

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 27 April 2016

Time: 2.30 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

Councillors B Bayford
T M Cartwright, MBE
P J Davies
K D Evans
M J Ford, JP
R H Price, JP
D C S Swanbrow

Deputies: L Keeble
Mrs K K Trott
Mrs C L A Hockley
D J Norris



1. Apologies for Absence

2. Minutes of Previous Meeting (Pages 1 - 9)

To confirm as a correct record the minutes of the Planning Committee meeting held on 23 March 2016, and the Special Planning Committee held on 24 March 2016.

3. Chairman's Announcements

4. Declarations of Interest

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct.

5. Deputations

To receive any deputations of which notice has been lodged.

6. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 10)

To consider a report by the Director of Planning and Development on development control matters, including information regarding new planning appeals and decisions.

ZONE 1 - WESTERN WARDS

(1) P/16/0094/FP - 59 TITCHFIELD PARK ROAD TITCHFIELD FAREHAM PO15 5RN (Pages 12 - 22)

(2) P/16/0190/VC - 15 SAMUEL MORTIMER CLOSE CATISFIELD FAREHAM PO15 5NZ (Pages 23 - 27)

(3) P/14/0841/FP - LAND OFF CARTWRIGHT DRIVE TITCHFIELD PO15 5RJ (Pages 28 - 30)

ZONE 2 - FAREHAM

ZONE 3 - EASTERN WARDS

(4) Planning Appeals (Pages 33 - 37)

7. Tree Preservation Order No. 722 - 118 Locks Road, Locks Heath (Pages 38 - 41)

To consider a report by the Director of Planning and Regulation regarding Tree Preservation Order No. 722 (2016) to which one objection has been received.

P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
19 April 2016

For further information please contact:
Democratic Services, Civic Offices, Fareham, PO16 7AZ
Tel:01329 236100
democraticservices@fareham.gov.uk

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 23 March 2016

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

Councillors: B Bayford, T M Cartwright, MBE, P J Davies, K D Evans,
M J Ford, JP, R H Price, JP and D C S Swanbrow

Also Present: Councillor T G Knight (Item 7 (3))



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee held on 24 February 2016 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

The Committee received a deputation from the following in respect of the applications indicated and were thanked accordingly.

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Item No/ Application No/Page No
ZONE 1 – 2.30pm				
Mr M Wallace		RIVENDELL HOOK PARK ROAD WARSASH SO31 9HA – TWO STOREY FRONT EXTENSION, TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, REAR CAR PORT, TWO STOREY ANNEXE TO REAR INCORPORATING AN INTEGRAL GARAGE AND CAR PORT AND NEW VEHICULAR ACCESS FROM SOLENT DRIVE	Supporting	7 (1) P/15/1273/FP Pg 36
ZONE 2 – 2.30pm				

ZONE 3 – 2.30pm				
Mrs S Fielder		OSBORNE VIEW HOTEL 67 HILL HEAD ROAD FAREHAM PO14 3JP – BASEMENT EXTENSION, NEW EXTERNAL CLADDING, REPLACEMENT WINDOWS, ALTERATIONS TO REAR GARDEN INCLUDING NEW FENCING AND ENLARGEMENT OF BIN STORE	Opposing	7 (3) P/15/1256/FP Pg 47
Mrs L Sproson		-Ditto-	-Ditto-	-Ditto-

6. REVIEW OF LOCAL INFORMATION REQUIREMENTS

The Committee considered a report by the Director of Planning and Regulation on a review of Local Information Requirements.

RESOLVED that the Committee agreed the proposed changes to Local Information Requirements which have been carefully considered in the context of the consultation responses received. The proposed changes to the Local Information Requirements will take effect on the 1st April 2016, and will be applied to all applications received on or after that date.

7. PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS INCLUDING AN UPDATE ON PLANNING APPEALS

The Committee noted a report by the Director of Planning and Regulation on the development management matter applications and miscellaneous matters including information on Planning Appeals. An Update Report was tabled at the meeting.

(1) P/15/1273/FP - RIVENDELL HOOK PARK ROAD WARSASH FAREHAM SO31 9HA

The Committee received the deputation referred to in Minute 5 above.

Upon being proposed and seconded the officer recommendation to refuse planning permission was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal:

The proposed development is contrary to Policy CS17 of the adopted Fareham Borough Core Strategy and is unacceptable in that the size, bulk, height and location of the proposed annex forward of the building line established by properties along Solent Drive, would fail to respond positively to and be respectful of the key characteristics of the area and would as a result appear incongruous in the street scene to the detriment of its spatial character.

(2) Q/0005/16 - 22 SUFFOLK DRIVE WHITELEY FAREHAM PO17 7DE

Upon being proposed and seconded the officer recommendation that officers do not consider it expedient to instigate enforcement action in respect of the use of the former garage as a hairdressing salon on the basis of the scale of the current use, was voted on and CARRIED.

(Voting: 6 in favour; 2 against; 1 abstention)

RESOLVED that based on the present scale of the use, the Committee do not consider it expedient to instigate enforcement action in respect of the use of the former garage as a hairdressing salon.

(3) P/15/1256/FP - OSBORNE VIEW HOTEL 67 HILL HEAD ROAD FAREHAM PO14 3JP

The Committee received the deputations referred to in Minute 5 above.

At the invitation of the Chairman, Councillor Knight addressed the Committee on this item.

The Committee's attention was drawn to the Update Report which contained the following information:- *Ecology Report: Bat Report received from The Ecology Consultancy, dated 16th March 2016. The report concluded that the site would have moderate to low potential for bats with no bats being found in the building at the time of the survey, and its coastal location further reducing the risk to roosting bats. There were however a number of potentially suitable areas for bat access on the elevations and roof.*

Third Parties: A further comment received from the immediate adjoining neighbour to the west reiterating their concern regarding the potential impact from users for the raised terrace on their amenity as a result of increased activity and noise. Additionally, a further comment has been received from another near neighbour raising several queries regarding the content of the Committee Report.

Conditions: The word 'maintained' in Conditions 4, 5 and 6 has been replaced by the word 'retained'.

A motion was proposed and seconded that the application be refused on the grounds that the proposed raised terrace would have a detrimental impact on the neighbouring properties in regards to noise and overlooking, and that the proposed application would increase pressure on car parking in the locality without providing additional car parking spaces as set out in policy CS17 and the SPD, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal:

The proposed development, by reason of the provision of the raised decked area to the rear of the property would result in an unacceptable level of overlooking and loss of privacy for the occupiers of the adjoining residential properties. The terrace would increase noise disturbance and place additional pressure on car parking resulting in a significant adverse impact on the residential amenities of the surrounding area. The proposal is therefore contrary to policy CS17 of the Fareham Core Strategy 2011, policies DSP2 and DSP3 of the Local Plan Part 2: Development Site and Policies 2015, and Fareham Borough Non-Residential Parking Standards Supplementary Planning Document 2015.

(4) Planning Appeals

The Committee noted the information in the report.

(5) UPDATE REPORT

The Update Report was tabled at the meeting and considered with the relevant agenda item.

8. TREE PRESERVATION ORDER NO.720 (2015) - LAND SOUTH OF WARSASH COMMON, EAST OF CHURCH ROAD AND WEST OF FLEET END ROAD WARSASH

The Committee considered a report by the Director of Planning and Regulation regarding Tree Preservation Order No. 720 (2015) to which two objections have been received.

A motion was proposed and seconded that Tree Preservation Order No. 720 (2015) be confirmed, was voted on and CARRIED.

(Voting: 8 in favour; 1 against)

RESOLVED that the Tree Preservation 720 is confirmed

(The meeting started at 2.30 pm
and ended at 4.00 pm).

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Thursday, 24 March 2016

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

Councillors: B Bayford, T M Cartwright, MBE, P J Davies, K D Evans,
R H Price, JP, D C S Swanbrow and Mrs C L A Hockley
(deputising for M J Ford, JP)

Also Present: Councillors Miss S M Bell, G Fazackarley and D J Norris (item 5)



1. APOLOGIES FOR ABSENCE

An apology of absence was received from Councillor M J Ford, JP.

2. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed students from Cams Hill and Wicor Primary School to the meeting.

3. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct, Councillor R H Price, JP declared a personal non-pecuniary interest in Minute 5 – Planning Application P/15/0260/OA – Land North of Cranleigh Road / West of Wicor Primary School Portchester.

4. DEPUTATIONS

The Committee received the deputations from the following in respect of the applications indicated and were thanked accordingly.

5. DEVELOPMENT MANAGEMENT

The Committee received the deputations referred to in Minute 4 above.

At the Invitation of the Chairman Councillors; Miss Bell, Fazackarley and Norris addressed the Committee on this item.

Councillor R H Price declared a personal non-pecuniary interest in this item as he lives near to the proposed site. He remained in the room and took part in the discussion and vote.

The Committee's attention was drawn to the Update Report which contained the following information:- *One further objection received raising the same concerns as set out in the Committee report.*

For Members information below is the Council's 5 Year Land Supply table.

		2016-17	2017-18	2018-19	2019-20	2020-21	Total
Requirement	DSP Plan	155	155	154	154	154	772
	Welborne Plan	120	180	200	320	340	1160
	Total	275	335	354	474	494	1932
Supply	DSP Allocations & Permissions	346	316	287	126	79	1154
	Welborne	0	0	0	250	350	600
	Urban Supply & Windfall	0	20	24	75	85	204
	Total	346	336	311	451	514	1958
	Balance against Requirement	71	1	-43	-23	20	26
	Land Supply Position (Years)						5.1

Upon being proposed and seconded, the officer recommendation to refuse planning permission, was voted on and CARRIED.
(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal:

The development would be contrary to Policies CS2, CS4, CS5, CS11, CS14, CS16, CS17, CS18, CS20 and CS21 of the Adopted Fareham Borough Core Strategy 2011 and DSP6, DSP13 and DSP15 of the adopted Local Plan Part 2: Development Sites and Policies Plan and is unacceptable in that:

(a) the proposal represents development outside the defined urban settlement boundary for which there is no justification or overriding need. The erection of up to 120 dwellings and their associated infrastructure upon this site would result in the loss this open, undeveloped area of land which would be harmful to the character of area;

(b) the proposal would result in the loss of Grade 1 and Grade 2 agricultural land;

(c) in the absence of a financial contribution or a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;

(d) in the absence of a legal agreement securing a 'Travel Plan', the proposed development would not make the necessary provision to ensure 'reduce and manage measures' are in place to assist in reducing the dependency on the use of the private motorcar;

(e) in the absence of a legal agreement securing provision of open space and facilities and their associated management, the recreational needs of residents of the proposed development would not be met;

(f) had it not been for the overriding reasons for refusal the Council would have sought an Ecological Construction Management Plan and Ecological Management Plan to ensure that all protected species are taken into account during and after construction. These would include alternative provision for habitats and future management and maintenance arrangements.

(g) had it not been for the overriding reasons for refusal the Council would have sought details of the SuDS strategy including the mechanism for securing its long-term maintenance.

Note for information:

Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points c – e of the above by the applicant entering into legal agreements with Fareham Borough Council and Hampshire County Council.

6. UPDATE REPORT

The Update Report was tabled at the meeting and considered with the relevant agenda item.

(The meeting started at 10.00 am
and ended at 11.25 am).

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 27 April 2016

Report of: Director of Planning and Regulation

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications and miscellaneous items

RECOMMENDATION

The recommendations are detailed individually at the end of the report on each planning application.

AGENDA

Items relating to development in all wards will be heard from 2.30pm at Civic Offices, Civic Way, Fareham PO16 7AZ.

ZONE 1 - WESTERN WARDS

Park Gate
Titchfield
Sarisbury
Locks Heath
Warsash
Titchfield Common

Reference		Item No
P/16/0094/FP TITCHFIELD	59 TITCHFIELD PARK ROAD TITCHFIELD FAREHAM PO15 5RN CONSTRUCTION OF 1 X 2 BEDROOM SINGLE STOREY DWELLING WITH ACCESS, PARKING, CYCLE AND REFUSE PROVISION.	1 PERMISSION
P/16/0190/VC TITCHFIELD	15 SAMUEL MORTIMER CLOSE CATISFIELD FAREHAM PO15 5NZ AUTOMATED SECTIONAL GARAGE DOOR TO CAR PORT OF PLOT 24 (15 SAMUEL MORTIMER CLOSE).	2 PERMISSION
P/14/0841/FP	LAND OFF CARTWRIGHT DRIVE TITCHFIELD PO15 5RJ DEED OF VARIATION OF SECTION 106 PLANNING OBLIGATION RELATING TO P/14/0841/FP (CARE VILLAGE COMPRISING 86 EXTRA CARE UNITS AND CHANGE OF USE OF LAND TO COUNTRY PARK)	3 Grant Deed of Variation

Agenda Item 6(1)

P/16/0094/FP

TITCHFIELD

MASCOT HOMES LTD

AGENT: WYG

CONSTRUCTION OF 1 X 2 BEDROOM SINGLE STOREY DWELLING WITH ACCESS, PARKING, CYCLE AND REFUSE PROVISION.

59 TITCHFIELD PARK ROAD TITCHFIELD FAREHAM PO15 5RN

Report By

Mark Wyatt. Direct Dial (01329) 824704

Site Description

The application site is part of the subdivided garden of 59 Titchfield Park Road. The site is beyond the more manicured garden of 59 and has recently been cleared.

The site is to be accessed from the turning head off Branewick Close with the removal of a small area of grassed verge with the hedge primarily consisting of laurel having already been removed. The site is generally flat but there is a slight fall to the west and the south with the properties in Fern Way on slightly lower ground.

Description of Proposal

The proposal seeks full planning permission for the erection of a two bedroom bungalow of a contemporary design solution with access from Branewick Close.

The scheme is amended from the previous application P/15/0942/FP with changes made as follows (according to the submitted supporting statement):

- Reduction in floor area from 100sqm to 72sq.m
- Reduction in ridge height from 6.6m to 5.1m
- Re-siting of the dwelling in the plot with enlarged garden to the west and additional external amenity area to the east of the dwelling
- Omission of the car port structure and parking spaces at the rear of 35 Branewick Close
- Presentation of the dwelling to the Branewick Close entrance point
- Increased separation to neighbours and no first floor windows facing 35 Branewick Close
- Revised noise acoustic report with appropriate mitigation measures
- Revised arboricultural assessment.

Policies

The following policies and guidance apply to this application:

The National Planning Policy Framework (NPPF)

The Planning Practice Guidance (PPG)

Fareham Borough Design Guidance (Excluding Welborne) Supplementary Planning Document

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy
CS9 - Development in Western Wards and Whiteley
CS15 - Sustainable Development and Climate Change
CS16 - Natural Resources and Renewable Energy
CS17 - High Quality Design

Approved SPG/SPD

RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document,

Development Sites and Policies

DPS1 - Sustainable Development
DSP2 - Design
DSP3 - Environmental Impact
DSP4 - Impact on Living Conditions
DSP15 - Recreational Disturbance on the Solent Special Protection Areas

Relevant Planning History

P/14/0726/FP - Erection of one 4 bedroom detached house on land rear of 59 Titchfield Park Road with access from Branewick Close: Withdrawn 04/09/2014

P/14/1033/FP - Erection of one 4-bedroom detached house, garage, access drive & associated parking and landscaping on land to the rear of 59 Titchfield Park Road: Refused 16/12/2014

P/15/0263/FP - Erection of 3 bedroom house with access from Branewick Close: Invalid 08/05/2015

P/15/0942/FP - Erection of 3 bedroom house with access from Branewick Close: withdrawn 26/11/2015

This application is submitted in response to the application withdrawn in November 2015 (P/15/0942/FP). It was withdrawn by the applicant rather than be refused. The intended reasons for refusal were:

- 1) The proposal would result in a form of development that fails to respond positively to or be respectful of the key characteristics of the area. By virtue of its access and siting the proposed dwelling will create a backland development which would fail to respect the frontage established character of the Branewick Close street scene
- 2) It was considered that the proposed dwelling by virtue of its siting and massing would result in an overbearing and dominant effect on the private garden area of number 7 Fern Way.
- 3) The proposal, by virtue of the site layout and siting of the dwelling, would result in noise and disturbance from the parking area upon the amenity of the occupiers of number 35 Branewick Close
- 4) The proposed house would, by virtue of its siting and orientation, threaten the retention of

a tree protected by a Tree Preservation Order as a result of the juxtaposition of the tree with the proposed house and the resultant lack of usable garden area and the resultant future pressure to fell the tree; and

5) In the absence of a financial contribution towards the Solent Disturbance Mitigation Project, the proposed development fails to mitigate its impact and would, in combination with other developments, increase the recreational pressure and habitat disturbance to the Solent Coastal Protection Areas.

Representations

The application has been objected to by eleven neighbouring properties raising following points:

- The same ground of objection as raised previously continue to apply as do all the reasons for refusal
- This is garden grabbing
- Branewick Close is a private road
- Trees have been felled and the site cleared which is a blatant attempt to force the planners hand
- This is overdevelopment at its best
- All neighbours will overlook the plot
- Disruption during construction would be unbearable
- The Council didn't adopt the Close so how can they now agree to a new access over it?
- Fiercely object to a bungalow in principle
- The extra traffic would cause concern
- The access is a turning point and overflow parking. It would cause untold problems for residents if this is lost
- Loss of sunlight to neighbouring gardens
- Spoil the peace and quiet of neighbouring back gardens
- This is a monstrosity of a building with no benefit to the community
- This does not respond positively to the character of the area. It gives no frontage to Branewick Close, just a door in the distance
- The siting will continue to threaten the retention of the protected tree
- Noise and disturbance from the parking area
- The Leader of the Council has said that Welborne will preserve our villages and stop building on green spaces
- No need for the dwelling. There are 284 x 2 bedroom properties for sale within one mile of the site
- Local facilities are reducing and there is a greater reliance on the car to get anywhere. The site is not, therefore, in a sustainable location
- Impact on the rear garden and amenity of 35 Branewick Close is worse as a result of the new siting
- Compromised outlook from 7 Fern Way
- This is completely out of character with properties that surround the application site
- The design is ugly and unsympathetic to the location.

Consultations

INTERNAL CONSULTATIONS:

Trees - No objection subject to conditions

Planning Considerations - Key Issues

- The principle of development
- Character of the Area
- Impact upon 7 Fern Way
- Impact upon 35 Branewick Close
- Trees
- Impact upon the Solent SPA

THE PRINCIPLE OF DEVELOPMENT:

The application site is within the defined settlement boundary as defined on the inset map of the Borough Local Plan Part 2. The development plan provides for small scale development within the settlement boundaries providing (among other things) that the setting of the settlement is protected. The National Planning Policy Framework (NPPF) excludes garden land such as this from the definition of Previously Developed Land (PDL). This does not however preclude development on gardens. The NPPF simply reflects the development plan policy in that there is a need for any development to have regard to the character of the area.

The NPPF seeks to promote sustainable development, in fact the presumption is in favour of sustainable development. Comments in third party representations suggest that due to the distance of the site from local amenities that the site is unsustainable and the scheme should fail on this basis.

In this case the Core Strategy and the Development Sites and Policies Plan set out that the focus for development will be within the defined urban settlement boundaries rather than outside. The very fact that the site is within a settlement boundary must lend itself to being acceptable in principle for some form of development such that to refuse the application on the grounds of sustainability would likely be considered unreasonable.

Subject to the other considerations below, the proposal is considered to be acceptable in principle.

CHARACTER OF THE AREA:

In this case, the site is to be accessed from Branewick Close. This southern end of Branewick Close is a relatively new development with two storey residential dwellings set along the access road with on-plot driveway and car port parking. It provides for a relatively open plan character although the openness is a 'hard' landscape primarily made up of driveway vehicle parking. The dwellings do, however, front the road.

Branewick Close displays some elements of contemporary design such as glass porch canopies and metal braces supporting these porch canopies. The fenestration also is of modern proportions and simple design with a mix of facing brick and white painted brick panels.

The proposed dwelling is of contemporary design comprised of two main elements; the first is a flat roof design with douglas fir timber boarding to the elevations. The second module of the building is a cream rendered building with feature brickwork chimney. The roof to the second module of the building is designed with a mono pitch. The front entrance door has a glazed surround, not dissimilar to some of the properties in Branewick Close, and it faces directly north which according to the application documents "...creates a strong visual presence of the new dwelling from the public realm and will provide a cohesive appearance

to the surrounding residential character along Branewick Close".

Policy CS17 requires development to respond positively to the key characteristics of the area including scale, form and spaciousness. Additionally the NPPF advises that decisions should ensure that developments respond to local character while not preventing or discouraging appropriate innovation (para 58).

In this case, the concern previously was that the dwelling appeared to be tucked to the west of the site access with the dwelling almost out of view such that the dwelling didn't address the access way or Branewick Close. This was considered contrary to the frontage character described above. The house was also designed of a traditional form with a cropped gable roof and dormer windows at first floor. The current proposal, as amended, now seeks to site the dwelling so that it addresses the site access. The contemporary design solution will not be seen in its totality from the public realm and what will be seen will provide an acceptable form of development. Whilst the surrounding character of the area is two storey, the proposed bungalow draws on some of the contemporary architectural details in Branewick Close; the NPPF advice on innovative design solutions (see previous paragraph) is also relevant. Additionally it is noted that the recently adopted Borough Design Guidance (Excluding Welborne) advises that backland sites such as this may need a bungalow solution to be acceptable. As such the re-siting of the dwelling to face north up the access to the site and the articulation of the access coupled with the design approach is considered to be an acceptable solution to the previous concerns.

IMPACT UPON 7 FERN WAY:

As referenced above, the recently adopted Fareham Borough Design Guidance (Excluding Welborne) SPD advises that "Dwellings with backland locations must be carefully designed to preserve the outlook and privacy available to existing properties. Properties constructed in these locations may often need to be single storey in design to minimise the impact upon neighbours".

In this case the applicant has reduced the dwelling from a chalet bungalow to a bungalow in accordance with the Design Guide advice with the resultant finished height reducing by 1.5m from the withdrawn scheme to a maximum height of 5.1m. The design of the dwelling further reduces the bulk through its contemporary roofscape with a combination of flat and mono pitched roofscape rather than a more traditional pitched roof form. Third party comments expressing concern about the finished height are noted; however the monopitch roof design, use of a render to lighten the structure and the fact that the proposed dwelling is separated from the rear elevation of 7 Fern Way by 12m results in a proposal that is not considered to have a significant harmful impact upon the residential amenity of number 7 Fern Way. It is also noted that a 12m separation distance is an acceptable distance as per the Design Guide SPD given the single storey nature of the dwelling.

IMPACT UPON 35 BRANEWICK CLOSE:

Revisions to the layout now provide for the parking area relocated away from the rear of 35 Branewick Close to the western side of the site entrance; adjacent to the southeastern corner of the garden to 57 Titchfield Park Road. There remains a small turning area adjacent to the garden with number 35 but the application is supported with an acoustic report which concludes that the level of noise impact will be below the Lowest Observed Adverse Affects Level. This conclusion means that noise from the application site would be noticeable but not intrusive. This level of noise would normally be acceptable in planning

terms as defined in the Planning Practice Guidance, however the applicant also intends to further mitigate the impact of the development upon the rear garden of number 35 Branewick Close through the provision of a 1.8m high acoustic fence along the southern boundary of the garden to number 35.

The recently withdrawn application, P/15/0942/FP, attracted no objection from the Environmental Health Officer with regard to noise impacts. Given the re-siting of the car park area away from number 35 Branewick Close and the provision of an acoustic fence, the proposal is not considered to have a significantly adverse impact upon the amenity of the occupiers of number 35 Branewick Close.

It is noted that as a consequence of the car park relocation, one third party representation raises the issue of noise to the garden of number 57 Titchfield Park Road. Whilst the layout now brings the parking area closer to the boundary with the garden to number 57, this neighbouring garden is of a generous length with the immediate private amenity area and patio at the rear of the dwelling a substantial distance away.

In any event the likely noise generated from the movements associated with one dwelling are not considered to be demonstrably harmful, as detailed above in summarising the applicants noise assessment.

TREES:

Within the garden of number 5 Fern Way is a mature Oak tree protected by a TPO. The tree sits just off the south western corner of the proposed rear garden and the tree will overhang the proposed garden to a considerable degree.

It has previously been held that the proposed house would, by virtue of the juxtaposition of the garden and dwelling to the off site Oak tree, create a lack of usable garden area and result in the future pressure to fell or prune the protected tree.

The scheme now re-sites the dwelling further away from the oak tree to the south west by 1.5m giving an overall garden length of 13m facing west. The revisions to the layout with the re-sited car parking area also provide for an additional external amenity area to the east.

Whilst the lounge area still directs the occupiers of the dwelling to use the western garden, the increased separation from the tree and the more attractive layout of the site with the provision of the eastern garden area - which can be accessed from the bedroom doors - will provide adequate usable garden areas for the dwelling and alternative external spaces should the oak tree over shadow the western garden area.

The reconfiguring of the layout and bespoke design of the new dwelling has reduced the impact of the tree upon the dwelling to an acceptable level, which will allow the Council to defend any unreasonable pressure to significantly prune the oak tree in future. There is no Arboricultural Objection to the proposal.

IMPACT UPON THE SOLENT SPA:

Policy CS4 of the Core Strategy and policy DSP15 of the Development Sites and Policies Plan sets out that the habitats of importance to the Borough, including SPA's will be protected. The policy also proposes that Fareham Borough Council will work with other authorities in the PUSH area to develop and implement a strategy to protect European Sites

from recreational pressure. The development plan sets out that developments likely to have an individual or cumulative adverse impact will not be permitted unless the necessary mitigation measures have been secured. Additionally, under the Habitat Regulations 2010, the Local Planning Authority has a legal requirement not to adversely affect the integrity of the SPA.

Recently gathered evidence by Natural England demonstrates that new development can reduce the quality of the habitat in the Solent SPA's. Any development that would result in an increase in the local population may have an impact either alone or in combination with other development on the coastal habitat. Development can increase the population at the coast and thus increase the level of disturbance and the resultant effect on the SPA's conservation objectives.

The applicant has provided the required financial contribution being secured towards the Solent Disturbance Mitigation Project. The proposed development therefore mitigates its impact and would not, in combination with other developments, increase the recreational pressure and habitat disturbance to the Solent Coastal Protection Areas.

CONCLUSION:

In summary the proposed layout and house design revisions address the previous concerns that led to the withdrawal of the application P/15/0942/FP. The design proposed is contemporary and is now sited at the entrance to the site to better relate to Branewick Close. The re-design of the site layout provides for an improved relationship between 7 Fern Way and 35 Branewick Close. The amended siting and design of the dwelling and site layout will result in an acceptable relationship between the dwelling and protected off site oak tree. Finally the proposal mitigates its impact upon the sensitive coastal habitats that form the Special Protection Areas for protected bird species.

The proposal therefore accords with Policies CS2, CS4, CS5, CS6, CS9 and CS17 of the adopted Fareham Borough Core Strategy and Policies DSP2, DSP3 and DSP15 of the Fareham Local Plan Part 2: Development Sites and Policies plus the guidance in the National Planning Policy Framework and is recommended for permission accordingly.

Recommendation

PERMISSION subject to conditions:

01. The development shall commence before the expiry of three years from the date of this decision notice.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

02. The development shall be carried out in accordance with the following approved plans:

- 10259-PL-02 Revision B "Proposed Site Layout"
- 10259-PL-03 Revision B "Proposed Floor Plans. Proposed Elevations"
- ECO3 "Tree Protection for Land Rear of 59 Titchfield Park Road, Fareham"

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

03. No development shall take place, including site clearance and preparatory work, until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. This Method Statement shall detail tree protection measures in accordance with BS5837 and include specific construction techniques to be employed in

areas of the Root Protection Areas relating to the two trees identified in the submitted drawing ECO3 "Tree Protection for Land Rear of 59 Titchfield Park Road, Fareham".

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and protected trees in accordance with Policies CS9, CS14 and CS17 of the Adopted Fareham Borough Core Strategy.

04. Protective fencing measures installed (in accordance with the condition above) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written agreement of the Local Planning Authority.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment in accordance with Policies CS9, CS14 and CS17 of the Adopted Fareham Borough Core Strategy.

05. All service routes, drain runs, soakaways or excavations in connection with the development shall remain wholly outside the protective tree barriers unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment in accordance with Policies CS9, CS14 and CS17 of the Adopted Fareham Borough Core Strategy.

06. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall provide for:

- Details of the parking arrangement for site vehicles and contractors
- the management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (08.00 to 09.00) and PM peak (16.30 to 18.00) periods.
- areas for loading and unloading;
- areas for the storage of plant and materials;
- security hoarding position and any public viewing platforms (if necessary);
- site office location;
- construction lighting details;
- wheel washing facilities;
- dust and dirt control measures;
- a scheme for the recycling of construction waste;

The development shall be carried out in accordance with the approved details.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment or highway safety in accordance with Policies CS5, CS12, CS14 and CS17 of the Adopted Fareham Borough Core Strategy.

07. No development shall take place above damp proof course (dpc) level until samples of all materials to be used in the construction of the dwelling hereby permitted, have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development

08. No development shall take place above damp proof course (dpc) level until drawings detailing the bin and cycle storage areas have been submitted to and approved in writing by the Local Planning Authority. The bin and cycle store(s) shall be constructed in accordance with the approved details and shall be available for use prior to the first occupation of the dwelling hereby permitted.

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy

09. The dwelling hereby approved shall not be occupied until the approved acoustic fence to the rear of number 35 Branewick Close has been installed. The Beech Hedge to be planted on the inside of the acoustic fence (as shown on drawing 10259-PL-02 Revision B) shall be planted during the first planting season following the installation of the acoustic fence. Unless otherwise first agreed in writing with the Local Planning Authority, any part of the Beech Hedge which, within a period of five years from first planting, are removed, die or, in the opinion of the local planning authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy

10. Details of any external lighting to be fitted to the dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to its installation on the site. The lighting will be installed in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

11. The dwelling hereby approved shall only have any external meter box(es) located on a side (east or west) elevation.

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Classes A, B, C and E of Part 1, Schedule 2 shall be constructed unless otherwise agreed in writing by the local planning authority following the submission of a planning application made for that purpose.

REASON: In the interest of the development integrating with the character of the area, ensuring the preservation of the important off site protected tree and in the interests of the amenity of neighbouring properties in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

13. No materials obtained from site clearance or from construction works shall be burnt on the site.

REASON: To ensure that the construction period does not have a detrimental impact upon

the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy

14. All construction work in relation to the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 08.00 hours and 18.00 hours Monday to Friday and 08.00 hours and 13.00 hours Saturdays and at no time on Sundays and recognised bank/public holidays

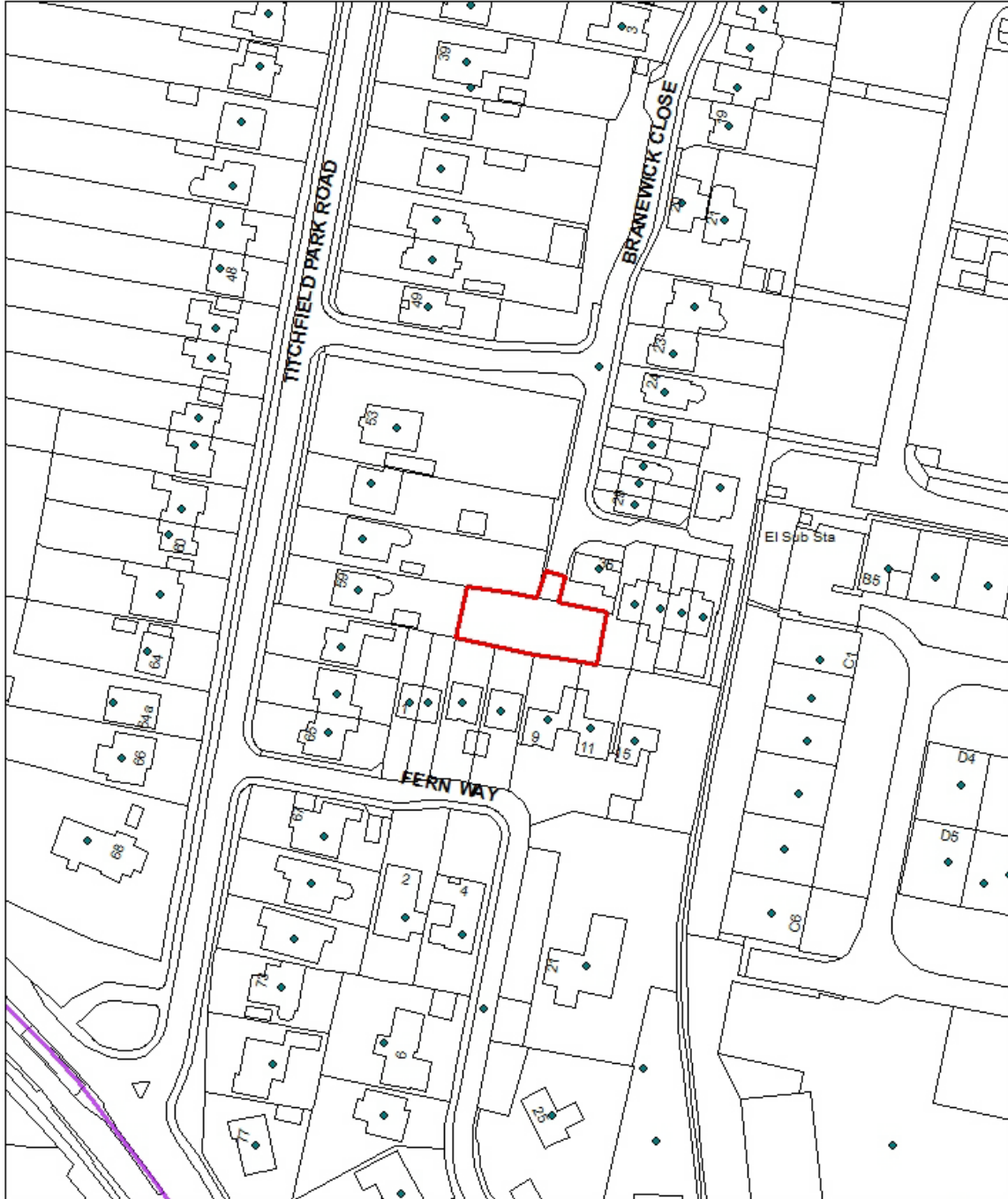
REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities of neighbouring properties in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

Background Papers

See "relevant Planning History" section above

FAREHAM

BOROUGH COUNCIL



59 Titchfield Park Road
SCALE: 1:1,250

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Agenda Item 6(2)

P/16/0190/VC

TITCHFIELD

MR MARTIN ROBERTS

AGENT: MR MARTIN ROBERTS

AUTOMATED SECTIONAL GARAGE DOOR TO CAR PORT OF PLOT 24 (15 SAMUEL MORTIMER CLOSE).

15 SAMUEL MORTIMER CLOSE CATISFIELD FAREHAM PO15 5NZ

Report By

Kim Hayler - Direct dial 01329 824815

Site Description

This application relates to a recently constructed detached dwelling with side attached car port situated in the new residential development on the former Hinton Hotel site at Catisfield Lane.

The dwelling is one of a number located in the north western corner of the site, creating a small courtyard. The car port is attached to the southern side of the property with a vehicle parking space in front.

The dwelling lies just within the Titchfield Abbey Conservation Area, with its side attached car port lying outside.

Description of Proposal

Condition 22 of the original planning permission stated:

Notwithstanding the provisions of the Schedule of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent Order revoking and re-enacting that Order) at no time shall the car ports hereby permitted be enclosed or provided with doors unless otherwise agreed in writing by the local planning authority following the submission of a planning application.

REASON: In the interests of highway safety; to ensure adequate on site car parking provision; in accordance with Policy CS17 of the adopted Fareham Borough Core Strategy.

This application seeks variation of the planning condition in order to allow the installation of an automated sectional garage door to the side attached car port on 15 Samuel Mortimer Close (Plot 24).

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS17 - High Quality Design

Approved SPG/SPD

RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document,

Relevant Planning History

The following planning history is relevant:

P/16/0354/VC - Remove parking space rear of plot 23 (16 Samuel Mortimer Close) car port and provide parking space immediately to the north of the dwelling (retrospective application) - variation of condition 6 of P/12/0644/FP - undetermined

P/12/0644/MA/E - Infill to rear of existing attached non-drive through car port and reconfigure garden boundary plot 24 - Approve - 29 March 2016

P/12/0644/FP - Hinton Hotel and the Limes - Erection of care home and 32 dwellings - Permission - 26 April 2013

Representations

Seven letters received objecting to the proposal for the following reasons:

The developer told new residents that garages were not allowed;
The proposal conflicts with the village type atmosphere;
The proposal would detract from the character of the area;
The proposal will not enhance the look of the property as it would be at odds with other property on the development;
These are not small properties; valuables can be stored inside;
Proposal should not be allowed without the knowledge of new owners opposite;
The management Company should have been served notice of the application;
The proposal would set a precedent.

A comment has been received from the Catisfield Village Association stating that the proposal would appear to go against the 'open plan' character of the development.

Planning Considerations - Key Issues

The key issues in this case are the visual effect of the proposed garage door upon the character and design of the development, the effect upon the character and appearance of the Titchfield Abbey Conservation Area and the principle of creating a garage the effect of this on the parking provision for the dwelling.

The application property differs from all others within the development in that the car port is enclosed on three sides rather than just two. The majority of car ports were designed with the ability to drive through to a parking space within the property rear garden. This was not the case here.

A number of representations raise concern that visually the proposed sectional door would be out of character and would have an unacceptable impact upon the design of the development.

The application property forms part of a cluster of dwellings sited around a courtyard. The neighbouring property to the south, 16 Samuel Mortimer Close (plot 23) is sited forward of the application property. The side attached car port subject of this application is therefore set back behind plot 23. As a result the proposed garage door would not be readily seen from the street unless directly accessing plots 25 - 27.

Car ports originated at the design stage of the development, led by the size of the site and as a means to meet the Council's residential car parking standards. Car ports were not a specific planning requirement in any other respect.

Officers consider in visual terms the installation of a sectional garage door to the car port

would not materially harm the character of the area and as a result it would be difficult to justify refusing the application for this reason.

Furthermore having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Officers consider that the proposal will preserve the character and appearance of the Titchfield Abbey Conservation Area.

Originally it was proposed that this dwelling would have three parking spaces; the car port and two spaces to the front. However, the southernmost of the two spaces has been conveyed to the neighbouring property to the south, plot 23. In order to replace this parking space, the developer has conveyed additional land to the front of the application dwelling for the parking of a car. The dwelling therefore has three allocated spaces which meets the requirement for a four bedroom property in accordance with the Council's parking standards.

The installation of the sectional garage door will fully enclose the car port, changing it to a garage. Members will be aware that the Council's adopted Residential Car and Cycle Parking Standards Supplementary Planning Document (SPD) states that garages will not normally be counted towards the overall parking provision. Garages will only count towards overall parking provision where developers can demonstrate that they represent the only means of parking a car. The SPD recognises that where no alternative parking is provided, and garages become the only means of parking a car (e.g. mews developments, or developments with narrow streets) their rates of useage are likely to be higher. In these circumstances a planning condition can be imposed to retain the garage for car parking only. Officers consider that such circumstances apply to this specific plot.

Having considered the proposals carefully officers are of the view that there would be no material harm to the character and appearance of the estate, the character and appearance of the Titchfield Abbey Conservation Area would be preserved and no material harm would be caused to highway safety or local car parking conditions.

Officers recommend that the application should be permitted subject to the conditions set out below.

Recommendation

PERMISSION, subject to the following conditions:

1. The development shall begin within three years.

REASON: To allow a responsible time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the following approved documents:

Location Plan
Site plan
Conveyancing plan
Front elevation (east)
Side elevation (south)
Garage door detail
Garage opening

REASON: To avoid any doubt over what has been permitted.

3. The garage shall be kept available for the parking of cars at all times.

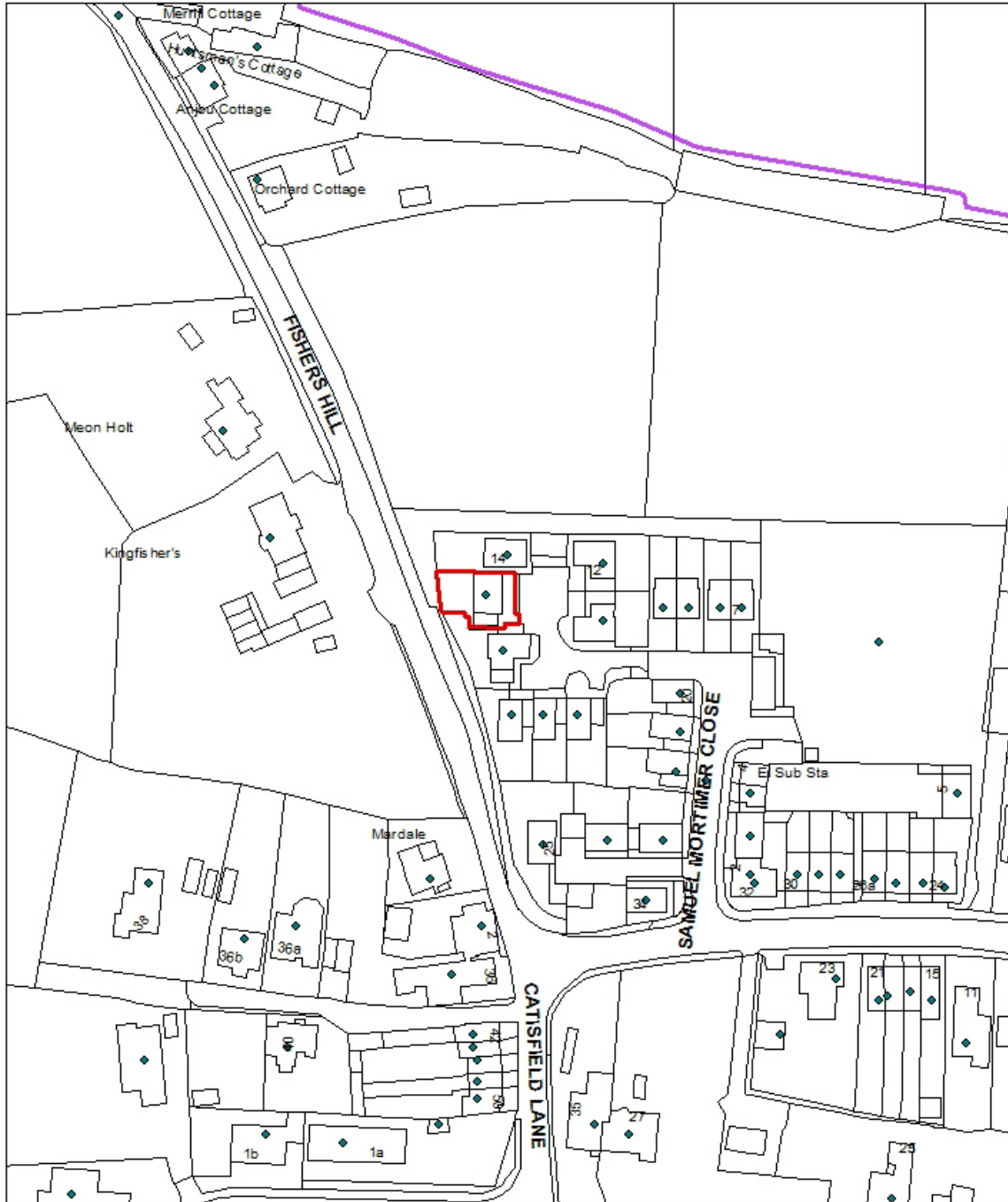
REASON: In order to provide an appropriate level of car parking spaces to serve the dwelling.

Background Papers

See planning history above.

FAREHAM

BOROUGH COUNCIL



15 Samuel Mortimer Close
SCALE: 1:1,250

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Agenda Item 6(3)

P/14/0841/FP

ALDER KING PLANNING
CONSULTANT

TITCHFIELD

AGENT: ALDER KING PLANNING
CONSULTANT

DEED OF VARIATION OF SECTION 106 PLANNING OBLIGATION RELATING TO
P/14/0841/FP (CARE VILLAGE COMPRISING 86 EXTRA CARE UNITS AND CHANGE
OF USE OF LAND TO COUNTRY PARK)

LAND OFF CARTWRIGHT DRIVE TITCHFIELD PO15 5RJ

Report By

Kim Hayler - Direct Dial 01329 824815

Introduction

Planning permission was granted on 16 November 2015 under reference P/14/0841/FP for a care village comprising 86 extra care units and change of use of land to a country park.

The planning permission was subject to a number of planning conditions and a Section 106 planning obligation.

The applicant has secured a potential operator for the care village however they have raised concerns in relation to the definition of a qualifying person occupying the Extra Care Units as set out in the obligation. A request has been made to change the wording of the obligation as explained below.

Planning Considerations - Key Issues

As currently set out in the obligation, irrespective of their need an occupier of an Extra Care Unit must procure and receive a Domiciliary Care Package, which consists of a care package comprising a minimum of 1.5 hours per week of Extra Care at the time that they occupy the unit.

In some instances, however, at the time of the purchase of a unit, individuals, whilst in need of care, may not be at a level of need to satisfy the Extra Care requirements as set out in the obligation. Nevertheless, these individuals seek to reside at the development in the knowledge that they will be in need of Extra Care at some time in the future. An example of this is individuals suffering from early onset degenerative illnesses such as dementia who may choose to purchase a unit whilst they have the cognitive ability to do so.

In order to accommodate such situations and circumstances the potential purchaser is seeking to vary the agreement so that an individual can occupy an Extra Care Unit provided they enter into a Domiciliary Care Package receiving the Extra Care either at the time of procurement or in the future as and when they warrant the need.

Currently paragraph 5(b) of Schedule Two of the Agreement states:

'an occupier of that Extra Care Unit has procured and is receiving from the owner or Domiciliary Care Agency a Domiciliary Care Package (provided that this obligation shall not apply to a spouse of a person falling within paragraph 5(a).'

The wording should be replaced with the following:

'an Occupier of that Extra Care Unit has procured and is or will be receiving from the Owner of the Domiciliary Care Agency a Domiciliary Care Package (provided that this obligation shall not apply to a spouse of a person falling within paragraph 5(a)).'

Currently paragraph 6(a) of Schedule Two of the Agreement states:

'a person aged fifty-five or over who is in need of Extra Care, or'

The wording should be replaced with the following:

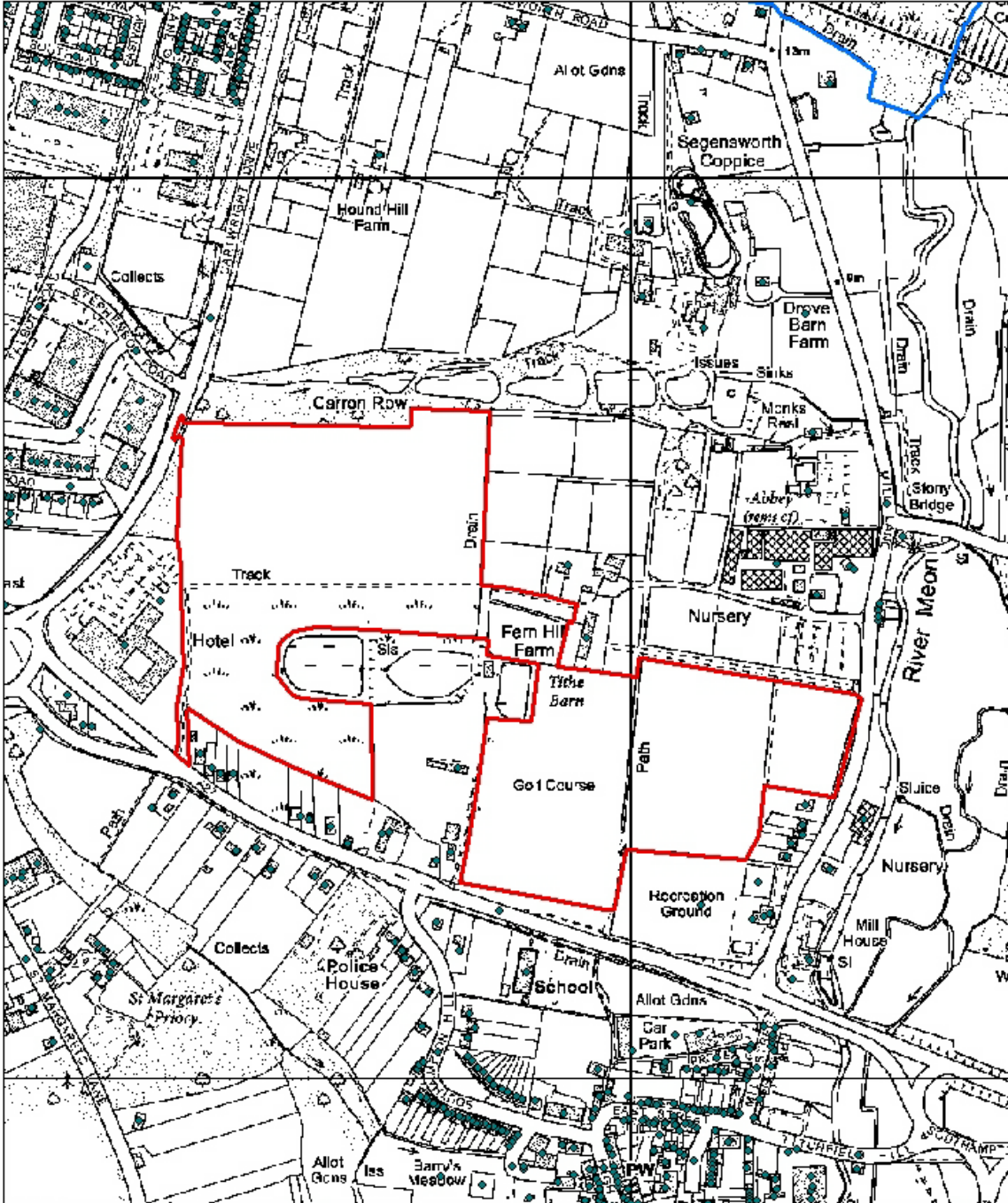
'a person aged fifty-five or over who has entered into a Domiciliary Care Package with the Domiciliary Care Agency, or'

Officers are satisfied that the suggested amended wording would facilitate the purchase of a unit by those individuals with a low, albeit increasing Extra Care need, whilst ensuring that the development retains its principal function of providing care.

Recommendation

Members authorise a Deed of Variation to vary the original planning obligation on terms drafted by the Solicitor to the Council as set out in the report above.

FAREHAM
BOROUGH COUNCIL



Cartwright Drive
SCALE: 1:6,000

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PLANNING APPEALS

The following list details the current situation regarding new and outstanding planning appeals and decisions.

CURRENT

ENF/15/0107

Appellant: COLIN & SUSAN BARNES
Site: Land To Rear Of 158 Highlands Road / Land At The Cloisters
Date Lodged: 29 December 2015
Reason for Appeal: CHANGE OF USE OF THE LAND FROM PUBLIC OPEN SPACE TO RESIDENTIAL GARDEN

P/15/0254/FP

Appellant: MASCOT HOMES
Site: Land To Rear Of 20 Church Road Warsash Southampton Hants SO31 9DG
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 14 December 2015
Reason for Appeal: ERECTION OF 7 HOUSES WITH ASSOCIATED PARKING, ACCESSED VIA SANDYCROFT

P/15/0535/OA

Appellant: TILCO LIMITED
Site: Shorewood Close Warsash Fareham SO31 9LB
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 24 March 2016
Reason for Appeal: ERECTION OF TWO DETACHED HOUSES

P/15/0667/LP

Appellant: MR D MURSELL
Site: 9 Chapel Road Sarisbury Green Fareham SO31 7FB
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 09 October 2015
Reason for Appeal: DETACHED GARAGE AND NEW STONED DRIVE.

PLANNING APPEALS

The following list details the current situation regarding new and outstanding planning appeals and decisions.

CURRENT

P/15/0786/VC

Appellant: Titchfield Festival Theatre
Site: The Tithe Barn Mill Lane Titchfield Fareham PO15 5RB
Decision Maker: Committee
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 09 February 2016
Reason for Appeal: Remove CONDITION 2 allowing outside of barn to be used; vary CONDITION 8 to allow removable/temporary structures under 9m x 9m within the grounds of the barn to be erected for up to 72 hours; remove CONDITION 13 requiring need for visibility splays; remove CONDITION 16 allowing unrestricted number of weddings subject to recorded amplified music (DJs) or non amplified acoustic music (bands) & installation of a noise limiter; vary CONDITION 17 to allow garden benches & tables to be left in the grounds on a permanent basis.

P/15/1225/FP

Appellant: Mr Simon Pascoe
Site: 5 Highlands Road Fareham PO16 7XJ
Decision Maker: Officers Delegated Powers
Recommendation:
Council's Decision: REFUSE
Date Lodged: 18 March 2016
Reason for Appeal: Single storey rear/side extension

P/15/1263/AD

Appellant: Mr Andrew Page
Site: Delme Court Maytree Road Fareham PO16 0HX
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 26 February 2016
Reason for Appeal: OUTDOOR ADVERTISTMENT TO BE DISPLAYED ON PREVIOUSLY APPROVED BOUNDARY WALL

HEARINGS

PLANNING APPEALS

The following list details the current situation regarding new and outstanding planning appeals and decisions.

HEARINGS

ENF/15/0071

PUBLIC INQUIRY

Appellant:

MR LEIGH DUNKASON

Site:

46 Glen Road Sarisbury Green Southampton

Date Lodged:

01 October 2015

Reason for Appeal:

CONSTRUCTION OF BUILDING COMPRISING SELF-CONTAINED LIVING ACCOMMODATION ANCILLARY TO RESIDENTIAL USE OF 46 GLEN ROAD AND ITS SUBSEQUENT CHANGE OF USE TO A SINGLE DWELLINGHOUSE

DECISIONS

P/14/1101/FP

Appellant:

MRS C HAZLERIGG

Site:

74 Privett Road Fareham Hampshire PO15 6SH

Decision Maker:

Officers Delegated Powers

Recommendation:

APPROVE

Council's Decision:

REFUSE

Date Lodged:

10 December 2015

Reason for Appeal:

TWO STOREY EXTENSION TO FORM NEW DWELLING

Decision:

DISMISSED

Decision Date:

26 February 2016

P/15/0434/FP

Appellant:

MRS J GILES

Site:

2 The Grounds Heath Road North Locks Heath Fareham SO31 7PL

Decision Maker:

Officers Delegated Powers

Recommendation:

REFUSE

Council's Decision:

REFUSE

Date Lodged:

29 January 2016

Reason for Appeal:

CONSTRUCTION OF ACCESS ONTO LOCKSWOOD ROAD

Decision:

DISMISSED

Decision Date:

15 April 2016

PLANNING APPEALS

The following list details the current situation regarding new and outstanding planning appeals and decisions.

DECISIONS

P/15/0506/CU

Appellant: DR MANORI AMBROSE
Site: 270 Hunts Pond Road Titchfield Fareham Hampshire PO14 4PF
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 02 November 2015
Reason for Appeal: CHANGE OF USE OF FIRST FLOOR FROM RESIDENTIAL TO PROVIDE TWO ADDITIONAL DENTIST TREATMENT ROOMS, OFFICE/STORE & STAFF KITCHEN, CONVERSION OF GARAGE TO PROVIDE RECEPTION & WAITING ROOM, EXTENSION OF EXISTING GARAGE TO PROVIDE LINK TO MAIN BUILDING & VARIATION OF OPENING HOURS
Decision: DISMISSED
Decision Date: 13 April 2016

P/15/0694/FP

Appellant: MR GARETH EYRE
Site: 11 Fareham Park Road Fareham Hampshire PO15 6LA
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 13 November 2015
Reason for Appeal: TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION
Decision: DISMISSED
Decision Date: 15 April 2016

PLANNING APPEALS

The following list details the current situation regarding new and outstanding planning appeals and decisions.

DECISIONS

P/15/1117/FP

Appellant:	MR & MRS DEDMAN
Site:	9 Shetland Rise Whiteley PO15 7JP
Decision Maker:	Officers Delegated Powers
Recommendation:	REFUSE
Council's Decision:	REFUSE
Date Lodged:	29 January 2016
Reason for Appeal:	TWO STOREY SIDE EXTENSION
Decision:	DISMISSED
Decision Date:	15 April 2016

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 27 April 2016

Report of: Director of Planning and Regulation

Subject: FAREHAM TREE PRESERVATION ORDER No. 722 – 118 LOCKS ROAD, LOCKS HEATH.

SUMMARY

This report details of the objections to the making of a provisional order in March 2016 and provides officers comments on the points raised.

RECOMMENDATION

That Tree Preservation Order 722 is not confirmed.

BACKGROUND

1. Section 197 of The Town and Country Planning Act 1990 places a duty on local planning authorities when granting planning permission to include appropriate provision for the preservation and planting of trees.

It shall be the duty of the local planning authority -

- (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and
 - (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.
2. Section 198 gives local planning authorities the power to make tree preservation orders [TPOs].

(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

3. Fareham Borough Council Tree Strategy 2012 - 2017.

Policy TP7 - Protect significant trees not under Council ownership through the making of Tree Preservation Orders.

Policy TP8 - Where necessary protect private trees of high amenity value with Tree Preservation Orders.

4. On the 15 March 2016 the Council received a TPO check from a contractor in relation to land at 118 Locks Road. The contractor is known to the Council's tree team and he explained that the property was for sale and he had been asked to price for the removal of the existing trees.
5. The property has a large established garden comprising mature trees and shrubs, most notably a significant beech tree situated centrally on the land to the south of the dwelling.

INTRODUCTION

6. On the 17 March 2016 a provisional order was served in respect of the aforementioned beech tree at 118 Locks Road.

OBJECTIONS

7. Under Regulation 6 of the Town and Country Planning (Trees) Regulations 2012 one objection has been received from the owner of the property, Amici Developments Ltd on the following grounds:
 - The beech and several other trees on the property were 'ring barked' on 16 March and this has effectively rendered the beech tree dead.

No other objections have been received to the making of the order.

COMMENT

8. 'Ring-barking' is the complete removal of a strip of bark, including the inner vessels (phloem and/or xylem), from around the entire circumference of the trunk of a tree.
9. The beech T1 has been ring barked by the complete removal of a 200mm wide band of bark from the circumference of the stem approximately 500mm above ground level (please see photos at appendix A). The damage was only realised after the TPO had been served.
10. Trees need these vessels for transportation of water and nutrients. Severance of such vital vessels results from girdling and death occurs from the inability of the leaves to transport sugars down to the roots and transportation of water and minerals from the roots to the leaves.
11. In the opinion of the Council's Principal Tree Officer the beech tree is unlikely to survive the significant damage to the stem caused by the removal of the bark girdling the stem in this case.

RISK ASSESSMENT

12. The Council will not be exposed to any risk by not confirming TPO 722. Only where an application is made for consent to work on trees subject to a TPO and subsequently refused does the question of compensation payable by the Council arise.

CONCLUSION

13. The beech T1 has been irreparably damaged by the ring barking to the extent that its health and condition is impaired and it will lead to the eventual death of the tree.
14. Officers therefore recommend that Tree Preservation Order 722 is not confirmed.

Background Papers: TPO 722.

Reference Papers: National Planning Policy Framework: Planning Practice Guidance - Tree Preservation Orders (2014), Fareham Borough Council Tree Strategy 2012 – 2017 and The Law of Trees, Forests and Hedges (second edition) – *Charles Mynors*.

Enquiries:

For further information on this report please contact Paul Johnston. (Ext 4451)

Appendix A – Beech T1 viewed from Locks Road.



Beech T1 – ring barking at base of stem.

