

**A MEETING OF THE REGULATORY BOARD  
WAS HELD ON 6 DECEMBER 2017 AT 6PM**

The Mayor (Councillor Mrs Batty)(ex-officio); Councillor Hook (ex-officio), Councillors Allen (P), Beavis (P), Bergin (P), Carter (P), Ms Diffey (P), Earle (P), Farr (P), Foster-Reed (P), Hicks, Mrs Hook (P), Jessop (P), Raffaelli (P), Ronayne (P), Wright (P)

It was reported that in accordance with Standing Order 2.3.6, Councillor Miss Kelly had been nominated to replace Councillor Hicks for this meeting.

**72. APOLOGIES**

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

**73. DECLARATIONS OF INTEREST**

Councillors Farr and Wright declared a non-pecuniary interest in grey pages agenda item 2  
Councillor Carter declared an interest in grey pages agenda item 6 as the applicant was his sister.

**74. MINUTES**

**RESOLVED:** That the Minutes of the Regulatory Board meeting held on 18 October 2017 be approved and signed by the Chairman as a true and correct record.

**75. DEPUTATIONS**

Deputations had been received on the following items:

- Agenda Item 7 – Draft Fareham Local Plan
- Agenda Item 1 of the grey pages - 17/00168/FULL – 1 Beaulieu Place
- Agenda Item 2 of the grey pages – 17/00344/FULL – 63 Jellicoe Avenue
- Agenda Item 4 of the grey pages – 17/00358/FULL – 12 Grafton Close
- Agenda Item 5 of the grey pages – 17/00440/FULL – 131 Brockhurst Road

**76. PUBLIC QUESTIONS**

There were no public questions

**77. CONSERVATION AREA DESIGNATION, HASLAR BARRACKS  
(FORMER IMMIGRATION HOLDING CENTRE)**

Consideration was given to a report of the Head of Conservation and Design requesting that consideration be given to the proposal to designate the Haslar Barracks Conservation Area with immediate effect.

The Board was advised that the Economic Development Board had considered the report and recommended the designation of the Conservation Area and that it was presented to the Regulatory Board to be formalised.

The Head of Conservation and Design advised the Board that there were two factors that made the site particularly important. Firstly, the legacy of buildings relating to the Napoleonic Barracks, and secondly the importance of the site as the Garrison Hospital, in particular how the site was adapted for the latter use shortly after the Crimean War whilst retaining the rigid formality of the barracks

layout. It was therefore important to stress the dual significance as buildings from both phases survive on site and supported the case for designation.

Members congratulated the Head of Conservation and Design on the report and agreed that it was very comprehensive in highlighting the importance of the site.

Members reiterated concern that the site could be altered if consultation were to be undertaken before the designation of the Conservation Area and agreed that designation should be implemented immediately.

It was suggested by Members that the fields adjacent to the proposed area be excavated to ensure they did not contain anything of historical importance.

**RESOLVED:** That Haslar Barracks be formally designated as a Conservation Area, as set out in Appendix A of the report of the Head of Conservation and Design.

## 78. DRAFT FAREHAM LOCAL PLAN 2036

Consideration was given to a report of the Deputy Head of Planning Services (Policy) requesting consideration and approval be given to a response to Fareham Borough Council's consultation on the Draft Fareham Local Plan 2036 (DFLP).

Councillor Philpott was invited to address the Board.

He thanked the Board for allowing him to speak on this subject which was of great interest and concern to residents both in his Peel Common Ward and in his county council division. He advised that he would confine his comments to the proposal HA2 in the DFLP; and to matters not fully covered in the report from the Deputy Head of Planning Services because he believed that his report covered many of the key points and was a report with which he was in complete agreement.

Councillor Philpott advised that he wanted to speak about the context; the Strategic Gap and his concerns in respect of potential implications; access; consultation; and the viability of HA2.

He advised the Board that the National Planning Policy Framework made it clear that Local Plans were required to be kept up to date. A Local Plan would be considered not up to date if the local authority could not demonstrate a five year housing supply and that in August, Fareham Borough Council had lost an appeal over housing at Cranleigh Road in Portchester on the basis that they had failed to demonstrate a five year housing supply. One of the prime purposes of this new Draft Local Plan was to address the shortage of housing supply. Fareham had decided to update their Strategic Housing Land Availability Assessment (published in January 2014) to include areas that, hitherto, they stated they did not wish to see developed. One such site was the land to the east of the new Newgate Lane.

The report of the Deputy Head of Planning Services set out the argument as to why local authorities supported the protection of strategic gaps and why it was important that the authority did not support proposals that would see development in or the erosion of the strategic gap, HA2 was currently wholly within the strategic gap.

In addition, Councillor Philpott advised that he had another concern, which was only touched on in the report, that there was currently a planning application before Fareham Borough Council from Hallam Land who were proposing to build 1,027 houses in the strategic gap at Newlands Farm – less than half a mile from HA2.

Whilst Fareham Borough Council had not included a housing allocation for Newlands Farm within their Draft Local Plan, there was a very real danger that, should it go to appeal, the Inspector may consider that Fareham Borough Council was relaxed about major residential development in the strategic gap.

This would be of significance to Gosport because the Hallam Land application was on the route of the Stubbington Bypass, a road that would be vital to serve as a western relief road taking pressure off the A32 and providing an essential route to the Daedalus Enterprise Zone. Hampshire County Council has given planning permission for the Stubbington Bypass and allocated over £8 million to the project and the Government has pledged a further £25 million.

The purpose of the Stubbington Bypass was, as Newgate Lane, to address the existing transport infrastructure deficit – as set out at 5.15 of the report of the Deputy Head of Planning Services. Councillor Philpott advised that he felt that the inclusion of HA2 in the Draft Local Plan weakened Fareham Borough Council's case for resisting development at Newlands Farm and placed the Stubbington Bypass in jeopardy.

He advised the Board that he had met with senior Highways managers on 15<sup>th</sup> November 2017 and put this point to them and followed it up by writing to Councillor Rob Humby, the Executive Member for Transport at Hampshire County Council.

Councillor Philpott advised the Board that the news of Fareham Borough Council's proposal for Newgate Lane only emerged on 9<sup>th</sup> October 2017 when the Executive of Fareham Borough Council met to discuss their new Draft Local Plan. He advised that when he read the paragraphs relating to HA2 he was horrified. He advised that he had been particularly shocked by the specific proposal relating to the properties at 165 and 167 Tukes Avenue. He advised that he had visited the residents from 163 to 169 Tukes Avenue towards the end of October and that none were aware of what Fareham Council had proposed in their Draft Plan.

Councillor Philpott advised that on 30<sup>th</sup> October 2017 he had written to Fareham Borough Council's Chief Planning Officer expressing outrage at the inference that these two houses were to be demolished to provide vehicular access to a housing estate in Fareham and demanded an apology and a withdrawal of HA2 from the Draft Local Plan.

The Board was advised that one of the residents of the properties had wanted to alert the press and draw attention to their plight and subsequently a photo shoot with the press was arranged for 13<sup>th</sup> November 2017. The resident had asked Councillor Philpott to accompany them and on the same day a letter of apology from Fareham Borough Council was received by the residents of 163-169 Tukes Avenue. The letter blamed the site promoter and offered a meeting at Fareham Civic Offices. On the following day another letter was sent to the same residents from the site promoter also apologising and confirming that it was no longer the intention to seek the demolition of 165 and 167 Tukes Avenue. The letter did, however, state that the developer was now looking at alternative options for access to HA2.

Councillor Philpott advised the Board that on the invitation of one of the residents he had attended a meeting at Fareham Civic Offices on 21<sup>st</sup> November and met with senior planning officers who had repeated their apology. He advised that he had asked them to amend the on-line Draft Local Plan to clarify that it was now no longer Fareham Council's intention to demolish 165 and 167 Tukes Avenue and had been told that they would consult and reply. Subsequent confirmation was received that the on-line Local Plan would be amended and the wording of the addendum appeared at paragraph 5.26 of the report of Councillor Officers.

Councillor Philpott advised that since 21<sup>st</sup> November 2017 he had been attempting to contact the site promoter and had written to him and telephoned him several times leaving messages. He advised that the promoter had responded assuring that he now had no intention of seeking alternative additional access to the HA2 site.

The Board was advised that the decision by Fareham not to pursue a third access left only Newgate Lane and Brookers Lane as potential access points for an estate of up to 475 houses and that the Newgate Lane option was unacceptable for the reasons set out in the report of the Deputy Head of Planning Services. The Brookers Lane option was totally unacceptable to residents of Peel Common who faced the potential of a substantial increase in traffic volumes on unsuitable residential roads,

as well as the possible threat of Brookers Lane being used as a short-cut to Newgate Lane and beyond.

Councillor Philpott advised the Board that the Localism Act 2011 placed an obligation on local planning authorities to “engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross-boundary matters.” This was known as a “Duty to Cooperate” and although a Duty to Cooperate was not a duty to agree, it was nevertheless a legal duty placed upon a local planning authority.

The Board was advised that when the time came to publish their Local Plan, Fareham Borough Council would have to demonstrate that they had complied with this duty. If they could not then the Local Plan would not be able to proceed and could be declared unsound.

Councillor Philpott advised the Board that the Government guidance was very clear stating that “The duty to cooperate was a legal test that required cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. The authority would need to submit comprehensive and robust evidence of the efforts it had made to cooperate and any outcomes achieved and this would be thoroughly tested at the examination.”

The Board was advised that in addition to the obligations set out in the Localism Act, the Town and Country Planning Regulations stated:

(1) A local planning authority must—

(a) notify each of the bodies or persons specified in paragraph (2) of the subject of a local plan which the local planning authority propose to prepare, and  
(b) invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain.

(2) The bodies or persons referred to in paragraph (1) are—

(a) such of the specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed local plan;  
(b) such of the general consultation bodies as the local planning authority consider appropriate; and  
(c) such residents or other persons carrying on business in the local planning authority’s area from which the local planning authority consider it appropriate to invite representations.

(3) In preparing the local plan, the local planning authority must take into account any representation made to them in response to invitations under paragraph (1).

The Board was advised that Fareham Borough Council had published the agenda of their Executive meeting of 9<sup>th</sup> October 2017 on 29<sup>th</sup> September 2017 and that the first contact, by means of notification, to alert Gosport Borough Council of the content of the report before the Executive, took place on 27<sup>th</sup> September 2017. Councillor Philpott advised that he had found no evidence of any contact to discuss the content of the DFLP prior to this date and concluded that there was scant notification and no meaningful attempt on the part of Fareham Borough Council to consult at any level on this matter with Gosport Borough Council. He advised that in the absence of evidence to the contrary, he contended that Fareham Borough Council had failed in their legal duty to cooperate with Gosport Borough Council.

The Board was advised that the document that appeared on the Fareham Borough Council website as the Draft Local Plan was materially different today to the document that was published on 23<sup>rd</sup> October 2017, as the original document showed three potential points of access and comment has been invited from the public and from other interested parties on that basis. However, even before the end of the consultation period, the document has been altered to show just two points of access. The access via Tukes Avenue had been removed and, according to Fareham Council and the site promoter, no alternative third access point would be identified.

Councillor Philpott advised that the entire Draft Local Plan document relating to HA2 was predicated on there being three access points. The Plan, appended to the report, identified open space, play provision, roads, schools and community facilities, all within the Borough of Gosport and all identified and published without any prior discussion with anyone from Gosport. The facilities at the northern end of Bridgemary appeared in the Draft Local Plan based upon a very clear assumption that access to them can be achieved via the demolition of 165 and 167 Tukes Avenue, which it had

now been advised would not happen.

The Board was advised that this material change impacted upon the entire viability of the HA2 proposal and if there was to be no access to community facilities then there could not be a 475 house estate.

Councillor Philpott concluded by stating that the proposal needed to be scrapped and that Fareham Borough Council would have to look elsewhere to build the 475 houses and advised that he would wish to thoroughly endorse the report and asked Members to support the recommendations.

Councillor Hammond was invited to address the Board. He advised that he agreed with Councillor Philpott's deputation and added that he had received 482 representations from local residents giving their feedback and concerns and had passed them to Fareham Borough Council for consideration.

In answer to a Member's question, Councillor Hammond advised the Board that he had been misadvised on plans to remove other properties in Tukes Avenue.

In answer to a Member's question, the Board was advised by Council Officers that the plan was currently at the Regulation 18 stage and would be subject to a further round of consultation at the Regulation 19 stage to consider soundness. The Plan would then be considered by a Planning Inspector at an Examination in Public who would assess the evidence and representations received. Due to changes in the Government's methodology for calculating housing requirement, FBC may need to undertake a further stage of Regulation 18 consultation before the Regulation 19 stage.

Members sought clarification on the appropriate legal measures that could be taken by the Council and were advised that the initial action would be to respond to the Fareham Borough Council's consultation. Following that, should the Council feel that the correct procedures had not been followed, or that FBC had not taken on board Gosport's concerns, the Council could consider bringing a judicial review to challenge any decision they believed to be incorrect.

Members expressed concern that previous objections to the IFA2 at the Daedalus Enterprise zone had been ignored.

It was clarified that the road currently under construction formed part of the approved works to the southern section of Newgate Lane.

A Member advised the Board that as Ward Councillor for Bridgemary North they had received a large amount of correspondence expressing concern at the proposal and that he had written to Fareham Borough Council regarding the loss of the strategic gap between the Boroughs, the increased use of roads increasing pollution levels and with regard to there being no plan for additional medical or educational facilities. Concern was expressed that medical facilities were already stretched and would not cope with such a large increase in residents.

A Member advised that residents were concerned that if 165-167 Tukes Avenue were not being demolished for access, that other properties were at risk as communication from the developer had been poor, and expressed disappointment that Fareham Borough Council had not consulted with Gosport Borough Council more substantially.

Members thanked officers for their report and reiterated the importance of protecting the strategic gap. It was felt that the plan had also failed to acknowledge the importance of the Daedalus site

Members felt that the recommended representation should be made stronger by the addition of the word 'strongly' at point three of the recommendation and that an additional statement regarding the impact on air quality be included.

Members felt that they wished to challenge the proposal, but were advised that the appropriate action at this stage was to formally respond and await Fareham Borough Council's response. There would be opportunities to challenge the Plan at a later date.

It was proposed and seconded that the response be amended to read the following:

- This Council considers that Fareham Borough Council (FBC) has not fully met its responsibility under the duty to cooperate as the Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.
- That in the light of the requirements of the PUSH Spatial Position Statement and the Government's potential new standard methodology for calculating housing requirements, FBC consider whether there is the potential for any additional housing sites which are suitable, available and achievable (Policy H1 and Policy DA1).
- That FBC considers whether there is any potential to increase the affordable housing requirement from 30% (Policy H2).
- That this Council strongly objects to the proposed residential allocation at Newgate Lane for the reasons set out in Section 5 of this Report (Policy HA2) and summarised below:
  - The proposal would physically and visually diminish the long-established Strategic Gap between Gosport/Fareham and Lee-on-the-Solent/Stubbington;
  - The proposal has the potential to negate the benefits being provided by the new improvements to Newgate Lane with a negative impact on traffic flow and increased congestion to the detriment of Gosport residents and the local economy including accessibility to the Solent Enterprise Zone at Daedalus;
  - The proposal has the potential to significantly harm the amenities of local Gosport residents with the introduction of new access points to existing residential areas, which due to the scale of the proposal would potentially lead to a significant increase of traffic on residential roads;
  - The proposal, as described, is very car dependent with no provision for public transport. This would exacerbate the amount of trips using Newgate Lane;
  - Any additional traffic on Newgate Lane is likely to have an impact on the Air Quality Management Area (AQMA) at the north end of Newgate Lane and Gosport Road and this may be difficult to mitigate given the scale of the allocation and limited public transport choice;
  - There is insufficient information on supporting infrastructure required including education, medical and community facilities;
  - There is no provision in the policy to protect the amenities of existing residents in the vicinity.
- That this Council supports the additional employment allocation at Daedalus (Policy SP3) with further comments highlighted in Paragraphs 6.2-6.5 of this Report.
- That this Council supports the following policies:
  - Policy E5: Boatyards which aims to protect important marine sites for employment purposes;
  - Policy INF2: Sustainable Transport which aims to ensure the accessibility of existing highways networks are not harmed and provision is made for public transport and active travel;
  - Policy INF3: Road Network Improvements which safeguards the route of the Stubbington Bypass;
  - Policy D4: Coordination of Development and Piecemeal Proposals which aims to ensure a coordinated approach to development.

**RESOLVED:** That this Council makes the following representations (as expanded upon within sections 2-8 of this Report) to Fareham Borough Council:

- This Council considers that Fareham Borough Council (FBC) has not fully met its responsibility under the duty to cooperate as the Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.
- That in the light of the requirements of the PUSH Spatial Position Statement and the Government's potential new standard methodology for calculating housing requirements, FBC consider whether there is the potential for any additional housing sites which are suitable, available and achievable (Policy H1 and Policy DA1).
- That FBC considers whether there is any potential to increase the affordable housing requirement from 30% (Policy H2).
- That this Council strongly objects to the proposed residential allocation at Newgate Lane for the reasons set out in Section 5 of this Report (Policy HA2) and summarised below:
  - The proposal would physically and visually diminish the long-established Strategic Gap between Gosport/Fareham and Lee-on-the-Solent/Stubbington;
  - The proposal has the potential to negate the benefits being provided by the new improvements to Newgate Lane with a negative impact on traffic flow and increased congestion to the detriment of Gosport residents and the local economy including accessibility to the Solent Enterprise Zone at Daedalus;
  - The proposal has the potential to significantly harm the amenities of local Gosport residents with the introduction of new access points to existing residential areas, which due to the scale of the proposal would potentially lead to a significant increase of traffic on residential roads;
  - The proposal, as described, is very car dependent with no provision for public transport. This would exacerbate the amount of trips using Newgate Lane;
  - Any additional traffic on Newgate Lane is likely to have an impact on the Air Quality Management Area (AQMA) at the north end of Newgate Lane and Gosport Road and this may be difficult to mitigate given the scale of the allocation and limited public transport choice;
  - There is insufficient information on supporting infrastructure required including education, medical and community facilities;
  - There is no provision in the policy to protect the amenities of existing residents in the vicinity.
- That this Council supports the additional employment allocation at Daedalus (Policy SP3) with further comments highlighted in Paragraphs 6.2-6.5 of this Report.
- That this Council supports the following policies:
  - Policy E5: Boatyards which aims to protect important marine sites for employment purposes;
  - Policy INF2: Sustainable Transport which aims to ensure the accessibility of existing highways networks are not harmed and provision is made for public transport and active travel;
  - Policy INF3: Road Network Improvements which safeguards the route of the Stubbington Bypass;

- Policy D4: Coordination of Development and Piecemeal Proposals which aims to ensure a coordinated approach to development.

## **79. REPORTS OF THE HEAD OF PLANNING SERVICES**

The Head of Planning Services submitted a report on applications received for planning consent setting out the recommendation.

**RESOLVED:** That a decision be taken on each application for planning consent as detailed below:

### **80. 17/00168/FULL - RETENTION OF A SINGLE STOREY SIDE EXTENSION 1 Beaulieu Place Gosport Hampshire PO13 0QP**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00168/FULL.

The Board was advised that a site visit had been undertaken by Members and that the property had been viewed from the front and the rear.

Mrs Osman was invited to address the Board. She advised the Board that she had found it disappointing that the site visit had taken place earlier than she had been advised in a letter from Planning Services. She advised that when she had raised this with the planning officers, no apology had been offered.

Mrs Osman advised the Board she would have liked the Members to have viewed the extension from her father's property to appreciate the impact that it had and the difficulty he would have in maintaining his property, particularly the gable end roof and that she would be seeking legal advice regarding the insurance position should access become an issue.

Mrs Osman advised that the proposal had been handled poorly and disrespectfully. She advised the Board of the following points

1. The extension was unlawfully built – a previous and valid planning condition was in existence.
2. There was a planning application submitted in early 2015 which included the side extension. The planning application was for a large rear extension, the front porch extension and the side extension with the total extension areas being well over the size of the original bungalow.
3. During the planning process for the three extensions the plans were amended in May 2015, and the side extension was removed from the plans. She advised that she could only assume for the following reasons:
  - a. The number of and size of extensions was too great for the site causing over-development of the site,
  - b. The inclusion of the side extension had a detrimental effect on the street scene, and
  - c. Most importantly the side extension had an adverse impact on the neighbouring property.
4. While that revised application was still being considered the applicants started to build the side extension (unlawfully) and across the boundary of number 3 Beaulieu Place.
5. That another error was accepted by the planners on the original application in that the acceptance of the wrong certificate was listed in the application form – It should have been Certificate B as the construction of foundations was on her father's land.
6. At the very early stages of the unlawful construction, i.e. while foundations were being excavated, the planners were contacted to state and highlight the unlawful development and it was requested that the build be stopped. The planning officer had incorrectly stated it was permitted development.
7. Mrs Osman highlighted that it was not permitted development due to the planning condition on the estate.

8. The condition was subsequently checked and the condition was identified and the construction was not stopped.
9. The Planning department did not listen and they allowed the unlawful development to continue.
10. On completion of the side extension the owners then applied for a Lawful Development Certificate and the outcome was a refusal from Gosport Planning Department.
11. The applicant appealed this decision and lost
12. A retrospective full planning application was submitted to retain an unlawfully built extension that it was felt should have been kept on the original application and felt that the applicant did not do this based on the reasons previously mentioned.

Mrs Osman advised that she felt that in recommending the application be granted permission, it had been considered acceptable for the applicants to build unlawfully and then retrospectively apply for permission and that from a very early stage and before the extension was out of the ground it was known that the side extension was unlawful. Mrs Osman advised that she had advised the planners of this herself.

Mrs Osman advised the Board that she felt that the planners had been negligent in their duty of care to other parties involved with this application and the previous application as they had not approached and dealt with either application in an unbiased way. She advised that she felt that the applicants had received an unprecedented level of support for an unlawful development which constituted over-development of the site and most importantly adversely impacted 3 Beaulieu Place in contravention of Policy LP10 of the Local Plan.

She advised the Board that the application could not be looked at in isolation as it was originally part of the previous application and that the planning department wrongly allowed it to be removed from that application and to be unlawfully built.

Mrs Osman concluded that if Members were in favour of the application the case would be referred to the local government ombudsman on the basis that procedures were not followed correctly and had subsequently caused a detrimental impact on 3 Beaulieu Place including the devaluing of the property.

Members clarified that the purpose of a site visit was to allow them to view the site and they understood that, whilst the neighbours would have appreciated engagement with Members and that it was unfortunate that the visit was undertaken earlier than, the visit had been undertaken by Members satisfactorily and they had had the opportunity to view the extension from their desired vantage points.

Mrs Osman reiterated that she would have liked the opportunity to engage with Members and reiterated her disappointment that she had not received an apology.

The Board were advised that an apology had been issued to Mrs Osman.

Members sought clarification from Mrs Osman as to the boundary line and the foundations for the properties. Mrs Osman advised that the Ordnance Survey boundary line was misleading and that the stepping stone area marked as belonging to the estate belonged to 1 Beaulieu Place.

Mrs Osman advised that the eaves of all properties overhung the neighbouring boundaries.

Officers clarified that the applicant had submitted an application for a Certificate of Lawful Development on the basis that the condition restricting permitted development rights was not enforceable, but this had been refused by the Council and subsequently refused by the Planning Inspectorate on appeal, who held the condition to be enforceable. This did not mean that the development was necessarily unacceptable in planning terms, just that it required a planning application to be submitted and considered in the usual way. The Board was advised that planning legislation made provision for the submission of retrospective applications. The Board was advised

that under normal planning legislation the extension would not require permission, however the condition placed on the estate when it was built meant that planning permission was required.

The Board was advised that the certificate of ownership had been completed correctly for the application under consideration.

Members advised that they had visited the site and that it was possible to get between the gap of the two properties and that in any event access and maintenance issues were not a material planning consideration. From what they had seen, the extension was sympathetic and did not overlook the neighbour's property.

**RESOLVED:** That planning application 17/00168/FULL be approved.

**81. 17/00344/FULL - INSTALLATION OF A FIRST FLOOR REAR ROOF TERRACE INCLUDING BALUSTRADING  
63 Jellicoe Avenue Gosport Hampshire PO12 2PB**

**Councillors Wright and Farr declared non-pecuniary interests, remained in the room and took no further part in the voting or discussion thereon.**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00344/FULL.

The Board was advised that a site visit had been undertaken by Members and that the property had been viewed from the front, side and rear of 63 Jellicoe Avenue.

Mr Porter was invited to address the Board.

He advised that he had nothing further to add but was happy to answer any Members' questions.

Members advised that they were surprised that the application had been recommended for refusal and that the proposal was self-contained and would not overlook adjacent properties. Members advised that they had no objection to the proposal and that the site visit had been helpful in allowing Members to view the property.

It was proposed, seconded and agreed that the application be approved, with delegated authority being given to the Head of Planning Services to attach appropriate conditions.

**RESOLVED:** That planning application 17/00344/FULL be approved and that delegated authority be granted to the Head of Planning Services to attach appropriate conditions.

**82. 17/00274/FULL - ERECTION OF 2 DETACHED TWO STOREY THREE BEDROOM DWELLINGS (CONSERVATION AREA IN PART) (as amended by plans received 29.08.17 and 06.11.17 and amplified by the Flood Risk and Surface Water Drainage Strategy received 02.08.17 and Highway Statement received 10.08.17)  
58-60 Foster Road Gosport PO12 2JJ**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00274/FULL.

The Board was advised that a site visit had taken place and that Members had viewed the site. Members were advised that the objections to the proposal had been withdrawn in light of an amendment to the siting of the 'Plot 1' dwelling.

Members agreed that the proposal would tidy up the area and welcomed the improvement to the area. **RESOLVED:** That planning application 17/00274/FULL be approved subject to the conditions in the report of the Head of Planning Services.

**83. 17/0358/FULL - RETENTION OF PERGOLA  
12 Grafton Close Gosport Hampshire PO12 4GD**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00358/FULL.

The Board was advised that the applicant has submitted a statement and two photographs to support the application because he was unable to attend the Regulatory Board meeting due to work commitments abroad. The submission stated that he was in agreement with the contents of the recommendation within the report, that the difference in height between the pergola and that permissible under permitted development was 30cm, and that, as a permitted development structure, the pergola would still be higher than the 1.8m high boundary fence; and that the pergola has been built to appropriate safety and structural requirements and has been designed to complement the application property.

The Board was advised that the photographs showed the relationship between the pergola and the boundary fence from the application property and that they were on the plan display board.

Mr Savage was invited to address the Board.

He advised that, although he had limited understanding of planning matters, he assumed that by seeking retrospective planning permission, the application would negate Town and County regulation 2362. He advised the Board that the fact remained that the structure was still in contravention of the above regulation with the construction being well over 2.5 metres in height within 2 metres of the boundary of the property.

He advised the Board that having received a letter from planning officers dated 6 October 2017 he had assumed that the application would have been approved unless he challenged the decision through this process. He advised that despite this, the proposal clearly contravened the above regulation and that seeking retrospective planning permission was an easy way out.

Mr Savage advised the Board that he had supplied some extra photographs to further highlight the dominance of the structure, the height and the closeness to his boundary.

Mr Savage advised the Board that his wife had challenged the builder at the time the photograph was taken with regard to the proximity of the structure to the boundary and the height of it. The Board was advised that Mr Savage had also tried to discuss with the homeowner when the builder was still in attendance. He advised the Board that the builder either had no knowledge or was choosing to ignore the *permitted development* criteria as he seemed to be completely non-plussed by their concerns.

The Board was advised that the summer house in the photograph had been chosen and built in 2017 and that Mr Savage had been careful to remain within the permitted development criteria. He advised that all the suppliers contacted prior to selecting the unit had made him aware of the current permitted development legislation, and that this would be the same if you want to buy a pergola in kit form.

Mr Savage advised the Board that the pergola was virtually on top of the boundary as evident from the pictures and it dominated the view from every rear aspect of his property. He advised that it had replaced several mature bushes and trees which had previously allowed some privacy for both properties.

Mr Savage advised that he had made further notes identified from the officer's report and advised that, in paragraph two, there was no hedge of conifers, that it was a mixture of mature bushes and trees. In paragraph three, the pergola been constructed as part of a new development, the

old small decking area was removed and also that it would seem that the quoted height would now be 2.8 meters, being 0.1 deck height and 2.7 pergola.

He advised the Board that the principal issues section of the report did not appear to recognise his submitted pictures by detailing the proximity to the boundary and that he thought that it would have been obvious from the images he had supplied.

Mr Savage advised that from any aspect he did not see the open design of the structure. He concluded by advising that as he had raised the only objection and suffered the biggest impact, he would have thought that he would have received a visit from the planning department and they would have looked at the case from both sides. He stated that it appeared that it was not necessary and that he did not share this opinion as the impact of the structure could only be appreciated from his property and that it seemed that scant regard had been paid to his view or the original compliance to the regulation.

In answer to a Member's question, the Board was advised that the development exceeded the height of a structure that could be erected as permitted development and, as a result, a planning application was required.

Members thanked Mr Savage for his deputation and photographs and acknowledged that the proposal was considered acceptable in planning terms, but felt that it would be beneficial to view the proposal to examine the impact it had.

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

**RESOLVED:** That planning application 17/00281/FULL be deferred for a site visit.

**84. 17/00440/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF TWO STOREY BUILDING COMPRISING 4 ONE BEDROOM FLATS WITH ASSOCIATED PARKING AND CYCLE & REFUSE STORAGE FACILITIES (RESUBMISSION OF 17/00277/FULL) (as amplified by Design & Access Statement received 20.10.2017 and email received 01.11.2017 and amended by plans received 01.11.2017)  
131 Brockhurst Road Gosport Hampshire PO12 3AX**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00440/FULL.

Mr Peters was invited to address the Board. He advised that the application had been resubmitted and the proposal had been reduced from a three-storey six- property proposal to a two-storey, four-property proposal that had incorporated the changes required, and that the application should have been approved under delegated authority but was instead recommended for refusal.

Mr Peters advised that he felt that planners should view the development as an opportunity to meet Gosport's housing need and advised the Board that all the necessary supporting documentation had been provided including details of bin stores, and cycle storage. The Board was advised that the proposal fell short of 0.2 of a parking space for visitors and that in acknowledging the highway concerns regarding vehicles reversing on to the A32, a private traffic light system had been proposed.

Mr Peters advised the Board that the building referred to as requiring an ecological survey had been removed. Mr Peters advised that the applicant was willing to make the necessary Special Protection Area mitigation payment.

In answer to a Member's question, Mr Peters advised that the access road to the site had been increased from 2.1 metres wide to 3.5 metres wide and that any larger access road than this would mean that the proposal was not viable.

He advised that the proposed solution was a red/green traffic light system which would have a motion sensor that if activated would give priority to incoming cars and would prevent both cars from using the access way at the same time and prevent the need for cars to reverse out on to the main road. Cars would therefore only exit the site in a forward gear alleviating the highway concern.

Members questioned how the system would work if a car was entering the site from the A32 and a car exiting the site had already passed the sensor point as there would be no way of stopping the car from exiting, and expressed concern that the potential for the cars to meet at the end of the access way was still present.

Members also expressed concern that cars could enter the site with potentially all the spaces occupied which could result in cars having to undertake multiple turns in the car park to exit. In answer to a subsequent question, the Board was advised by Mr Peters that the traffic light system had not yet been considered by Highways and that following the removal of the garage Hampshire County Council still required an ecological survey to be undertaken.

Members sought additional information regarding the reasons for refusal. The Planning Officer clarified that the Local Highway Authority had seen the proposals and had objected to them and had also seen the amended proposals for the private traffic light scheme and had maintained their objections. The Board were also advised that should a car enter the site and find that all the parking spaces were already taken, it would take a significant amount of manoeuvring to be able to turn and exit the site in forward gear.

The Board was advised that the main building should be the subject of an ecological survey as it has the potential to host protected species and that until the applicant agreed to enter into an agreement to pay the Special Protection Area mitigation payment, it remained a reason to refuse the application.

Members acknowledged that the A32 had recently been highlighted as one of the most dangerous roads in Hampshire and that careful consideration should be given to any development along it. In addition the route was used by a high number of school children.

**RESOLVED:** That application 17/00440/FULL be refused for the following reasons:-

1. The proposed development would, by reason of the level of parking provided and the layout of the spaces within the site incorporating inadequate provision for the manoeuvring of vehicles clear of the highway, result in vehicles being likely to reverse out onto the A32, interrupting the free flow of traffic in a manner that would be harmful to the safety and convenience of highway users. As such, the proposal is contrary to Policy LP23 of the Gosport Borough Local Plan 2011-2029.

2. The application has been submitted with insufficient ecological survey information and therefore fails to account for the presence of implications for protected species within the application site. The application, as such, fails to consider the impact of the development upon biodiversity contrary to Policy LP44 of the Gosport Borough Local Plan 2011-2029.

3. The proposal does not make adequate provision to mitigate against the harmful impacts of recreational disturbance resulting from increased residential provision in the area on internationally designated habitat sites, specifically the Portsmouth Harbour and Solent and Southampton Water SSSI/SPA/Ramsar sites which would be detrimental to the protected and other species for which these areas are designated. The proposal is therefore contrary to Policies LP2 and LP42 of the Gosport Borough Local Plan 2011-2029 and the Solent Special Protection Areas Gosport Bird Disturbance Mitigation Protocol 2014.

**85. 17/00468/TPO - CROWN CLEANING TO REMOVE DEAD / DYING / DISEASED AND CROSSING BRANCHES AND REMOVAL TO TRUNK OF LOWEST LIMB ON SOUTH WEST SIDE TO 1 HORSE CHESTNUT TREE (TPO G.1)**

**9 Little Green Gosport Hampshire PO12 2EU**

**Councillor Carter left the room and took no part in the discussion or voting thereon.**

Consideration was given to the report of the Head of Planning Services requesting that consideration be given to planning application 17/00468/TPO.

**RESOLVED:** That application 17/00468/TPO be approved subject to the conditions in the report of the Head of Planning Services.

**86. ANY OTHER BUSINESS**

The Board was advised that there were updates on a number of appeals.

Appeals had been received against the refusal of planning applications 17/00155/FULL 142 Portsmouth Road, Lee on the Solent and 17/00156/FULL Land to the South of Netherton Road.

60 St Mary's Avenue - An appeal had been received and started against the refusal of planning permission for application 17/00279/FULL.

The Victualler – An appeal against the refusal of planning permission for the tables and chairs has been submitted and the prosecution for failure to comply with the requirements of the Enforcement Notice was proceeding.

The Cordite Building – The appeal against the latest refusal of planning application had been unsuccessful.

20 Woodstock Road – 17/00001/FULL The appeal has been dismissed and the decision to refuse planning permission for the proposed development was upheld.

The meeting concluded at 19.50

CHAIRMAN