a 45 degree angle view from the property and that it met with planning guidelines.

The Board was advised that at present the extension at No 10 was 3 metres past the rear of the existing property at number 9, which left very little view as shown in the photos distributed. Mr Mansfield reiterated that No 10's first floor window would be more than 2metres away from the extension meaning that any view they currently had would certainly not be compromised. He advised that with regards to the ground floor windows that with fence panels, trellis and bushes already surrounding the boundaries the current view was restricted in any case.

Mr Mansfield advised the Board that there was an example of one extension overreaching their adjoining neighbour's extension where the double story extension at No 3 extended further than the one at No 4 by a distance similar to what was proposed.

Mr Mansfield advised the Board that he was aware that Councillor Robert Forder attended the last committee meeting in support of the objectors. He felt that as a Councillor of the local community, he was disappointed that Councillor Forder did not take the opportunity to speak to himself and his wife, or the residents of The Haven and the relevant residents of Leep Lane, rather than a selected few, to ensure he had a balanced view.

In conclusion Mr Mansfield advised that he believed it should be acknowledged that he had adhered at all times to council policies throughout the process, whilst taking sound advice from the planning officer and that he had always given factual information. He hoped that as Members had now had the opportunity to visit the site, they would appreciate the need for restoration and, crucially, also see that the proposal would not

have, and was not intended to have, a harmful or negative impact on the street or the neighbours.

In answer to a Member's question, Mr Mansfield advised the Board that the work would be undertaken by himself and his father-in-law.

Members welcomed that they had had the opportunity to undertake a site visit and recognised the need for improvement at the property.

RESOLVED: That application K18091– 9 The Haven, Gosport, be approved subject to the conditions set out 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 proposed development is acceptable in this location. It is acceptable in design terms and will not have a harmful impact on the amenities of the area or 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.

- 41 K18093 - OUTLINE APPLICATION - ERECTION OF 13NO. TWO STOREY DWELLINGS WITH ASSOCIATED CAR PARKING, LANDSCAPING AND NEW ACCESSES FROM WESTLAND DRIVE AND MAGISTER DRIVE AND PROVISION OF OPEN SPACE (as amended by letter dated 04.07.12, plans received 04.07.12, 07.09.12 and 27.09.12 and Road Safety Audit received 07.09.12)
Land At Junction Of Westland Drive And Magister Drive Lee-On-The-Solent Hampshire**

Councillors Wright and Farr declared a non pecuniary interest, left the room and took no further part in the discussion or voting thereon.

Mrs Froude was invited to address the Board. She advised that she had resided at Corsair Close since January 2006 and that for the past 6 years she and her husband had been involved with community activities in Lee East through LOSRA and were active 'Friends' of St Faith's Church and that duties for the latter had greatly improved her knowledge of the Cherque Farm estate.

Mrs Froude advised the Board that on purchasing her plot in 2006 she had been advised by Persimmon Homes and her solicitor that the wasteland area had been allocated for community use in the form local shops to serve the southern phase of the estate and that this made good sense as the footfall to a local convenience store in the north and one to the south would benefit all residents.

She advised that she had contacted her local councillor in relation to the progress of the facility but had been advised there had been none.

Mrs Froude advised the Board that in June 2012 notification of a planning application for the 'wasteland' was posted and that she had visited the planning department and

read the documents. She advised the Board that she had referred to the guidance on the Gosport Borough Council website in preparation of commenting on the application to the planning department.

Mrs Froude noted that under non planning issue point four, it was stated that 'the argument that demand for a particular facility is already met in the area' was not a planning issue so the Council could not normally take this into account. However the application made reference to the need of the shopping facilities on Cherque Farm already being met and she questioned whether this was the view of residents or the developer.

Mrs Froude questioned whether the site had been adequately marketed for its intended commercial use. She advised that in the past 4 years the population and car density within the whole estate had increase and questioned that the application stated that, according to census information, car ownership within the Lee East Ward averaged 1.18 cars per household. Mrs Froude questioned which census the statistic was quoted from and queried whether it could be directly relative to an application at Cherque Farm as Lee East incorporated many care homes. She felt that the fact there were none on Cherque Farm made the statistic irrelevant.

She advised the Board that Corsair Close itself had 24 homes, 36 Children, 33 Garages and 50 cars, more than 2 cars per household.

Mrs Froude felt that figures quoted in the application were misleading in stating that the site was only 400 metres away from the shops at Twyford Drive. She felt that this would be the case as the crow flies, and not the 1,125 metres travelled by car, which equated to more than half a mile.

Mrs Froude advised that a resident from the southernmost point of Proctor Drive would travel a distance of 1.2 miles to the Twyford Road shops and that, once there, would be in sight of two post offices and the choice of shopping at the BP/NISA outlet; only 640 metres on.

The Board were advised that of the 1050 properties on Cherque Farm, approximately 400 were located South of the wasteland and 650 to the north and that residents from the south of the estate could only exit through the junction of Magister Drive and David Newberry Drive.

The Board were advised that the originally proposed convenience store in Magister Drive would service a footfall of 450-500 homes and eradicate the need for residents to travel up to 1.2 miles, over speed humps through the estate to Twyford Drive. The southern residents of the estate would have the benefit of shopping in Magister Drive whilst accompanying children on foot to Lee-on-the-Solent Infant and Junior Schools allowing the residents to avoid the necessity of travelling large distances to Twyford Drive for day-to-day necessities.

Mrs Froude advised that in line with Government and local policies, she was seeking to reduce the traffic flow – shorter journeys within the estate promoting safety for the children, exercise and a greener environment.

Mrs Froude concluded by advising the Board that the site of 0.4 hectares was the last opportunity to provide additional community services within the estate to meet the need of expanding young families.

A Member advised that they felt the proposal to place a convenience store on the site was unsustainable, as had happened on the Gomer estate. The shop there had been unsustainable and as a result had closed. Mrs Froude felt the provision of a convenience store would benefit residents for everyday necessities and that it would be viable particularly if it included a pharmacy.

Mr Collins was invited to address the Board on behalf of the applicant. He advised that Savills were chartered town planners and were acting on behalf of the applicant CEMEX and that he was speaking in support of the proposal for 13 new developments.

The plans had been amended and it was now proposed that 13 houses be erected, 8 three bedroomed and 5 four bedroomed properties and the provision of a local play area. The area had been a wasteland for 7 years and the proposed application would address this. The Board were advised that there were no highways objections to the proposal and that the average allocation of parking spaces per property was 2.4.

Mr Collins advised that in respect of the proposed shopping facility, it was only ever planned for one of either the Twyford Drive site or the site in question be developed as a retail space. The Board were advised that there was no viability for retail space at this location and that a residential development was the best use.

He advised that the proposal would be in keeping with the surrounding area and that it would provide more than enough parking spaces per property and also the willingness of the applicant to enter into a legal agreement to make contributions to Open Space and Transport Infrastructure, Services and Facilities.

In answer to a Member's question the Board were advised that neither the applicants nor the agents felt the proposal for a shop on site was viable and that the space lent itself to residential use.

Councillor Burgess was invited to address the Board as Ward Councillor for Lee East. He advised that he had followed the proposals for the Cherque Farm site and that the original proposals were for two retail provisions and a play area and that the proposal for the play area had been removed, but not the retail provision.

Councillor Burgess advised the Board that his three main objections to the proposal were that it was an overdevelopment, that there was not enough parking provision and that there would be an impact on the level of entrances and exits to the Cherque Farm site as there was only one way in. He expressed concern that some families had four cars and that car parking there would be on verges.

Councillor Burgess advised that the census figure of 1.8 cars was unrealistic and did not include data from Cherque Farm. He advised that he had written requesting that the land be donated to Gosport Borough Council and that they be allowed to convert it into much needed open space, perhaps in the form of allotments.

He accepted the need for improvement of the land but felt that a shop or store to serve the estate would be most useful.

A Member stated that the Board was only able to make decisions on the proposals presented in front of them.

Members were advised of the history of the site, that the erection of 1050 homes was approved and that either Twyford Drive or the area in question would provide the local shopping area, the fallback for the one not coming forward being residential. The Board were also advised that the proposed LAP was bigger than the one previously approved in the outline consent.

Members debated the proposal and understood the local residents' desire to see a shop on site. They also recognised that the proposal of a shop may not be sustainable. Members acknowledged that there was no material planning reason for refusing the application.

RESOLVED: That application K18093 land at junction of Westland Drive and Magister Drive Lee-on-the-Solent be approved, subject to the payment of a commuted sum towards transport infrastructure, services and facilities and the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and subject to the conditions in the report of the Borough Solicitor be approved for the following reasons.

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 land use terms. It has an acceptable residential density and layout and can be designed so as not to have a harmful impact on the character or visual amenity of the area or the amenities of existing or prospective occupiers. The proposed development can provide safe and convenient access and an adequate level of car parking. It will not, therefore, harm local traffic conditions or highway and pedestrian safety. Adequate provisions can be made for land contamination and the development falls outside of the consultation requirements for the Aerodrome at Lee-on-the-Solent. Adequate provision will be made for open space, transport infrastructure, bicycle parking and refuse storage and collection. As such, the proposal complies with the National Planning Policy Framework and Policies R/DP1, R/DP3, R/H4, R/T4, R/T11, R/S1, R/OS8, R/ENV4, R/ENV5 and R/ENV9 of the Gosport Borough Local Plan Review.

**42 K5562/4 - CHANGE OF USE FROM SHOP (USE CLASS A1) TO
TAKEAWAY (USE CLASS A5) AND INSTALLATION OF SHOP FRONT
107 Elson Road Gosport Hampshire PO12 4AA**

Mr Islam was invited to address the Board. He advised that he was the owner of 107 Elson Road and had tried hard for over 5 years to sell or let the shop. He advised that Brothers Kebab Shop was currently located at 117 Elson Road and was seeking to move to 107 Elson Road on a 20 year lease subject to planning permission and that the application was not for a new kebab shop, but the relocation of an existing one.

Regulatory Board
17 October 2012

Mr Cifcti was invited to address the Board. He advised that there were proposals to develop numbers 113-117 Elson Road and that the proposed application had been submitted to allow his business to relocate from 117 to 107 Elson Road and requested that Members consider the fact he would lose his business if the application was not approved.

Councillor Hazel, Ward Councillor for Elson was invited to address the Board. He advised that he supported the Officer's recommendation to refuse the application. He advised that there was currently 55% A5 use in the Elson Road Neighbourhood Shopping Centre and that, should the application be approved, this would increase further. He advised that the relocation of the kebab shop would cause increasing parking problems on the road which was a main artery through Gosport.

In answer to a Member's question, Councillor Hazel advised the Board that the existing level of A5 use was 55% and that granting permission for number 107 to have A5 use would increase the percentage to over 60% as number 117 would still retain its permission for A5 use.

Councillor Hazel accepted that the proposal was to bring an empty property back into use, but expressed concern at the parking issues it would cause. He concluded by advising the Board that he supported the residents objections to the proposal.

In answer to a Member's question, it was clarified that the percentage of units granted A5 use at present currently stood at 55%, should the proposal be approved this would increase to 64% as number 117 would retain permission to be used for A5 use. The Board were advised that the application submitted recently in relation to the Jack in the Bush Public House had been for physical alterations only as a change of use from a public house to a shop was permitted development.

Members debated the proposal and it was reiterated that number 117 would retain its permission for class A5 use. Members acknowledged that this would exceed the 40% guidance for A5 use. Members accepted that the shop had been empty for a number of years and that market conditions would dictate whether or not an addition A5 unit would be successful in the location.

Members agreed that application K5562/4 be refused.

RESOLVED: That application K5542/4 – 107 Elson Road, Gosport be refused for the following reason:

That the proposal, in combination with the existing A5 uses, would exacerbate the existing imbalance between shopping and non-shopping outlets and would be detrimental to the retail function of the shopping centre. As such, the proposal would be harm the vitality and viability of the Elson Road Neighbourhood Shopping Centre and would detract from its ability to serve the needs of the Borough's residents, contrary to Policy R/S4 of the Gosport Borough Local Plan Review.

**43 K4605/6 - CONVERSION OF DOCTORS SURGERY (USE CLASS D1) TO
 PROVIDE 1 NO. FOUR BEDROOM DWELLING (USE CLASS C3)**

(CONSERVATION AREA) (as amplified by plans received 20.09.2012)

69 Bury Road Gosport Hampshire PO12 3PL

Councillor Gill advised that he resided at 65 Bury Road, left the room and took no part in the discussion or voting thereon.

Members agreed that the design was acceptable and in keeping with the surrounding area. The doctor's surgery had relocated to the War Memorial Hospital and Members agreed to approve the application

RESOLVED: That application K4605/6 – 69 Bury Road, Gosport be approved subject to the payment of a commuted sum towards the provision and/or improvement of outdoor playing space and subject to conditions in the report of the Borough Solicitor for the following reasons.

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 is acceptable in this location. The change of use to a dwelling house is acceptable in land use terms. The development will not harm the character of the area and will preserve the character and appearance of the Conservation Area. It will not harm the visual amenity of the locality, the amenities of existing or prospective residents, or highway and pedestrian safety or protected species and adequate provision has been made for access, car parking, refuse storage and collection, short stay bicycle parking and open space and adequate space is available on the site for long stay bicycle parking. The development, therefore, complies with the National Planning Policy Framework and Policies R/DP1, R/DP3, R/BH1, R/T4, R/T11, R/CF2, R/OS8 and R/OS13 of the Gosport Borough Local Plan Review.

**44 K18087- RETENTION OF REAR CONSERVATORY/POOL ENCLOSURE
48 Grange Crescent Gosport Hampshire PO12 3DU**

Mrs Hiseman was invited to address the Board. She advised that she was 49 years old and that she had previously worked until her Multiple Sclerosis worsened and she could no longer do so. She advised the Board that the condition seemed to worsen with stress and that since the death of her parents she was no longer able to drive and relied on a mobility scooter.

Mrs Hiseman advised the Board that she was a proud and independent person and that her husband had made a large number of adaptations to their home to ensure that she could retain her independence. They had finally paid their mortgage off and the work undertaken now meant that she could move through the house safely.

The Board were advised that as part of the improvements, a 12ft diameter swimming pool had been erected in the garden and that, once in the pool, Mrs Hiseman was able to move pain free and found a great improvement in her condition.

Mrs Hiseman advised the Board that the pool was heated and that a pod had been erected over the pool to allow her to use it in all weathers, It had previously been

covered by gazebos, but these had been destroyed by the wind. They had used some inheritance to purchase the pod to make a suitable conservatory that allowed for a toilet and downstairs bathroom and a cover for the pool. There were no concrete or solid sides and the bulk of the structure was white UPVC. She advised that the structure looked better than the previous gazebo and that, as it was made of glass the daylight to number 46 was not affected

Mrs Hiseman concluded by advising that, if the structure had to be removed, it would be costly and have a negative impact.

In answer to a Member's question, Mrs Hiseman advised the Board that she had purchased the structure from eBay and that, as it did not require a concrete base or walls they did not think that planning permission was needed. They also confirmed that they had not asked the planning office for advice.

It was confirmed that the sides were made of glass and therefore easier to clean.

The Board were advised that the pool had previously been covered by a 12ft gazebo but that this had not been ideal as it left the pool exposed. The structure in place allowed protection for the pool and the installation of a downstairs toilet. The toilet had been erected on the site of the previous outdoor toilet and had Building Regulation approval.

Members questioned the size of the structure and the impact that it had on neighbouring properties and felt that the material used could be seen as undesirable.

In answer to a Member's question, the Board were advised that, if the application was refused in line with the Officer's recommendation the applicant would be able to appeal the decision within three months. If an appeal was not lodged or was unsuccessful then enforcement action would be taken to remove the structure or perhaps part of it within a reasonable period of time. The applicant could also enter negotiations into what would be an acceptable enclosure to avoid harmful impact and submit a further application for planning permission. The Board were reminded that the application was for the structure and not the pool.

Members welcomed the applicant entering into further discussions with the planning department to discuss what could be acceptable.

Members debated the proposal and accepted that the pool benefitted the health of Mrs Hiseman but expressed concern that no advice had been sought from the planning department.

Members felt the proposal was large and agreed with the recommendation to refuse the application.

RESOLVED: That application K18087 – 48 Grange Crescent, Gosport be refused for the following reason that the conservatory, by reason of its excessive length, height and cumulative garden coverage is an over dominant structure, having a harmful overbearing and overshadowing impact on the adjoining occupiers, out of keeping with the character of the area and as such is an inappropriate addition to the dwelling,

Regulatory Board
17 October 2012

contrary to Policy R/DP1 of the Gosport Borough Local Plan Review.

The meeting commenced at 6.00pm and concluded at 8.19pm.

CHAIRMAN