

AGENDA
PLANNING COMMITTEE

Date: Wednesday, 22 February 2017

Time: 2.30 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

Councillors B Bayford

J E Butts

T M Cartwright, MBE

P J Davies

K D Evans

M J Ford, JP

R H Price, JP

Deputies: F Birkett

S Cunningham

L Keeble

Mrs K K Trott



1. Apologies for Absence

2. Minutes of Previous Meeting (Pages 1 - 19)

To confirm as a correct record the minutes of the Special Planning Committee meeting held on 23 January 2017 and the Planning Committee meeting held on 25 January 2017.

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 20)

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

(1) **N/17/0001 - FULCRUM 6 SOLENT WAY WHITELEY PO15 7FT** (Pages 21 - 23)

(2) **N/17/0003 - LAND OFF SOLENT WAY WHITELEY HAMPSHIRE** (Pages 24 - 26)

ZONE 1 - WESTERN WARDS

(3) **P/16/1088/OA - LAND TO SOUTH & EAST OF ROOKERY AVENUE FAREHAM** (Pages 28 - 39)

(4) **P/16/1415/FP - DRIFT HOUSE BROOK AVENUE WARSASH SO31 9HN** (Pages 40 - 51)

ZONE 2 - FAREHAM

ZONE 3 - EASTERN WARDS

(5) **P/16/1337/D3 - MERLIN HOUSE 4 METEOR WAY STUBBINGTON PO13 9FU** (Pages 54 - 65)

(6) **P/17/0042/FP - 39 KNIGHTS BANK ROAD FAREHAM PO14 3HX** (Pages 66 - 69)

(7) **Planning Appeals** (Pages 70 - 72)

7. Tree Preservation Orders

To consider the confirmation of the following Tree Preservation Order(s), which have been made by officers under delegated powers and to which no formal objections have been received.

Fareham Borough Tree Preservation order No. 729 (2016) – Glen Acres and land South of Inwood House, Holly Hill Lane, Sarisbury.

Order served on 17 November 2016 for which there were no objections. It is recommended that Fareham Tree Preservation Order No. 729 be confirmed as made and served.

TPO 729 replaces TPO 708 – Glen Acres, Holly Hill Lane, Sarisbury made on 27 May 2016. It is recommended that Fareham Tree Preservation Order No.708 is not confirmed.

The confirmation of TPO 729 completes the review of Holly Hill Lane and is recommended that FTPO 2015, FTPO 217, FTPO 227, HTPO189 and HTPO197 are revoked as all trees worthy of protection have been included in new Orders.

8. Tree Preservation Order No. 733 - Meadowbank, Cedar Cottage, Ajays, Auberon, The Lair, Wellside Cottage and Lowater Nursery, Hook Village (Pages 73 - 76)

To consider a report by the Director of Planning and Regulation regarding Tree Preservation Order No's 730 and 733.

Tree Preservation Order No 730, to which there were objections received is proposed to be revoked, and will be replaced with Tree Preservation Order No 733 to which there have been no objections.

P GRIMWOOD
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
14 February 2017

**For further information please contact:
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FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Monday, 23 January 2017

Venue: Solent Room, Ferneham Hall

PRESENT:

N J Walker (Chairman)

A Mandry (Vice-Chairman)

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

Also Present: Councillr C J Wood (item 5)



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that there would be a 15 minute break in the meeting after all of the deputations have been heard, to allow officers time to be able to address points raised in the deputations that had not already been covered in the report.

3. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct, the following Councillors declared an interest in Item 5 – Development Management – Planning Application P/16/0557/OA – Land at Daedalus Airfield and Monks Hill Beach:

Councillor T M Cartwright; Councillor M J Ford, JP; Councillor J E Butts; Councillor C J Wood.

4. 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	Minute No/ Application No	TIME (mins)
Mr D Astbury	Hill Head Residents Association	LAND AT DAEDALUS AIRFIELD AND MONKS HILL BEACH (TO MEAN LOW WATER SPRINGS (MLWS)); AND LAND BETWEEN NATIONAL GRID SUBSTATION AT CHILLING AND BROWNWICH, NEAR CHILLING (TO MLWWS) – HYBRID PLANNING PERMISSION (PART OUTLINE, PART FULL PERMISSION)	Opposing	5 P/16/0557/OA	5 mins

Mr M Marks	Lee-on-the-Solent Residents Association	-Ditto-	-Ditto-	-Ditto-	5 mins
Mr R Wilkinson	Peel Common Estate Residents Association	-Ditto-	-Ditto-	-Ditto-	5 mins
Mr B Mansbridge		-Ditto-	-Ditto-	-Ditto-	3 mins
Caroline Dineage MP for Stubbington and Gosport		-Ditto-	-Ditto-	-Ditto-	3 mins
Mr P Wason		-Ditto-	-Ditto-	-Ditto-	3 mins
Mr M Murray		-Ditto-	-Ditto-	-Ditto-	3 mins
Mr J McCilmont	The Fareham Society	-Ditto-	-Ditto-	-Ditto-	5 mins
Mr S Philpott Gosport BC Councillor		-Ditto-	-Ditto-	-Ditto-	3 mins
Mr R Massingham		-Ditto-	-Ditto-	-Ditto-	3 mins
Mr M Stratton-Brown		-Ditto-	-Ditto-	-Ditto-	3 mins
Mr J Krumins		-Ditto-	-Ditto-	-Ditto-	3 mins
Mr M Shipley		-Ditto-	-Ditto-	-Ditto-	3 mins
Mrs E Booth		-Ditto-	-Ditto-	-Ditto-	3 mins
Mrs P Thorpe		-Ditto-	Supporting	-Ditto-	3 mins
Mr M Bray (Agent)	National Grid	-Ditto-	-Ditto-	-Ditto-	5 mins

5. DEVELOPMENT MANAGEMENT

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

Councillor T M Cartwright declared a non-pecuniary interest in this item as he is the Chairman of the Daedalus Working Group and the Daedalus Anniversary Working Group.

Councillor M J Ford, JP declared a non-pecuniary interest in this item as he is a member of the Daedalus Working Group.

Councillor J E Butts declared a non-pecuniary interest in this item as he is a member of the Daedalus Working Group, and he also hold a private pilot's licence and occasionally flies from Daedalus Airfield.

Councillor C J Wood declared a non-pecuniary interest in this item as he is a member of the Daedalus Working Group and his parent's property is in close proximity to the application site.

At the Invitation of the Chairman, Councillor C J Wood addressed the Committee on this item.

The Head of Development Management addressed the Committee to provide a verbal update to:

Condition 11 – which would read 'No development relating to the erection of the converter stations buildings shall take place until details have been submitted to and approved by the local planning authority to demonstrate how the buildings will be designed and any external plant attenuated to control noise emissions, including low frequency noise. The converter station building shall be constructed in accordance with the approved details.'

And

Condition 48 – which would have a further criterion added as follows:

- b) Direct Current magnetic fields directly above the cables not more than 10 microTesla when measured 1.5 metres above ground level at each taxi-way crossing of the cables;

The Committee resolved that details submitted by the applicant pursuant to condition 48) would be determined by the Planning Committee and would not be delegated to Officers.

Councillor Price suggested that an amendment be made to Condition 13 regarding the sound monitoring and suggested that it be changed from 6 months to 12 months.

(1) Upon being proposed and seconded, the Officer Recommendation to confirm the Council's Habitats Regulation Assessment as at Appendix A, and consequently adopt the applicant's Report to Inform Habitats Regulations Assessment together with the Likely Significant Effects document prepared by the Marine Management Organisation and the recommended conditions contained within Natural England's consultation response to the IFA2 planning application dated 26 August 2016, was voted on and CARRIED.
(Voting: 8 in favour; 0 against; 1 abstention)

RESOLVED that the Council's Habitats Regulation Assessment at Appendix A be CONFIRMED, and the applicant's Report to Inform Habitats Regulation Assessment together with the Likely Significant Effects document prepared by the Marine Management Organisation and the recommended conditions contained within Natural England's consultation response to the IFA2 planning application dated 26 August 2016, be ADOPTED.

(2) Upon being proposed and seconded, the Officer Recommendation to grant planning permission, subject to the prior completion of a legal agreement and the conditions in the report, and the proposed changes to Conditions 11 and 13 and 48 above, was voted on and CARRIED.

(Voting: 7 in favour; 2 against)

RESOLVED that, subject to:-

(i) The prior completion of a legal agreement pursuant to Section 016 of the Town and Country Planning Act 1990 on terms to the satisfaction of the Solicitor to the Council as detailed in the report;

(ii) Delegate to the Head of Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions of heads of terms or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification which may include the variation, addition or deletion of conditions and heads as drafted to ensure consistency between the two sets of provisions;

(iii) the conditions in the report;

(iv) the amendment to Condition 11 to read 'No development relating to the erection of the converter stations buildings shall take place until details have been submitted to and approved by the local planning authority to demonstrate how the buildings will be designed and any external plant attenuated to control noise emissions, including low frequency noise. The converter station building shall be constructed in accordance with the approved details.'; and

(v) Condition 48 to read:

48. No development in relation to the installation of cables on Daedalus Airfield shall take place until details of the way in which the cables will be arranged below ground along with the depth at which the cables will be laid has been submitted to and approved by the local planning authority in writing to achieve the following:

- (a) Alternating Current magnetic fields directly above the cables not more than 10 microTesla when measured at ground level at each taxi-way crossing of the cables;
- (b) Direct Current magnetic fields directly above the cables not more than 10 microTesla when measured 1.5 metres above ground level at each taxi-way crossing of the cables;
- (c) Compass deviation not more than 1 degree when 12 metres or more away from the Direct Current cables, measured at 1.5m above ground level at each taxi-way crossing of the cables.

The installation of the cables on Daedalus Airfield shall be undertaken in accordance with the approved details.

REASON: To ensure that Alternating Current and Direct Current cables at the site will not materially impact upon aviation use and safety at the site;

And;

(vi) The amendment to Condition 13 for the monitoring period to be extended from 6 months to 12 months.

PLANNING PERMISSION be granted.

(The meeting started at 10.00 am
and ended at 2.15 pm).

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 25 January 2017

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

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

**Also
Present:**



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes if the Planning Committee held on 14 December 2016 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct, the following Councillors declared an interest in the applications referred to:-

Name	Application Number/Site	Minute Number
Councillor Cartwright	P/16/1231/D3 Land Off Vulcan Way Daedalus East Fareham	8 (6)
Councillor Ford, JP	-Ditto-	8 (6)
Councillor Butts	-Ditto-	8 (6)

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	Minute No/ Application No/Page No
ZONE 1 – (Items 1 & 2 only) 2.30pm				
Mr S Brown (Agent)		LAND EAST OF BROOK LANE WARSASH SO31 9FE – OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED (EXCEPT	Supporting	8 (1) P/16/0959/OA Pg 26

		FOR ACCESS), FOR RESIDENTIAL DEVELOPMENT OF UP TO 180 DWELLINGS, ASSOCIATED LANDSCAPING, AMENITY AREAS & ACCESS FROM BROOK LANE		
Mr S Packer (Agent)		LAND TO THE EAST OF BROOK LANE & SOUTH OF BROOKSIDE DRIVE WARSASH – OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS), FOR RESIDENTIAL DEVELOPMENT OF UP TO 85 DWELLINGS WITH PUBLIC OPEN SPACE, ACCESS FROM BROOK LANE, LANDSCAPING WORKS, INCLUDING DEMOLITION OF EXISTING REDUNDANT NURSERY BUILDINGS	Supporting	8 (2) P/16/1049/OA
ZONE 1 (items 3 & 4) – 4pm				
Mr N Ellis (Agent)		230 WARSASH ROAD WARSASH SO31 9JF – DEMOLITION OF THE EXISTING DETACHED GARAGE AND CONSTRUCTION OF A NEW 2 BEDROOM DETACHED BUNGALOW	Supporting	8 (3) P/16/1236/FP Pg 55
Mr M Knappett		17 LIPIZZANER FIELDS WHITELEY FAREHAM PO15 7BH – TWO STOREY EXTENSION	Opposing	8 (4) P/16/1278/FP Pg 63
Mr I Donohue		-Ditto-	Supporting	-Ditto-
ZONE 2 – 4pm				

ZONE 3 – 4pm				

6. SPENDING PLANS 2017/18

The Committee considered a report by the Director of Finance and Resources on the overall level of revenue spending for the Committee. The report also set out the revised budget for 2016/17 and the base budget for 2017/18.

RESOLVED that the Committee:

- (a) agree the revised budget for 2016/17 and the base budget for 2017/18;
- (b) notes the fees and charges for 2017/18; and
- (c) recommends the budget to Council for approval.

7. ACTUAL REVENUE EXPENDITURE 2015/16

The Committee considered a report by the Director of Finance and Resources which sets out details for the actual revenue expenditure for 2015/16.

RESOLVED that the content of the report be noted.

8. 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/16/0959/OA - LAND EAST OF BROOK LANE WARSASH SO31 9FE

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

The Committee’s attention was drawn to the Update Report which contained the following information:- *Three further comments received from local residents unable to attend the Planning Committee raising the following matters:*

*It would be interesting to see what HCC highways have in mind;
Highway improvements are needed before considering further development;
How will wildlife issues be overseen?*

Impact on local infrastructure appears to have been dismissed. Housing development cannot be considered in isolation and must be a well considered, overall strategy for the area;
Brownfield sites should not be used;
Local roads cannot cope;
Where is the overall plan for the area?

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, CS6, CS14, CS16, CS17, CS18, CS20 and CS21 of the Adopted Fareham Borough Core Strategy 2011 and Policies 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 and would adversely affect its landscape character, appearance and function.

(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 financial contribution or legal agreement to secure such, the proposal would result in an increase on the adjoining road network and its junctions to the detriment of the users of the highway;

(e) 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;

(f) 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;

(g) had it not been for the overriding reasons for refusal the Council would have sought ecological mitigation, compensation and enhancement measures to ensure that all protected species are taken into account during and after construction. These would include alternative provision for habitats, including networks and connectivity and future management and maintenance arrangements;

(h) 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 – h of the above by the applicant entering into legal agreement with Fareham Borough Council and Hampshire County Council.

(2) P/16/1049/OA - LAND TO THE EAST OF BROOK LANE & SOUTH OF BROOKSIDE DRIVE WARSASH

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

The Committee's attention was drawn to the Update Report which contained the following information:- *Page 48, DESIGN, refers to the density of the proposed development and its comparison with the adjacent Strawberry Fields. For Members information the proposed net density equates to 35 dph which is less than Strawberry Fields which has a net density of approximately 40 dph.*

The applicant has confirmed the development will be predominantly two storey with some limited 2.5 storey.

One further comment has been received from a local resident not able to attend the Committee meeting raising the following comments:

The proposal will be an extension of the Strawberry Fields development which is over developed and buildings too high, totally changing the character of Warsash;

Lack of parking in Locks Heath Shopping Centre;

The footpath alongside my property should be removed;

If the proposal is permitted I will consider moving;

Loss of privacy.

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, CS6, CS14, CS17, CS18, CS20 and CS21 of the Adopted Fareham Borough Core Strategy 2011 and Policies 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 of the defined urban settlement boundary for which there is no justification or overriding need and would adversely affect its landscape character, appearance and function;

(b) 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;

(c) had the Council been minded to grant planning permission then a highway contribution would have been secured towards highway improvements as a result of the potential cumulative effects of development in the vicinity;

(d) 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;

(e) had it not been for the overriding reasons for refusal the Council would have sought ecological mitigation, compensation and enhancement measures to ensure that all protected species are taken into account during and after construction. These would include alternative provision for habitats, including networks and connectivity and future management and maintenance arrangements;

(f) 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 b – f of the above by the applicant entering into legal agreement with Fareham Borough Council.

(3) P/16/1236/FP - 230 WARSASH ROAD WARSASH FAREHAM SO31 9JF

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

Upon being proposed and seconded, the officer recommendation to grant planning permission, subject to the conditions in the report together with an additional condition requiring an acoustic boundary fence to be provided prior to the occupation of the dwelling, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that, subject to the conditions in the report together with an additional condition requiring an acoustic boundary fence to be provided prior to the occupation of the dwelling, PLANNING PERMISSION be granted.

(4) P/16/1278/FP - 17 LIPIZZANER FIELDS WHITELEY FAREHAM PO15 7BH

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

The Committee requested that an additional condition be imposed requiring details of materials to be submitted to and agreed with the local planning authority prior to development commencing.

Upon being proposed and seconded, the officer recommendation to grant planning permission, subject to:-

(i) the conditions in the report; and

(ii) an additional condition requiring details of materials to be submitted to and agreed with the local planning authority prior to development commencing.

Was voted on and CARRIED.

(Voting: 7 in favour; 2 against)

RESOLVED that subject to:-

(i) the conditions in the report; and

(ii) an additional condition being imposed requiring materials to be submitted to and agreed with the local planning authority prior to development commencing.

PLANNING PERMISSION be granted.

**(5) P/16/1333/FP - LAND TO REAR OF 10-20 TEWKESBURY AVENUE
FAREHAM POI15 6LL**

The Committee's attention was drawn to the Update Report which contained the following information:- *The applicant has made the financial contribution towards the Solent Recreation Mitigation Strategy (SRMS). They have also provided more detail in relation to reptile mitigation such that the Council's ecologist has advised that the remaining matters can be made subject of appropriately worded planning conditions (see below). Lastly Officers have made a minor adjustment to suggested condition 15 to replace the words "other persons" with "sub-contractors" and thereby make the condition more precise.*

The Officer recommendation is therefore revised as follows:

PERMISSION subject to the conditions set out in the main report including condition 15 which is to be worded as below and with the addition of conditions 16 & 17 concerning reptile mitigation:

15. At no time whilst the development hereby permitted (excluding demolition works and site preparation) is being carried out shall vehicles used by contractors or sub-contractors involved in carrying out the development be parked on the public highway Tewkesbury Avenue.

REASON: In the interests of highway safety and to ensure adequate on-street parking provision is available to meet the needs of this residential area.

16. No development shall take place until a reptile mitigation strategy has been submitted to and approved by the local planning authority. The strategy shall include:

- (i) Details of the translocation works, including plans showing where reptile fencing will be erected relative to existing reptile habitat, methodology for capture, including timings and capture effort;
 - (ii) The results of reptile surveys conducted at the identified receptor site;
 - (iii) The results of reptile habitat availability and capacity within the receptor site;
 - (iv) Appropriate habitat creation options for increasing the receptor sites capacity for the slow-worm population;
 - (v) A work schedule for habitat maintenance (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
 - (vi) Monitoring and remedial / contingencies measures triggered by monitoring;
 - (vii) Personnel responsible for implementation of the plan.
- The development shall be carried out fully in accordance with the approved reptile mitigation strategy.
- REASON: To ensure appropriate reptile mitigation measures are carried out.

17. None of the dwellings hereby permitted shall be occupied until a report by an ecologist detailing the results of the reptile translocation and confirming that the proposed habitat creation works have been carried out as per the approved reptile mitigation strategy has been submitted to and approved by the local planning authority in writing.

REASON: To ensure appropriate reptile mitigation measures are carried out.

Members requested that Condition 13 be amended following discussion with the school.

Upon being proposed and seconded, the officer recommendation to grant planning permission, subject to:-

- (i) the conditions in the report;
 - (ii) the conditions in the update report; and
 - (iii) the amendment of Condition 13 following discussions with the school.
- Was voted on and CARRIED.
(Voting: 9 in favour; 0 against)

RESOLVED that, subject to:-

- (i) the conditions in the report;
 - (ii) the conditions in the update report; and
 - (iii) the amendment of Condition 13 following discussion with the school.
- PLANNING PERMISSION be granted.

(6) P/16/1231/D3 - LAND OFF VULCAN WAY DAEDALUS EAST FAREHAM

Councillor T M Cartwright declared a non-pecuniary interest in this item as he is the Chairman of the Daedalus Working Group and the Daedalus Anniversary Group.

Councillors J E Butts and M J Ford, JP declared a non-pecuniary interest in this item as they are both members of the Daedalus Working Group.

The Committee's attention was drawn to the Update Report which contained the following information:-

CONSULTATIONS:

Contaminated Land: No objection subject to conditions.

Ecology: Further Comments:

- It would be more sensible to secure the grassland management at the site rather than attach a condition which specifically relates to skylark and biodiversity enhancement.

AMENDED RECOMMENDATION:

*- Amend Condition 2 to include the following drawing:
11316_TOPO + SERVICES – Ferrous Cont. Overlay*

Add the following conditions:

13) (i) No development shall take place until further site investigations, particularly targeted to the proposed soft landscaping areas, to include relevant contaminants, asbestos and an assessment of the risks posed to human health shall be accrued out. The results of this investigation shall be submitted to and approved in writing by the local planning authority.

(ii) Where any site investigations pursuant to part (i) of this condition reveals a risk to receptors, a strategy of remedial measures and detailed method statement to address the identified risks shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

(iii) Prior to the first occupation of any of the buildings hereby permitted, the agreed remedial measures shall be fully implemented and verified in writing by an independent competent person. The validation is required to confirm that the remedial works have been implemented in accordance with the agreed remedial strategy and shall include photographic evidence and 'as-built' drawings as appropriate.

REASON: To ensure the development is constructed and operates in a safe manner.

14) (i) Any ground reduction and open evacuation works which fall within the areas shaded grey/orange with a black boarder on drawing "11316_TOPO + SERVICES – Ferrous Cont. Overlay" shall be undertaken under the supervision of a Unexploded Ordnance (UXO) specialist, in accordance with UXO watching brief.

(ii) Any deep intrusive works which fall within the areas shaded grey/orange with a black boarder on drawing "11316_TOPO + SERVICES – Ferrous Cont. Overlay" shall be subject to a UXO intrusive magnetometer survey.

(iii) Prior to the first occupation of any of the buildings hereby permitted, a report which details the scope of the watching brief and/or intrusive magnetometer survey, with dates and confirmation that no items of Ordnance were found shall be submitted to and approved in writing by the Local Planning Authority. If items of Ordnance are discovered during the above works then these items shall be appropriately recorded and cleared from the

site. A report confirming clearance of UXO shall be submitted to and approved in writing by the Local Planning Authority prior to any other development taking place.

REASON: To ensure the development is constructed and operates in a safe manner.

15) Following the removal of the existing areas of hardstanding but prior to any other development taking place (including ground works and site preparation) a radiological survey and risk assessment to areas previously covered by the hardstanding shall be carried out. The results of this survey shall be submitted to and approved in writing by the Local Planning Authority prior to any other development taking place.

REASON: To ensure the development is constructed and operates in a safe manner.

16) If items of radioactive material are discovered during the radiological survey undertaken pursuant to condition 15 above, these items shall be cleared from the site. Prior to the first occupation of any of the buildings hereby permitted a report confirming clearance of any radiological material shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development is constructed and operates in a safe manner.

17) Should contamination be encountered during the works that has not been investigated or considered in the agreed scheme of remedial measures, all work must stop. A scheme for further investigation, risk assessment and a detailed remedial method statement shall be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of work. The development shall be undertaken in accordance with the approved details.

REASON: To ensure that development is constructed and operates in a safe manner.

18) Prior to the first occupation of any of the buildings hereby permitted a grassland management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall relate to the grassed areas within the application site specifically to the north of Hangers 3-5. The development shall be undertaken in accordance with the approved details.

REASON: In the interest of biodiversity and to ensure the development is constructed to ensure the safe operation of the airport.

Upon being proposed and seconded, the officer recommendation to grant planning permission, subject to the conditions in the report and the update report, was voted on and CARRIED.

(Voting 9 in favour; 0 against)

RESOLVED that, subject to the conditions in the report and the update report, PLANNING PERMISSION be granted.

(7) Planning Appeals

The Committee noted the information in the report.

(8) UPDATE REPORT

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

9. TREE PRESERVATION ORDERS

The Committee considered a report by the Director of Planning and Regulation regarding Tree Preservation Order No. 728 (2016) to which one objection has been received.

Upon being proposed and seconded the officer recommendation to confirm Tree Preservation Order 728 (2016), with a modification to the situation of T1 in the schedule and its position on the map, was voted on and CARRIED.
(Voting: 9 in favour; 0 against)

RESOLVED that Tree Preservation Order No. 728 is confirmed as made and served.

10. TREE PRESERVATION ORDER NO 728 - 193 HUNTS POND ROAD, TITCHFIELD COMMON

The Committee considered the confirmation of the following Fareham Tree Preservation Order(s), which had been made under delegated powers and to which no formal objection had been received.

Fareham Borough Tree Preservation Order No. 734 (2016) – 37 Heathfield Avenue

Order served on 10 November 2016 for which there were no objections.

RESOLVED that Fareham Tree Preservation Order No. 734 be confirmed as made and served.

Fareham Borough Tree Preservation Order No. 735 (2016) – 40 Iron Mill Close

Order served on 30 November 2016 for which there were no objections.

RESOLVED that Fareham Tree Preservation Order No. 735 be confirmed as made and served.

Fareham Borough Tree Preservation Order No. 736 (2016) – September Cottage Brook Avenue Warsash

Order served on 6 December 2016 for which there were no objections.

RESOLVED that Fareham Tree Preservation Order No. 736 be confirmed as made and served.

(The meeting started at 2.30 pm
and ended at 5.15 pm).

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 22 February 2017

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

(1) Items relating to development in the Western Wards: Sarisbury, Warsash, Park Gate, Titchfield, Titchfield Common and Locks Heath will be heard from 2.30pm

(2) Items relating to development in Fareham Town: Fareham South, Fareham North, Fareham North-West, Fareham East and Fareham West will not be heard before 3.30pm.

Agenda Item 6(1)

N/17/0001

WINCHESTER

WINCHESTER CITY COUNCIL

AGENT: WINCHESTER CITY
COUNCIL

RESIDENTIAL DEVELOPMENT OF THE SITE BY THE ERECTION OF 44 DWELLINGS
WITH ACCESS AND OPEN SPACE

FULCRUM 6 SOLENT WAY WHITELEY PO15 7FT

Report By

Susannah Emery - direct dial 01329 824526

Introduction

This authority has been consulted on a major outline planning application (16/03553/OUT) for the erection of 44 dwellings on land within Whiteley which lies adjacent to the Fareham Borough boundary within the administrative area of Winchester City Council. Whilst Winchester City Council will be the determining authority, Fareham Borough Council has been formally invited to express views of the submitted application as a neighbouring authority.

Site Description

The triangular shaped site is approx. 1.7ha and is located to the south of Rookery Avenue on the northern edge of the Solent Business Park. There is an existing access to the site from Solent Way which runs along the eastern boundary and also provides access to the adjacent commercial units off the Solent Hotel roundabout. The site is screened along the north and east boundaries by tree planting. The western site boundary also demarks the borough boundary and the adjacent land to the west forms the Solent 2 Employment Site (E1) within Fareham Borough. The application site is allocated for employment purposes (light industry/offices) by Winchester City Council and is referred to as Fulcrum 6.

Description of Proposal

Outline planning permission is sought for the erection of 44 dwellings. All matters are reserved with the exception of access which is proposed to be taken from the existing access off Solent Way.

Planning Considerations - Key Issues

The planning considerations relating to this application will largely be assessed by Winchester City Council. However this Authority does need to consider whether the proposal would have any consequences on the Borough's own housing/employment land allocations and prospective developments within the vicinity of the site. Highway implications are also a primary consideration.

With regards to the first matter the views of the Council's Planning Strategy team have been sought and these will be provided within an update to this report. With regards to the highway implications the Council's Highways Engineer concludes that the proposed development would generate significantly less traffic than the allocated business use of the site. Consequently, it is considered that the impact on the surrounding road network, including that within this Borough, would be very limited.

Recommendation

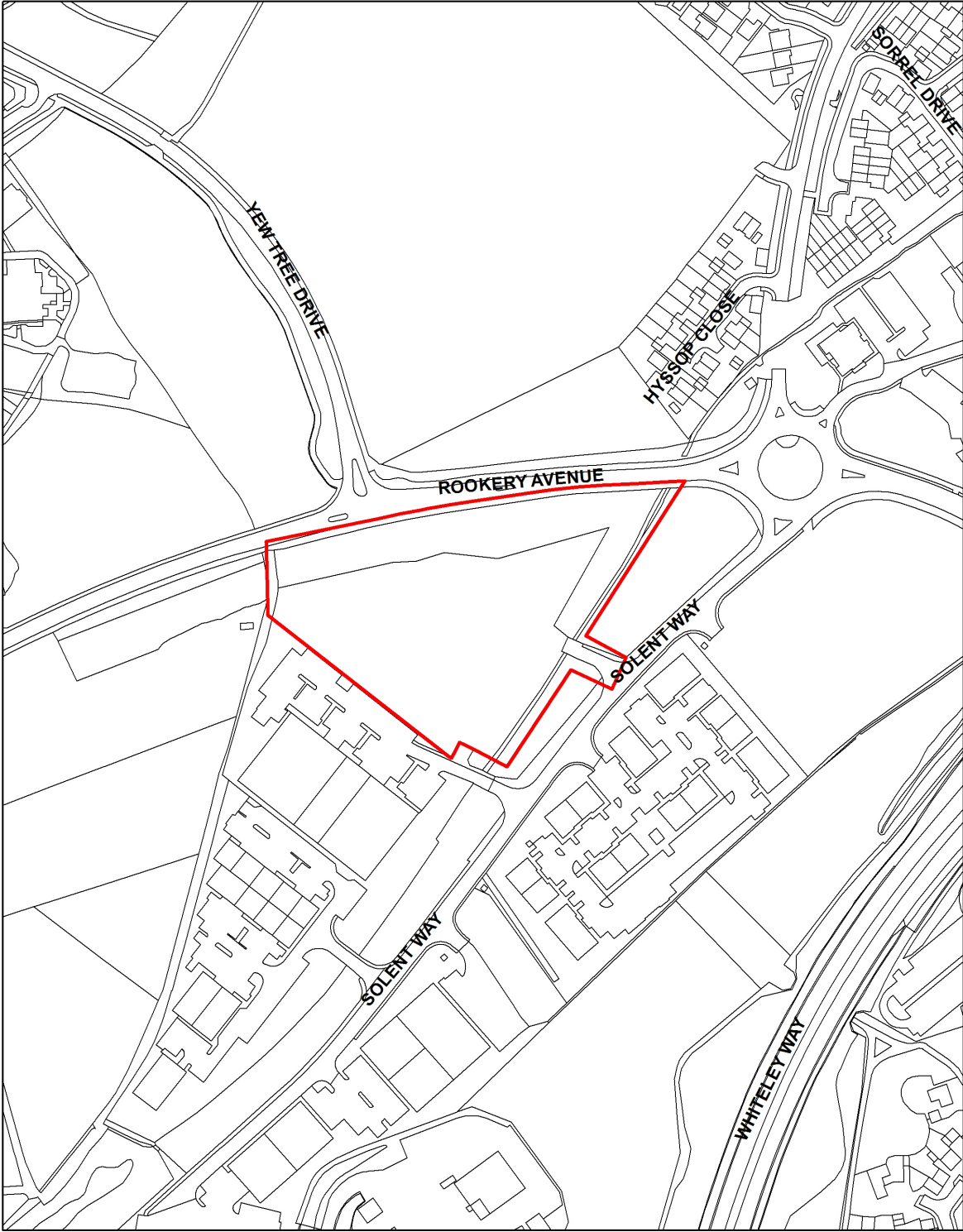
Update to be provided for Members at the meeting.

Background Papers

N/17/0001

FAREHAM

BOROUGH COUNCIL



Fulcrum
6 Solent Way
Scale 1:2,500



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Agenda Item 6(2)

N/17/0003

WINCHESTER

WINCHESTER CITY COUNCIL

AGENT: WINCHESTER CITY
COUNCIL

ERECTION OF LIDL FOODSTORE (USE CLASS A1) WITH CUSTOMER CAR PARK AND ASSOCIATED LANDSCAPING.

LAND OFF SOLENT WAY WHITELEY HAMPSHIRE

Report By

Kim Hayler - Direct dial 01329 824815

Introduction

This authority has been consulted on a major planning application which lies to the north and east of the Fareham Borough boundary within the administrative area of Winchester City Council. Whilst Winchester City Council will be the determining authority, Fareham Borough Council has been formally invited to express views on the submitted application as a neighbouring authority.

Site Description

The application site is just under one hectare in area and is located north of junction 9 of the M27. Rookery Avenue lies to the north of the site, with the Solent Hotel beyond. Immediately to the south lies the Fulcrum Business Park whilst to the west lies Solent Way with access to further employment/business uses. Whiteley Way is located to the east of the application site.

The site forms part of a wider area of land allocated for employment/business uses.

Description of Proposal

Foodstore comprising 2476 m² in floor area sited at the north-eastern part of the site with parking for 120 cars to the front.

Access will be from Solent Way via a bellmouth access constructed some years ago.

Planning Considerations - Key Issues

Whilst there are a number of planning considerations relating to this application, it is highway matters which are principally of interest to this authority.

A Transport Assessment has been submitted in support of the application. The Transport Assessment has concluded that application proposes a safe means of access and egress; the parking provision and cycle parking on site is sufficient and flexible to meet anticipated demand; pedestrian and cycle links are proposed to connect the store with the surrounding area; the site is well located to public transport; the site is located close to local residential areas and traffic surveys have concluded that the new trips associated with the foodstore will not impact on the local highway network. The applicant is offering to implement a Travel Plan in order to mitigate any additional demand upon the local transport infrastructure.

The formal consultation on this planning application was received at the end of January and it was not possible for Officers to give full consideration to all material planning matters potentially affecting this Borough by the time this report was published. Officers will provide

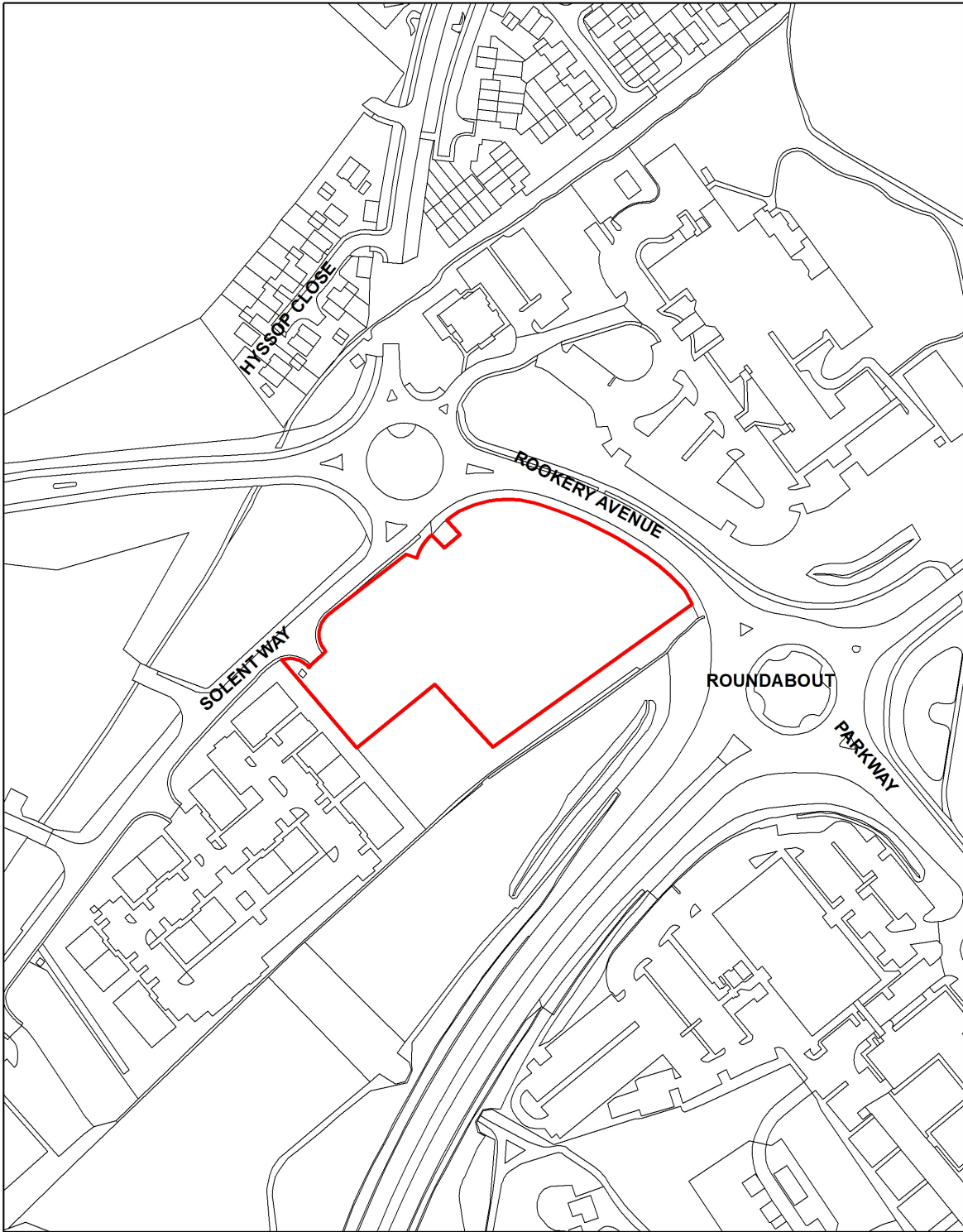
comments and a recommendation to Members in the form of a update at the Planning Committee meeting.

Recommendation

Update to be provided for Members at the meeting.

FAREHAM

BOROUGH COUNCIL



Land off Solent Way
Scale 1:2,100



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ZONE 1 - WESTERN WARDS

Park Gate
 Titchfield
 Sarisbury
 Locks Heath
 Warsash
 Titchfield Common

Reference

Item No

P/16/1088/OA
 SARISBURY

LAND TO SOUTH & EAST OF ROOKERY AVENUE FAREHAM
 HAMPSHIRE
 RESIDENTIAL DEVELOPMENT OF UP TO 22 UNITS (15
 DWELLINGS PER HECTARE), ASSOCIATED LANDSCAPING,
 AMENITY AREAS AND A MEANS OF ACCESS FROM ROOKERY
 AVENUE

3
REFUSE

P/16/1415/FP
 WARSASH

DRIFT HOUSE BROOK AVENUE WARSASH SOUTHAMPTON
 SO31 9HN
 DEMOLITION OF EXISTING DWELLING AND ERECTION OF
 REPLACEMENT 5-BED DWELLING

4
PERMISSION

Agenda Item 6(3)

P/16/1088/OA

SARISBURY

FOREMAN HOMES LTD

AGENT: FOREMAN HOMES LTD

RESIDENTIAL DEVELOPMENT OF UP TO 22 UNITS (15 DWELLINGS PER HECTARE), ASSOCIATED LANDSCAPING, AMENITY AREAS AND A MEANS OF ACCESS FROM ROOKERY AVENUE

LAND TO SOUTH & EAST OF ROOKERY AVENUE FAREHAM HAMPSHIRE

Report By

Richard Wright - direct dial 01329 824758

Site Description

The application site is essentially in two parts on land to the south of Rookery Avenue, Whiteley. The site is entirely within the countryside and outside of the urban settlement boundary.

The western parcel of land is approximately 0.65ha in area on which sits a detached bungalow (112 Botley Road) set in a generous plot sloping gently southwards towards the M27 motorway. The eastern parcel of land comprises an area of mature planting and trees measuring around 0.38ha. Access to the site would be provided through improving a section of highway which runs off the south side of Rookery Avenue.

The land to the west is covered with a group tree preservation order (TPO).

To the immediate north of the eastern parcel is land edged in blue on the submitted plans which indicates the applicant either owns or has control over this land about 0.45ha in area. A route running through the land is safeguarded in the adopted local plan for the remaining section of Rookery Avenue to be constructed to link the Whiteley Area Distributor Road to the east with Botley Road to the west. To the north of that route the remainder of the blue edged land is heavily treed and part of a designated Site of Importance for Nature Conservation (SINC) known as Gull Coppice.

The land to the east is designated by Natural England as being ancient woodland.

To the immediate south of the eastern parcel are two residential properties, 114 Botley Road and Windruff, accessed from that same road. The properties were once part of a wider commercial nursery use of the site. To the south of those properties lies the M27 motorway.

To the north of Rookery Avenue lie the residential streets of Caspian Close, Shetland Rise and the more recent Castillian Way.

Description of Proposal

Outline planning permission is sought for up to 22 new dwellings on the site with associated landscaping and amenity areas.

All matters are to be reserved except for means of access which would be provided by using and improving the existing leg of the highway off the south side of Rookery Avenue.

An illustrative layout has been provided showing how 22 dwellings could be laid out on the

site comprising a mixture of detached and semi-detached houses and flats.

It is proposed that the land edged blue located to the north of the eastern parcel of housing land be transferred to the Council in order that the long term safeguarded route of the Rookery Avenue link road be secured.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

Design Guidance Supplementary Planning Document (Dec 2015)

EXD - Fareham Borough Design Guidance Supplementary Planning Document

Development Sites and Policies

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP6 - New residential development outside of the defined urban settlement boundaries

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP50 - Access to Whiteley

Representations

Two periods of consultation with local residents have been carried out resulting in 44 sets of objections being received. The representations raised the following concerns:

- Highway safety
- Objections to route of Rookery Avenue link road
- Increase in volume of traffic
- Problems caused by parking along Rookery Avenue
- Loss of trees and woodland
- Increase in noise from M27
- No need for more housing
- Impact on wildlife and habitat
- Effect on local schools and doctors surgery

One letter has been received in support of the application provided that the missing link in Rookery Avenue is completed at the same time as the houses are built.

One letter has been received from the Woodland Trust raising concerns over the effect of the development on the nearby designated ancient woodland and requesting a buffer of 30 metres be provided.

Consultations

EXTERNAL

Hampshire County Council (Archaeology) - No objection.

Hampshire County Council (Lead Flood Authority) - No objection. Further information should be submitted as part of a more detailed design phase.

Southern Water - Southern Water can provide foul disposal to service the proposed development. No objection raised subject to conditions.

INTERNAL

Environmental Health (Pollution) - No objection subject to a condition requiring sound attenuation measures to be provided.

Environmental Health (Contamination) - No objection.

Highways -

Whilst the submitted details of the access road improvements, including pedestrian provisions and access to the eastern site are now considered to be satisfactory in plan form, there remain concerns over the feasibility of the access works and the arrangements for refuse collection from the eastern site.

The proposal is to widen the adopted section of Botley Road which currently provides access to the site. The road is shown to be widened to between 4.8m and 6m which would enable the passage of refuse collection vehicles and cars. As the road is adopted, all the works would have to be agreed with Hampshire County Council (HCC), as highway Authority, under a Section 278 Agreement. A major element of the road construction would be the use of 'no-dig' construction techniques, relying on a cellular confinement system (CCS) in order to protect the roots of a number of protected trees. The area of road to be thus constructed, would be some 50m long by at least 6m wide. Given the extent of the area of the CCS and uncertainty over the existing ground conditions and the acceptance of the works by HCC, there is a considerable lack of evidence to demonstrate that the access works would be feasible and could thus be implemented.

It has been demonstrated that, subject to the above road improvements, a large refuse vehicle would be able to access the western site. There is a concern, however, that because of the excessive length (140m) and minimal net width (35m) of the eastern site, the refuse collection vehicle will either have to make an excessive reversing manoeuvre or residents will have to carry their refuse to a convenient collection point near to the western end of the site. These options would be considered unsafe or impractical given the illustrative layout submitted.

Trees -

The proposal to widen the adopted section of Botley Road, incorporating a no dig CCS, would have to be agreed by Hampshire County Council (HCC), as highway Authority, under a Section 278 Agreement.

Subject to such an agreement the proposed custom CCS as set out in the Sapling Arboriculture report (J937.03 - Feb 2017) could be used to manage the impact on existing tree roots. However, as detailed in section 8.3 and 8.4 of the tree report there are multiple constraints that will have to be assessed and defined before a viable design and specification can be produced.

Therefore given the significant area of the CCS1 and the considerable uncertainty over the existing soil conditions, there is insufficient evidence to ensure the existing trees would not be harmed by reconfiguring the access road as proposed.

Ecology -

Bats

In accordance with Natural England's standing advice and Circular 06/2005, the recommended bat survey work must be completed prior to further consideration of this application.

The applicant's proposal to carry out surveys during 2016 is in accordance with The Bat Conservation Trust's good practice survey guidelines (3rd edition, 2016) is appropriate. However, the results of these surveys, assessment of impacts and details of necessary mitigation must be provided prior to determination.

Reptiles

The applicant has proposed a new strategy for reptile mitigation, however, as recognised in the additional information submitted by the applicant, mitigation needs to be sufficiently detailed at this stage, in order for the LPA to determine the acceptability of the proposal, ensure the deliverability and success of the mitigation, and to be able to secure adherence to the proposed mitigation through a condition of any consent. This is in line with Natural England's Protected Species Standing Advice.

The additional information submitted by the applicant has confirmed that reptiles will be translocated to an off site receptor. As recognised within the additional information, the application must be supported by the following:

- details of the translocation works, including plans showing where reptile fencing will be erected relative to existing (and any retained) reptile habitat, methodology for capture, including timings and capture effort.
- Survey results from the chosen receptor site, with details regarding its capacity and how it will be enhanced for reptiles, including a commitment to future management and monitoring.

Adjacent ancient woodland

The proposed buffer between the development and ancient woodland is less than the expected minimum set out in Natural England's standing advice. As such, the proposal could be expected to lead to damage of an ancient woodland habitat which would be contrary to NPPF.

The updated information has confirmed that a dwelling is proposed within the 15m semi-natural buffer which Natural England advises is retained between an ancient woodland and development site. Woodland edge habitat planting is proposed as a means of compensation for the reduced buffer width, however, such planting would be expected for a buffer of 15m to ensure that edge effects are avoided. Given that a minimum buffer of 15m is expected in order to avoid impacts, the proposal for a 12m buffer could be expected to lead to damage of an ancient woodland habitat which would be contrary to NPPF.

Connectivity between Gull Coppice and woodland to the west

Further detail is required to demonstrate that functional ecological corridors between an established designated site and priority habitat will be preserved within the development.

Sufficient information to demonstrate how connectivity between Gull Coppice and the woodland to the west will be maintained is still outstanding. Corridor sizes will vary according to the ecology of different species and the objective of the corridor. The proposal currently allows for several 3m wide hedgerows which are associated with dormouse requirements. Whilst this habitat is suitable for dormice the edge effects are likely to degrade this habitat's value as a corridor which preserves connectivity between an established designated site and priority habitat.

Planning Considerations - Key Issues

- Principle of development
- Land supply
- Design and layout
- Landscape character
- Highways
- Ecology
- Effect on neighbouring properties
- Motorway noise
- Affordable housing
- Conclusion

PRINCIPLE OF DEVELOPMENT

Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policies CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries.

The application site lies within an area which is outside of the defined urban settlement boundary.

Policy CS14 of the Core Strategy states that:

'Built development on land outside the defined settlements will be strictly controlled to

protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.'

Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).

The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

LAND SUPPLY

The Council's current five year housing supply position is based upon the housing requirements in the Borough's adopted Local Plan; Part 2 - Development Sites and Policies (adopted June 2015) and Part 3 - Welborne (adopted June 2015). Over the five year period from 1st April 2016 to 31st March 2021, Fareham's housing requirement is 1,932 dwellings. In accordance with paragraph 47 of the NPPF, this requirement includes a 5% buffer brought forward from later in the plan period to ensure choice and competition in the market for land.

It is acknowledged that the Council's adopted housing requirement is not based on Objectively Assessed Need (OAN), as required by the NPPF. In light of this and in accordance with the Inspector's Report on Local Plan Part 2, the Council has committed to and commenced a review of the adopted Local Plan, in order to plan positively for meeting Objectively Assessed Housing Need. This figure was published in evidence to support the PUSH Spatial Position Statement in June 2016, to enable each PUSH Council to review its Local Plan and identify specific sites and locations for development to meet OAN. To reaffirm this commitment, the Council has recently adopted a new Local Development Scheme which provides the timetable for the production and adoption of the new Fareham Local Plan 2036.

The appeal decision in December 2014 for the site adjacent to The Navigator public house (reference P/13/1121/OA) is acknowledged, however since that decision, the approaches of both Local Plan Part 2 and Local Plan Part 3 have both been found sound by a Planning Inspector and adopted by the Council. In addition, the ministerial letter on Strategic Housing Market Assessments (dated 19th December 2014) states that "the outcome of a SHMA is untested and should not automatically be seen as a proxy for a final housing requirement in Local Plans. It does not immediately or in itself invalidate housing numbers in existing Local Plans". Therefore in accordance with this statement and the Planning Practice Guidance, the housing requirement figure used to calculate the Council's five-year housing supply position is based on the Council's adopted Local Plan. As such, until the new Fareham Local Plan 2036 has been subject to consultation and examination and been adopted by the Council, it is the Council's view that it would be premature to adopt the Objectively Assessed Housing Need figure as the Borough's housing requirement.

Taking the positions on housing requirement and housing supply into account, Fareham Borough Council is therefore currently able to demonstrate a five-year housing land supply position of 5.7 years.

The table demonstrating the five year lands supply position is appended to the report

(Appendix 1).

DESIGN AND LAYOUT

The illustrative site plan submitted with the application shows how the overall layout and form of the development might look like. However, since this application is in outline form the exact layout, scale and appearance of buildings and associated landscaping are all reserved matters to be agreed at a later date if the principle and quantum of development is found to be acceptable.

Officers have concerns over the amount of development proposed which is submitted as being "up to 22 dwellings". In particular it is not considered that the eastern parcel of the site can accommodate the amount of development the applicant indicates as being possible in the submitted illustrative layout.

The eastern part of the site has a number of important constraints limiting the space which is available to construct new housing. Sufficient space is provided within the blue edged land to the north to safeguard the route of the Rookery Avenue link as required through Policy DSP50 of the adopted Fareham Borough Local Plan Part 2 without raising concerns over the impact on the adjacent SINC (please see highways considerations below). Notwithstanding, the presence of the SINC to the north of the blue edged land will entail the route of the link road passing close by if not directly along the northern boundary of the eastern red edged parcel of the land where the applicant has illustrated nine dwellings could potentially be built.

The applicant's ecologist has meanwhile set out in the submitted Dormouse Mitigation Plan that, in order to provide connectivity between boundary habitats and adjacent woodland areas, 3 metre wide hedgerows should be planted along both the northern and southern boundaries of the eastern part of the site. Whilst these wildlife corridors are suitable in the opinion of the Council's ecologist to retain connectivity for dormice they would need to be located outside of private garden areas to ensure their retention and effectiveness in the long term.

The site's layout is a reserved matter however these constraints leave little space for housing to be provided in the quantity indicated by the applicant. Any proposed layout would be expected to provide adequate access, good quality landscaped frontages with the north facing elevations of houses sufficiently set back from the potential route of the Rookery Avenue link road and appropriately sized useable private rear gardens in accordance with Policy CS17 of the adopted Fareham Borough Core Strategy and the Council's adopted Design Guidance Supplementary Planning Document (Excluding Welborne). In this regard Officers are not satisfied that 22 dwellings can be accommodated on the site in a manner that accords with these expectations.

LANDSCAPE CHARACTER

Policy CS14 of the Core Strategy states that built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function.

The western parcel of the site comprises a single modest residential property located within a plot which is well screened from view by boundary vegetation and mature planting within

the site itself. Some of the boundary vegetation would inevitably be removed to provide access into the site and potentially properties facing north onto the adopted highway. Vegetation within the plot would be removed and the proposed homes would introduce built form and associated infrastructure into this countryside location affecting the character of the landscape and its visual amenity.

The eastern parcel of the site is currently heavily vegetated with a mixture of mature trees and low level planting. The construction of houses along its southern boundary would introduce a visually intrusive form of built development into the countryside when viewed from adjacent properties to the south and the motorway beyond them.

The proposal would urbanise the existing site and change its landscape character, appearance and function. As a result the proposal is found to be contrary to Core Strategy Policy CS14.

HIGHWAYS

Access to the site is a matter to be considered in determining this application. The applicant proposes to use the existing section of highway leading off the southern side of Rookery Avenue to provide access by widening and improving the surface of the road. Detailed drawings have been submitted prepared by the applicant's highway consultant showing how this proposal.

An arboricultural assessment has been submitted by the applicant proposing the use of a cellular confinement system over a stretch of highway some 50 metres long which is designed to prevent harm to the adjacent protected trees on the southern side of the access road. There is however some concern that the ground conditions in this area are currently uncertain and the use of this system on the adopted highway would need to be subject to the agreement of the highway authority Hampshire County Council. Without clarification on these points there is no certainty that the proposed solution to the road being widened in close proximity to these trees is feasible and could, in the event that planning permission was granted, be implemented.

Setting aside this concern, Officers are satisfied that the road layout shown and the volume of traffic generated by the development would not harmful to the safety or operation of the highway.

Had Officers been minded to recommend planning permission be granted the applicant would have been required to enter into a Section 106 agreement to secure a financial contribution towards amending the existing traffic regulation order (TRO) on Rookery Avenue to prevent parking on the southern side close to the junction with the access road. At the reserved matters stage it would also have been necessary to demonstrate that there would be sufficient space within the western and eastern parcels of the site for a refuse vehicle to turn.

Sufficient space has been retained in the land edged in blue to safeguard the route of a potential link between the two parts of Rookery Avenue. The proposal is therefore not in conflict with Policy DSP50 of the adopted Local Plan Part 2. If planning permission was granted the transfer of that land into the Council's ownership would be secured through the applicant entering into a Section 106 agreement.

ECOLOGY

The Council's ecologist has provided detailed comments in response to the information submitted by the applicant in support of their proposal. Those comments are summarised earlier in this report, however in conclusion it is considered that insufficient information has been provided in relation to the submission of bat surveys, reptile mitigation measures and to show how connectivity between Gull Coppice and the woodland to the west will be maintained. Harm to the adjacent woodland to the east has also been identified. As a result the proposal is found to be contrary to Policy DSP13 of the adopted Fareham Borough Local Plan Part 2.

EFFECT ON NEIGHBOURING PROPERTIES

The layout of the site and the scale of buildings to be constructed are reserved matters to be considered at a later date in the event that outline planning permission was granted. However, the location of the site in relation to neighbouring properties is not likely to result in any materially harmful effects on the living conditions of others (for example through loss of privacy, light or outlook).

MOTORWAY NOISE

The applicant has provided a noise assessment to accompany their application. Following discussions with Officers the methodology used in the noise assessment is considered to be appropriate. The applicant has proposed that acoustic fencing could be erected around certain boundaries of the site. The noise levels indicated as being likely within private garden areas of houses on the site are mainly within the acceptable range recommended by the Council's Environmental Health team. Internal noise levels meanwhile could be controlled by a suitable planning condition if planning permission were to be granted to require adequate glazing specification to all windows and whole house ventilation systems to all properties.

No objection is raised to the proposal on the basis of motorway noise adversely affecting the living conditions of future occupants of the proposed houses. Similarly, there is no evidence to suggest that removal of trees and vegetation on the site would have a material impact on noise experienced by other properties in the surrounding area.

AFFORDABLE HOUSING

The applicant is proposing to deliver 40% affordable homes in accordance with Policy CS18 of the adopted Core Strategy. If the scheme was considered to be acceptable in all other regards a suitably worded planning condition could be used to secure the on-site provision of affordable units.

CONCLUSION

Officers acknowledge the proposal could deliver housing, including affordable housing, which is a material planning consideration which needs to be given due weight. However, Officers do not consider that the site could deliver 22 dwellings due to significant constraints on the eastern parcel which limit the developable area.

It is also noted that whilst the development would lead to an increase in vehicle movements along Rookery Avenue and Botley Road it would not materially harm the safety or operation of the highway, subject to the TRO on Rookery Avenue being amended. In addition, the route of the Rookery Avenue link road would be safeguarded.

The application site is upon land which is entirely outside the defined urban settlement boundary where there is an in principle objection to new residential development except in exceptional cases. None of the exceptions set out within the adopted policies have been claimed here. This in principle policy objection weighs heavily against granting planning permission. Furthermore, the nature of the proposed development would introduce built form and associated infrastructure which will affect the character of the landscape and visual amenity. The proposal would urbanise the existing site and affect its landscape character, appearance and function.

The applicant has challenged whether this Council has a five year supply of housing land. Details of the Council's housing land supply have been provided earlier in the report and confirm there is in excess of a five year housing land supply.

There is a lack of information to be able to conclude that the proposal would not have an unacceptable impact on protected species and their habitat or designated sites.

Officers conclude that the benefits that would arise from the proposal do not outweigh the harm identified above. The proposals would be contrary to policies contained within the adopted Fareham Borough Core Strategy and Local Plan Part 2: Development Sites and Policies.

Officers therefore recommend that the planning application should be refused for the reasons set out below.

Recommendation

REFUSE:

The development would be contrary to Policies CS2, CS4, CS5, CS6, CS14, CS17 & CS18 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP15 & DSP50 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 and would adversely affect its landscape character, appearance and function;

(b) the site is not capable of accommodating 22 dwellings without resulting in an unacceptable, cramped layout which would be harmful to the appearance and character of the area and the living conditions of future residents;

(c) the applicant has failed to demonstrate that the proposed means of access into the site can be implemented to the satisfaction of the highway authority without harming trees located on adjacent land;

(d) the applicant has failed to demonstrate that the development would not harm protected species and their associated habitats, adjacent designated sites and sites of nature conservation value or result in the fragmentation of the biodiversity network;

(e) 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;

(f) had it not been for the overriding reasons for refusal the Council would have sought the means to secure a financial contribution towards amending the existing traffic regulation order (TRO) on Rookery Avenue in order to ensure the safe means of access into the site;

(g) had it not been for the overriding reasons for refusal the Council would have sought to secure the transfer of the land edged in blue on the submitted location plan to the Council's ownership in order to safeguard the land required for the remaining section of Rookery Avenue linking the Whiteley Area Distributor Road to Botley Road;

(h) had it not been for the overriding reasons for refusal the Council would have sought to secure the on-site provision of affordable housing at a level in accordance with the requirements of the local plan.

Note for information:

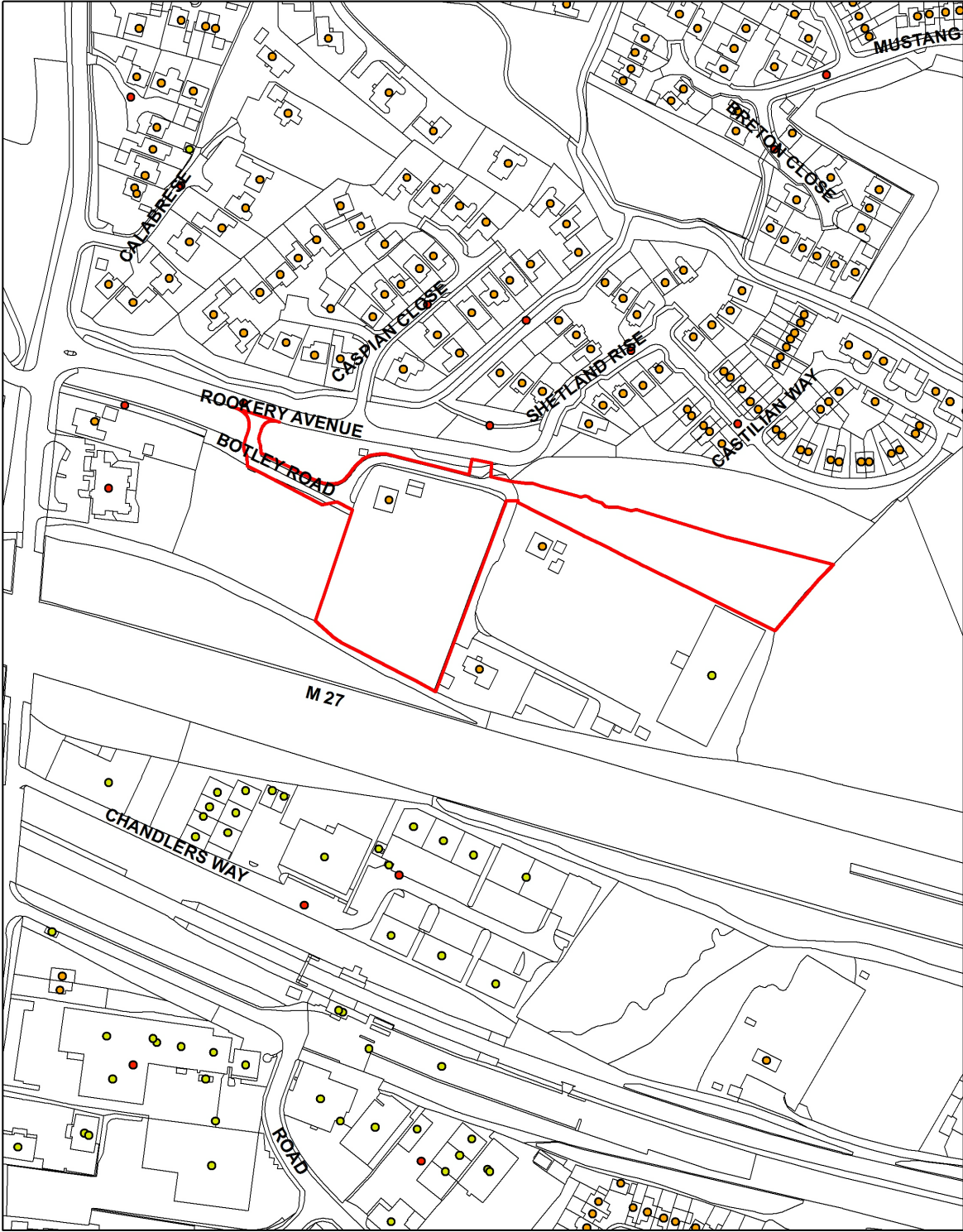
Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points e - h of the above by the applicant entering into legal agreement with Fareham Borough Council.

Background Papers

P/16/1088/OA

FAREHAM

BOROUGH COUNCIL



LAND TO SOUTH &
EAST OF ROOKERY AVENUE
Scale 1:2,500



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Agenda Item 6(4)

P/16/1415/FP

MR & MRS S. HEATHORN

WARSASH

AGENT: ROBERT TUTTON
TOWN PLANNING
CONSULTANTS LTD

DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT 5-BED DWELLING

DRIFT HOUSE BROOK AVENUE WARSASH SOUTHAMPTON SO31 9HN

Report By

Susannah Emery - direct dial 01329 824526

Introduction

A previous application for the erection of a replacement dwelling on the site was reported to the Planning Committee in October 2016 with a favourable recommendation. Members resolved to refuse the planning application for the following reason;

The proposed development is contrary to Policies CS14 and CS17 of the adopted Fareham Borough Core Strategy and Policy DSP6 of the Fareham Borough Local Plan Part 2: Development Sites and Policies and is unacceptable in that by virtue of the height, width, resultant bulk and proximity of the proposed dwelling to the site boundaries the proposal would fail to respond positively to and be respectful of the key characteristics of the area including its landscape, scale, form and spaciousness. The proposal would therefore be detrimental to the character of the area particularly when viewed from the River Hamble, the opposite side of the river and the public footpath on the eastern side of the river.

The design of the dwelling has now been amended by the removal of the one and a half storey wings to each side of the dwelling, the ridge height has been reduced by 0.5m and the detached triple garage on the frontage has been replaced with two detached double garages to sit either side of the dwelling.

Site Description

This application relates to a site to the west side of Brook Avenue which lies on the banks of the River Hamble. The site is located within the countryside and abuts an area which has international recognition and protection for its biodiversity value. The adjoining land to the rear forms part of the Solent and Southampton Water Special Protection Area (SPA) and Solent Maritime Special Area of Conservation (SAC) designated at international level; the Solent and Southampton Water Ramsar site designated at a national level; and the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI).

There is currently a modest detached two storey dwelling on the site which sits to the northern side of the plot. The dwelling occupies an extensive plot with a rear garden measuring in excess of 140m in length. An outdoor swimming pool and detached garage stood to the south side of the dwelling although the swimming pool has recently been demolished. The site has recently been cleared in preparation for development with the majority of landscaping removed from the site and the boundaries with neighbouring properties. A front boundary laurel hedge measuring approx. 3 metres in height has been retained along Brook Avenue. The levels on site slope gradually downhill from east to west with the site survey plan provided with the application showing the difference in levels to be approximately 9 metres from the road to a point towards the end of the rear garden.

Description of Proposal

Planning permission is sought for the demolition of the existing modest dwelling on the site and the erection of a detached two storey 5-bed dwelling. Two detached double garage blocks are proposed on the frontage with first floor office/guest accommodation above. The existing vehicular access to the site would be blocked up and a new access positioned centrally on the frontage.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

CS20 - Infrastructure and Development Contributions

Development Sites and Policies

DSP3 - Impact on living conditions

DSP6 - New residential development outside of the defined urban settlement boundaries

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

Relevant Planning History

The following planning history is relevant:

<u>P/16/0421/FP</u>	Demolition of Existing Dwelling & Erection of Replacement Dwelling	
	REFUSE	13/10/2016
<u>P/01/0427/FP</u>	Replacement Dwelling, Swimming Pool, Conversion/Extension of Existing Double Garage to Form Staff Annexe and New Double Garage.	
	PERMISSION	07/12/2001

Representations

Nine letters (including one from the Fareham Society) have been received objecting on the following grounds;

- Previous concerns and reasons for refusal not adequately addressed
- Contrary to Policy CS17 as proposal does not respect the character of the area
- The width of the existing dwelling would be doubled and the increased bulk and width is not acceptable

- The dwelling would still be intrusive and prominent when viewed from public footpath
- The building is not in keeping with the site or neighbouring properties
- Loss of mature trees and planting has already occurred
- Evidence of badger activity on site and within adjacent properties
- Potential for slow worm on site
- What action is being taken to protect bats?
- Harmful to SSSI
- The comments and recommendations of the County Ecologist should be sought and relevant conditions imposed
- External lighting should be kept to a minimum
- Inadequate landscaping proposed down to the river
- Mature native trees should be planted on boundaries and also centrally within the site
- Not in keeping with neighbouring properties due to lack of mature indigenous trees
- Contrary to Policies CS14, DSP6 and National Planning Policy as proposal does not protect and enhance a valued landscape outside of the settlement boundary
- Proximity of garages to boundaries of neighbouring properties
- Excessive car parking
- There is potential to extend in future and PD rights should be removed
- There should be no windows created in the side elevation of the dwelling at a later date or within the roof
- The removal of Japanese knotweed is not addressed
- Drainage issues caused by depth of footings and underground streams
- There is a need to address and monitor the implications of the hydrology of the area if any further construction is contemplated

Consultations

EXTERNAL

Environment Agency - The Environment Agency has assessed this application as having a low environmental risk and raises no objection.

Natural England - The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Solent and Southampton Water Special Protection Area (SPA) and Solent Maritime Special Area of Conservation (SAC) which are European sites. The sites are also listed as Solent and Southampton Water Ramsar site and also notified at a national level as Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI).

With regards to the SPA/RAMSAR/Solent Maritime SAC site it is advised that that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment. A condition is recommended to prevent percussive piling or works with heavy machinery to be undertaken during the bird overwintering period (October to March inclusive).

This application is in close proximity to Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site. A condition is recommended to ensure that all contractors on site are aware of the boundary of the SSSI and are advised that any storage or encroachment on to the site, without consultation with

Natural England, would be considered an offence.

INTERNAL

Highways - No highway objection is raised to this application.

Environmental Health (Contaminated Land)- A Japanese knotweed management plan is required and works shall be carried out in accordance with the approved plan.

Trees - The proposed landscaping around the dwelling, terrace and front garden is acceptable in arboricultural terms and will enhance the development. The majority of the rear garden should have planting that reflects the character of the area and ecology designations adjacent to the site. Therefore, native species should be used and some additional planting provided to fortify the north and south boundaries to mitigate what was removed.

Ecology - No objections subject to the relevant ecological conditions detailed within the Final Officer report for P/16/0421/FP being imposed on any future planning consent.

Planning Considerations - Key Issues

a) Principle of Development

The site is located within the countryside where the principle of the erection of a replacement dwelling is considered acceptable in accordance with Policy DSP6 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies subject to an assessment of the impacts. Policy CS14 of the adopted Fareham Borough Core Strategy relates to development outside of the settlements and states that built development on land outside of the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. In coastal locations, development should not have an adverse impact on the special character of the coast when viewed from the land or water.

Planning permission was granted in 2001 under officers delegated powers for the erection of a large two storey replacement dwelling on the application site with a width of 21.7 metres and height of approximately 10 metres. Whilst the permitted dwelling would not have extended as close to the southern boundary as is now proposed it was a substantial property with a two storey bulk similar to the dwelling now proposed with the addition of second floor accommodation within the roofspace.

b) Character/Appearance of the Area

The dwelling proposed on the application site would sit amidst a row of seven substantial dwellings which occupy a prominent position to the western side of Brook Avenue on the banks of the River Hamble. The rear elevation of the dwellings can be seen from the opposite side of the Hamble as well as on the river itself and from along the public footpath which runs along the eastern bank. There is typically ample vegetation along the boundaries between the plots which obscures and softens the appearance of the dwellings to differing extents. The existing dwelling on the site is dated and has no particular architectural merit.

The appearance of the dwelling from the waterfront and from the opposite side of the river has been of particular concern to Officers and the design of the dwelling has been

significantly altered since the first application was submitted in April 2016. At the previous committee Members expressed concerns about the one and a half storey wings to the dwelling which were considered to extend too close to the boundaries thus impacting on the spacious character of the area and resulting in a dwelling of excessive bulk in relation to neighbouring properties. The subsequent removal of the wings has increased the distance between the proposed dwelling and the north and south boundaries from approx. 4m either side to approx. 9m either side. Although the two storey bulk of the proposed dwelling remains greater than neighbouring properties at 25m in width compared to Hamble's Edge which is 19m, Fenmead which is 20m and Strawberry Hill which is 21m officers consider it would sit comfortably within the plot unlike other neighbouring properties which extend out to the boundaries at a lower level. It is proposed that permitted development rights for extensions to the dwelling and alterations to the roof of the dwelling are removed to prevent future expansion of the property without the need for a further planning application.

The dwelling refused in 2016 had a proposed ridge height of 12m taken at the highest central point which would have been 0.5 metre higher than the existing dwelling. The height of the dwelling has now been reduced by 0.5m so that it would be the same as the existing dwelling at its highest part but the ridge height would step down twice as the dwelling extends out towards the north and south boundaries. The proposed rear elevation 'streetscene' drawing demonstrates that the proposed dwelling would not appear of excessive height in comparison to neighbouring properties when viewed from the public footpath along the river.

The sylvan nature of the landscape is part of the character of this stretch of coastline and the clearance of the ground and boundary planting on the application site has given it a stark appearance when viewed from the waterfront. The retention of the existing landscaping would have been beneficial in assimilating the proposed dwelling into its setting and whilst the loss of the planting is extremely unfortunate no consent from the Council was required to do so. A detailed landscaping scheme has been submitted which includes ornamental low level planting immediately to the front and rear of the dwelling, boundary tree and evergreen planting along the north and south boundaries close to the dwelling to restore privacy, and native planting further along the boundary and within the centre of the site approaching the river. A native wildflower meadow is proposed to be planted at the western end of the site adjacent to the waterfront in accordance with the Ecology Report to increase the biodiversity in the area. The replacement trees would be planted at a mature age with a planting height of 3-3.5 metres. The hedgerow on the Brook Avenue frontage would be retained and due to the sloping levels on site the detached garages would be less visible from the road. Officers consider the landscaping scheme to be acceptable.

c) Living Conditions of Neighbouring Residential Properties

In light of the separation distances between the neighbouring properties and the proposed dwelling it is not considered that the proposal would have a material detrimental impact on the living conditions of the occupants of the neighbouring properties in terms of loss of light or outlook. There are no habitable rooms within the side elevations of the neighbouring properties which would be adversely affected.

There are no first floor windows proposed within the side elevations of the proposed dwelling which would face towards the neighbouring properties. Any windows installed at first floor level at a future date would need to be obscure glazed and fixed shut to 1.7m to prevent overlooking. The proposed dwelling would not project significantly further to the front or rear of the neighbouring properties and the rear balconies would have 1.7m privacy

screens to prevent overlooking.

One of the proposed garages would sit immediately to the north of the detached staff accommodation on the frontage of Hamble's Edge with a separation distance of 2.8metres. It is not considered that the location of the garage would have any adverse impact on the living conditions of the occupant(s) of the staff accommodation which has its primary outlook facing south and west.

d) Ecology/Trees

The applicant has provided supporting ecological appraisals in the form of a Phase 1 Ecology Survey and Phase 2 Bat Surveys. Other submitted documents contain information relevant to consideration of the ecological impacts of the development, such as the landscaping specification and management proposals and the Japanese Knotweed Management Plan. Advice has been obtained from Natural England and Hampshire County Council ecology group. Taking into account the advice received Officers consider that there would be no basis to withhold consent on ecological grounds subject to a number of related conditions being imposed on any permission granted.

Under Regulations 61 and 62 of the Habitats Regulations there is a requirement for the Local Planning Authority to consider the impacts of the proposal on the European designated site and to undertake a Habitats Regulations Assessment. It is concluded that whilst the proposal is not necessary for the management of the European site the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment. It is considered that the application sufficiently demonstrates that the adjacent designated site would be protected in accordance with Policy DSP13 (Nature Conservation) of the adopted Fareham Borough Local Plan Part 2.

The submitted bat surveys confirm that the main house is a brown long-eared bat roost. No bats were seen during the Phase 2 surveys so that the applicant's consultant is confident that no maternity roost is present and that large numbers of bats do not regularly use the site. However, the County's ecologist advises that "it is difficult to conclude that the house is not an occasional or transitional roost for small numbers of (or individual) long-eared bats (and potentially other species)".

The work has the potential to kill/injure bats and therefore will result in a breach of the EU directive underpinning the Habitat Regulations. When assessing an application where an offence under the Regulations is triggered the local planning authority must give consideration to three derogation tests and only grant planning permission if it is considered that Natural England would not be unlikely to grant an EPS license for the works. An EPS license (from Natural England) can only be granted if the development proposal is able to meet three tests:

"1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))"

"2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and"

"3. the action authorised 'will not be detrimental to the maintenance of the population of the

species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b))".

Officers consider that the socio-economic benefits of improving the Borough's housing stock meets the first of these tests. Whilst it would be possible to extend the existing house rather than demolish it, in practice the impacts on the existing bat roost from doing so may be little different to its destruction meaning that there would be no satisfactory alternative. The County ecologist has concluded that, on the basis of the information currently available, provided the first two derogation tests can be met, the development is not unlikely to be licensed by Natural England.

e) Highways

The site makes ample provision for on-site car parking in accordance with the Council's Residential Car & Cycle Parking SPD. Whilst there would be a large area of hard-surfacing to the front of the dwelling this is commensurate to the dwelling itself and would be finished with permeable block paving to prevent excessive run-off. The re-location of the access to the property is considered acceptable and would have no adverse impact on highway safety. The access gates to the dwelling have been positioned to ensure that there would be 5m between the gates and the edge of the highway to enable a vehicle to pull off the road and the visibility splay requested by the Council's Highways Engineer has been demonstrated. There are no highways concerns.

f) Japanese Knotweed

Concerns have been raised regarding the presense of Japanese Knotweed on the application site. Japanese Knotweed is a non-native invasive species of plant which has been found to be present on the application site and also adjacent land. Japanese Knotweed invades natural habitats and out-competes the native plants and wildlife and the vigorous growth can also damage buildings and hard surfaces. The disruption of the soil on the application site could encourage growth of the plants and this matter is a material planning consideration. A site management plan has been submitted with the planning application which details how it is intended to eradicate the Japanese Knotweed from the application site using one of the various approved methods. It is not known where the Japanese Knotweed has originated from and whilst the management plan includes for the treatment of plants located off-site within close proximity to the boundary with herbicides this land is outside of the control of the applicant so the local planning authority is unable to ensure that treatment of the plants off-site is carried out. Officers are of the view that it would be in the best interests of the relevant land owners to agree a comprehensive program of remedial works to prevent any cross contamination re-occurring in future.

Conclusion

In summary whilst the proposed dwelling is undoubtedly large it is the opinion of Officers that the site is of sufficient size to accommodate a dwelling of this scale and the proposed dwelling would be in keeping with existing development along Brook Avenue. It is considered that the previous reason for refusal has been addressed and the proposal would accord with the policies of the adopted Local Plan. The height, width and subsequent bulk of the proposed dwelling has been reduced and separation distances between the proposed dwelling and the north and south boundaries has been increased by 5m in both directions. Officers do not consider the proposal would have a materially harmful effect on the character or appearance of the site or surrounding area or on the living conditions of

neighbours. There are no concerns with regards the impact of the development on highway safety. Satisfactory information has been provided to conclude that there would be no harmful effects on protected species or their habitat or the adjacent designated sites. The development can be carried out so as to avoid the spread of Japanese Knotweed known to be present on the site. There are no other material planning issues to suggest that planning permission should be withheld.

Recommendation

PERMISSION; subject to the following conditions;

1. The development shall begin within 3 years from the date of this decision notice.

REASON: To allow a reasonable 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:

- i) Site Survey - drwg No.303
- ii) Location Plan - drwg No. 4002 Rev A
- iii) Proposed Site Plan - drwg No. 4000 Rev C
- iv) Proposed Elevations and Floor Plans - drwg No. 4001 Rev B
- v) Garage Elevations & Floor Plans - drwg No. 4003
- vi) Planting Plan Sheet 1: Beds 1-4 - drwg No. 16054-1 Rev A
- vii) Planting Plan Sheet 2: Beds 5-8 drwg No. 16054-2 Rev A
- viii) Planting Plan Sheet 3: Beds 9-11 drwg No. 16054-3 Rev B
- ix) Planting Plan Sheet 4: Area 12 drwg No. 16054-4 Rev B
- x) Planting Plan Sheet 5: Area 13 drwg No. 16054-5 Rev B
- xi) Planting Plan Sheet 6: Areas 14-16 drwg No. 16054-6 Rev A
- xii) Planting Plan Sheet 7: Wildflower meadow - drwg No. 16054-7
- xiii) Landscape Specification and Management
- xiv) Plant Portraits
- xv) Plant Schedule 9 December 16
- xvi) Phase 1 Ecology Report February 2016 (David Leach Ecology Ltd)
- xvii) Phase 2 Survey Report & Update December 2016 (David Leach Ecology Ltd)
- xviii) Arboricultural Report December 2016 (James Fuller Arboriculture)
- xix) Japanese Knotweed Management Plan - Remediation Report June 2016
- xx) Materials Schedule (email dated 3rd October 2016)

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

3. The development shall be undertaken in accordance with the material schedule received 3 October 2016 unless otherwise first agreed in writing with the local planning authority.

REASON: To secure the satisfactory appearance of the development; in accordance with Policy

CS17 of the Adopted Fareham Borough Core Strategy.

4. The development shall be undertaken in accordance with the scheme for boundary treatment

detailed on the approved site plan (drwg No. 4000 Rev C). The boundary treatment shall be completed before the dwelling is first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times unless otherwise agreed with the local planning in writing.

REASON: In the interests of residential amenity; in the interests of the character and

appearance of the area.

5. Notwithstanding the provisions of Classes A, B and C of Schedule 2, Article 3, Part 1 of the

Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwelling or roof alterations (including the insertion of additional windows or dormer windows) shall be carried out unless first agreed in writing with the local planning authority following the submission of a planning application.

REASON: In the interests of residential amenity; in the interests of the character and appearance of the area.

6. The approved landscaping scheme shown on drwg Nos. 16054-1 Rev A, 16054-2 Rev A, 16054-3 Rev B, 16054-4 Rev B, 16054-5 Rev B, 16054-6 Rev A, 16054-7 and in the Landscape Specification and Management, Plant Portraits and Plant Schedule 9 December 16 shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local planning authority and shall be maintained in accordance with the agreed schedule. Unless otherwise first agreed in writing, any trees or plants 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 ensure the provision, establishment and maintenance of a standard of landscaping; in the interests of nature conservation.

7. No work relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised public holidays, unless otherwise first agreed in writing with the local planning authority.

REASON: To protect the living conditions of the occupiers of nearby residential properties.

8. No development shall take place until details of the measures to be taken to prevent spoil and mud being deposited on the public highway by vehicles leaving the site during the construction works have been submitted to and approved by the local planning authority in writing. The approved measures shall be fully implemented upon the commencement of development and shall be retained for the duration of construction of the development.

REASON: In the interests of highway safety and the amenity of the area.

9. The development shall be carried out in accordance with the approved Japanese Knotweed Management Plan with regards to the treatment of Japanese Knotweed on the application site. A record shall be kept of the remedial works undertaken during the construction phase of the dwelling and for the length of any long term chemical treatment program undertaken and this report shall be made available to the Local Planning Authority on request within 14 days.

REASON: To prevent the spread of Japanese Knotweed known to be present on the site; In the interests of nature conservation.

10. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless other agreed in writing with the local planning authority. Works shall not recommence before an investigation and risk assessment of the identified material/grounds conditions has been

undertaken and details of the findings along with a detailed remedial scheme, if required, has been submitted to and approved in writing by the local planning authority. The remediation scheme shall be fully implemented and shall be validated in writing by an independent competent person as agreed with the local planning authority prior to the occupation of the dwelling hereby permitted.

REASON: To ensure any potential contamination found during construction is properly taken into account and remediated where required.

11. No development shall take place until a Construction Environmental Management Strategy (CEMS) including the following details has been submitted to and approved by the local planning authority in writing:

- a) how provision is to be made on site for the parking and turning of operatives vehicles;
- b) the areas to be used for safe storage of machinery, silt, fuel and other potential contaminations and measures to prevent contamination due to spillage;
- c) the storage of building materials, excavated materials and huts associated with the implementation of the development;
- d) how boundaries of sensitive habitat will be clearly marked and risk pathways and avoidance measures identified;

The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of residential amenity; in the interests of nature conservation.

12. No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive) unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of nature conservation.

13. The development shall be carried out in accordance with the Phase II Bat Survey and Report Update (David Leach, August 2016) including provision of the ecological enhancements set out in para 5.2 unless otherwise agreed by the local planning authority in writing.

REASON: In the interests of nature conservations and to enhance biodiversity.

14. The development shall be undertaken in accordance with the Arboricultural Report (James Fuller Arboriculture December 2016) unless otherwise first agreed with the Local Planning Authority in writing.

REASON: In the interests of the appearance of the area; to ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

Notes for Information

The applicant is advised that should storage or encroachment within the Lee-on-the-Solent to Itchen Estuary SSSI be found to occur, without prior consultation with Natural England, as a result of the proposals during or after the works, this will be considered an offence under Section 28 of the Wildlife and Countryside Act 1981 (as amended) whereby the applicant may be liable on summary conviction to a maximum fine of £20,000 or on conviction on indictment to an unlimited fine.

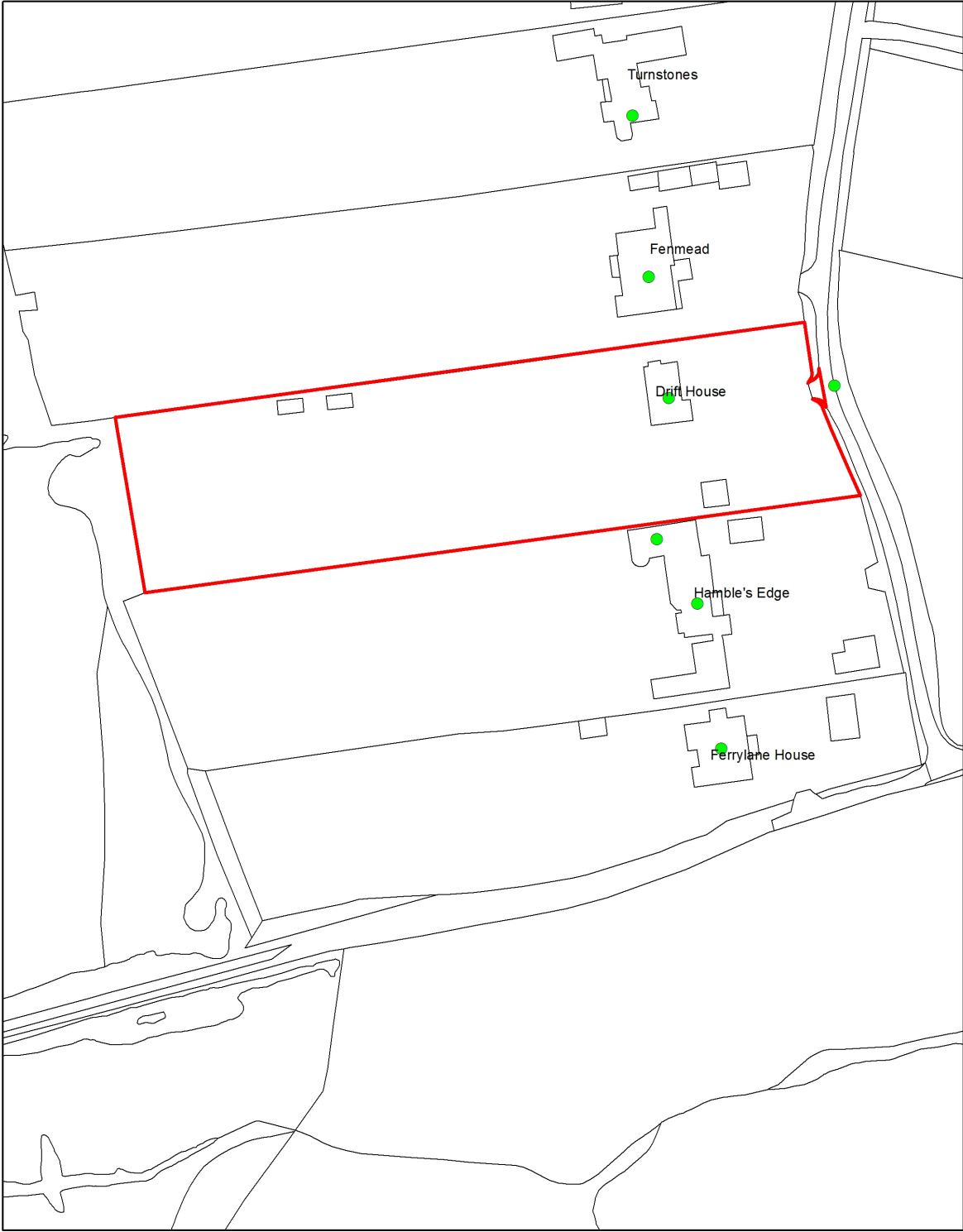
All contractors working on site should be made aware of the above and should be provided with a map that clearly shows the boundaries of the Lee-on-the-Solent to Itchen Estuary SSSI in relation to the development site.

Background Papers

P/16/0431/FP; P/16/1415/FP

FAREHAM

BOROUGH COUNCIL



Drift House, Brook Avenue
Scale 1:1,250



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Agenda Annex

ZONE 3 - EASTERN WARDS

Portchester West
 Hill Head
 Stubbington
 Portchester East

Reference

Item No

P/16/1337/D3
 STUBBINGTON

MERLIN HOUSE 4 METEOR WAY STUBBINGTON FAREHAM
 PO13 9FU
 THREE STOREY EXTENSION TO EXISTING (PHASE ONE)
 INNOVATION CENTRE, PLUS ASSOCIATED ACCESS WAYS,
 CAR PARKING AND LANDSCAPING, AND INCLUDING
 REMOVAL OF EXISTING HARDSTANDINGS AND DEMOLITION
 OF EXISTING HANGAR

5
PERMISSION

P/17/0042/FP
[O]
 HILL HEAD

39 KNIGHTS BANK ROAD FAREHAM HAMPSHIRE PO14 3HX
 SINGLE-STOREY SIDE EXTENSION

6
PERMISSION

Agenda Item 6(5)

P/16/1337/D3

STUBBINGTON

FAREHAM BOROUGH COUNCIL

AGENT: TKL ARCHITECTS

THREE STOREY EXTENSION TO EXISTING (PHASE ONE) INNOVATION CENTRE, PLUS ASSOCIATED ACCESS WAYS, CAR PARKING AND LANDSCAPING, AND INCLUDING REMOVAL OF EXISTING HARDSTANDINGS AND DEMOLITION OF EXISTING HANGAR

MERLIN HOUSE 4 METEOR WAY STUBBINGTON FAREHAM PO13 9FU

Report By

Mark Wyatt. Direct Dial 01329 824704

Introduction

This application is made in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992. The Regulations set out that "...an application for planning permission by an interested planning authority to develop any land of that authority...shall be determined by that authority".

Site Description

The application site wraps around the northern and north eastern sides of the existing Innovation Centre, known as Merlin House, off Meteor Way at Daedalus.

The site is generally flat and consists predominantly of hardstanding. There is one hangar on the site to be removed and some smaller areas currently laid to grass

Description of Proposal

The application seeks to extend Merlin House to its northeastern end. The proposed extension will have a "U" shape footprint focused around a central courtyard and provide 3,400 square metres of new floor space. In terms of scale the building will primarily reflect the two storey scale of the existing Innovation Centre with the palette of materials and fenestration providing for continuity of the existing architectural language. The extension does, however, provide for an element of three storey in order to provide additional meeting room space and a roof terrace overlooking the airfield.

In total the extension to Merlin House would provide for thirty three new offices and five new workshops. The application submits that it is anticipated that a total of 292 net new job opportunities would be created.

As a consequence of the enlarged building, the parking provision increases. The application seeks to provide an extension to the existing car park along the north western side edge as well as an extension of the car parking to the north east linking to the new access off the turning head on Meteor Way.

Policies

The following guidance and policies apply to this application:

The National Planning Policy Framework (NPPF)

The Planning Practice Guidance (PPG)

Approved Fareham Borough Core Strategy

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS11 - Development in Portchester, Stubbington and Hill Head

CS12 - Daedalus Airfield Strategic Development Allocation

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS22 - Development in Strategic Gaps

Development Sites and Policies

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP9 - Economic Development Outside of the Defined Urban Settlement Boundaries

Relevant Planning History

The following planning history is relevant:

<u>P/15/0038/D3</u>	ILLUMINATED TOTEM SIGN FOR FAREHAM INNOVATION CENTRE	
	APPROVE	09/03/2015
<u>P/14/0081/FP</u>	CONSTRUCTION OF NEW PURPOSE BUILT INNOVATION CENTRE COMPRISING TWO STOREY OFFICE BLOCK, SINGLE STOREY WORKSHOP BLOCKS AND ASSOCIATED EXTERNAL WORKS	
	APPROVE	02/05/2014
<u>P/11/0436/OA</u>	USE OF AIRFIELD FOR EMPLOYMENT BASED DEVELOPMENT (UP TO 50202 SQ.M OF FLOOR SPACE) IN NEW AND EXISTING BUILDINGS (USE CLASSES B1, B2 & B8) WITH INCREMENTAL DEMOLITION TOGETHER WITH CLUBHOUSE (CLASS D2) VEHICLE ACCESS, ALLOTMENTS, OPEN SPACE AND LANDSCAPING.	
	APPROVE	20/12/2013
<u>P/13/1122/PA</u>	PROPOSED DEMOLITION OF BUILDINGS (INCLUDING HANGARS A THROUGH TO O INCLUDING ALL FREESTANDING PROPERTIES AND THE MARTSU BUILDING)	
	PRIOR APPR NOT REQRD	10/02/2014

Representations

None

Consultations

INTERNAL CONSULTEES:

Highways - No objection subject to condition
Ecology - No objection subject to condition
Environmental Health (Pollution) - No objection
Environmental Health (Contamination) - No objection subject to conditions
Airport Manager - The proposal will have no impact on airport operations

EXTERNAL CONSULTEES:

Hampshire County Council (Highways) - No objection subject to conditions
Gosport Borough Council - Response Awaited

Planning Considerations - Key Issues

The key planning considerations in the determination of this application are:

- Background
- The principle of development
- Design
- Landscape and Strategic Gap
- Highways
- Neighbouring amenity
- Ecology
- Contamination

BACKGROUND:

Phase one of the Innovation Centre was granted planning permission in May 2014. The building was completed in March 2015 and comprises 24 offices and 15 workshops aimed at business start-ups primarily in the advanced engineering, marine, aviation and aerospace sectors. The occupancy of the Centre exceeded all expectation with one hundred percent occupancy reached by the end of March 2016 and there is a waiting list of twenty businesses wishing to take up space at the Centre.

THE PRINCIPLE OF DEVELOPMENT:

Daedalus is a strategic employment site allocation within the Council's adopted Core Strategy. Policy CS12 of the Core Strategy is permissive of development where it "...delivers or facilitates the delivery of high quality development...including the creation of local employment opportunities that take advantage of and develop local skills".

The part of the application site for the proposed new building is outside of the area permitted for development under the outline planning permission for Daedalus. However the application site is located within the area safeguarded for employment within the 'Proposals Map' which forms the adopted Core Strategy and therefore policy CS12 is directly relevant to the proposal.

The Government Guidance in the National Planning Policy Framework (NPPF) advises Local Planning Authorities that "Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment" (Para. 21). The fourth bullet point of paragraph 21 in the NPPF then advises that Local Planning Authorities should "...plan

positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries".

The Innovation Centre was intended for small and medium sized enterprises seeking a quality environment to establish and grow the business; this continues to be the case for the existing building and also for this new proposal. The scheme is considered to address the requirements of the NPPF in assisting to build a strong and competitive economy. The application also aligns itself with the policy aims of Core Strategy policy CS12 in so far as it will provide for a high quality development which will continue to strengthen the marine and aviation clusters at Daedalus.

It is acknowledged that there is an element of B1 use in the existing innovation centre and this continues into the proposed extension. Whilst the outline planning permission clearly sought to provide for B2 (General Industrial) and B8 (Storage and Distribution) type uses an element of B1 use was identified in the outline planning permission at the Daedalus Drive / Broom Way junction. Along with the educational use at CEMAST the Innovation Centre as extended will continue to act as a catalyst for further development on the wider Daedalus site.

Core Strategy policy CS12 requires that employment developments retain and strengthen the marine and aviation employment clusters without expressing specific use classes for development within the Strategic Allocation. The marketing of the building once operational will target these disciplines as it has done for the existing Innovation Centre, but it will not dismiss other potential occupants based on the nature of their business.

Notwithstanding the extent of the permitted uses in the outline planning permission for Daedalus, given the policy aspirations of CS12 and the thrust of the NPPF to plan for creative and high technology industries the proposal is considered acceptable in principle.

LANDSCAPE AND STRATEGIC GAP:

In addition to the application site being within the strategic employment allocation the site is also located within the countryside and the Stubbington/ Lee-on-the-Solent and Fareham/ Gosport strategic gap.

The preceding text to policy CS12 sets out that the Council accepts a level of development in the gap to protect the long terms aims and objectives of retaining an operational airfield. Paragraph 5.56 of the Core Strategy advises that the key objective for the site is to provide local employment opportunities whilst respecting the countryside location and maintaining the integrity of the strategic gap.

The areas zoned for development in policy CS12 and the outline planning permission have focused on the western and eastern sides of the wider Daedalus site. As already described above, the existing Innovation Centre is sited in the eastern part of the site.

The airfield does not form a tract of undeveloped countryside in the same way that other parts of the Strategic Gap do. It already contains sporadic built development and has a distinct character of its own. Existing development within the airfield to an extent blurs the settlement edges of Stubbington and Lee-on-the-Solent, meaning that there is not a strong boundary between the settlement and the Strategic Gap in most instances. The open areas around the runways are the greatest contributors to the Strategic Gap and development has been directed, through the proposals maps in the Core Strategy and through policy CS12 to

the outer edges of the airfield.

In terms of physical separation of settlements, the development proposals would have a minimal encroachment into the gap, being within an area where there is already built development and more importantly being an extension to an existing building.

As discussed previously, given that the character of the landscape, the gap is already heavily influenced by the airfield and associated built development. The addition of the extension to the Innovation Centre would have a very limited effect on the character and setting of Stubbington and Lee-on-the-Solent. The proposal would not, as a consequence, result in the coalescence of settlements or the perception of coalescence and the scheme is therefore considered by Officers to accord with the aims of policy CS22 in that it would not affect the separation of settlements and would not physically and visually affect the integrity of the gap.

Officers are therefore satisfied that the height and scale of the building respects the nature of the site and the strategic gap and that the proposal complies with Policy CS12 of the adopted Core Strategy.

DESIGN:

Policy CS17 seeks to secure high quality design and requires developments to respond positively to and be respectful of the key characteristics of area such as landscape, scale, form and spaciousness.

The proposed extension to the Innovation Centre reflects the existing building in terms of scale, fenestration and external materials. The approach to the footprint however departs from that of the existing building. The proposal is designed in a "U" shape around a small central courtyard as opposed to the main office building having the workshop orientated at ninety degrees to this frontage building.

Whilst this departs from the footprint of the existing building the resultant appearance of the extension will appear as a cohesive development with the extension complementing the existing building.

HIGHWAYS:

Initially the County Council as Highway Authority expressed some concern at the impact of the additional traffic from the application scheme on the capacity of the Broom Way/Cherque Way/Daedalus Drive signal controlled junction. The concern extends to the fact that this junction was modelled at the outline planning permission stage to accommodate the floor area permitted by the outline permission granted by Fareham Borough Council and also the Waterfront Development with an outline planning permission granted by Gosport Borough Council.

The Applicant has since undertaken a junction modelling exercise for the Broom Way/Cherque Way/Daedalus Drive junction. This junction modelling has concluded that the junction is forecast to operate sufficiently within its design capacity under all scenarios (with the completed permitted development plus the application proposals). The increase in traffic is considered to be acceptable and would not result in a severe cumulative impact upon the highway network.

Within the site itself the circulatory route around the building through the car park may, as a result of the car park design, give rise to safety issues with regards to raised speeds through the car park. On the basis that measures to reduce vehicle speeds are incorporated into the car park design and appropriate signage is installed to prohibit vehicles from leaving the site at the southern access point the proposal would be acceptable coupled with markings on the turning head adjacent to the northern site access to give priority to vehicles leaving the site. These points can be addressed by suitably drafted planning conditions.

The Local Planning Authority is very much aware of the concerns locally raised with regards to other projects in respect of traffic volumes in the locality and the need to promote non-car modes of travel. To this end a site specific travel plan was secured for phase one of the Innovation Centre by a planning condition on the basis that the final occupiers of the site were unknown, the fact that there are multiple occupiers and their travel behavior was unknown at the point of granting the planning permission for Merlin House (P/14/0081/FP). HCC has advised that if Fareham Borough Council take on the role of travel plan monitoring and enforcement (as is the case with the current Innovation Centre) coupled with the fact that the original travel plan for Merlin House was secured by planning condition it is reasonable for the travel plan for the proposed extension to also be secured by planning condition.

Policy CS5 requires development to not adversely affect the safety and operation of the local road network. The proposal is not considered to conflict with the policy of the plan. There is no objection from the Highway Officer or the County Council as Highway Authority.

NEIGHBOURING AMENITY:

The NPPF seeks to ensure that the matter of noise should not affect "...quality of life as a result of new development" (para 123). Policy DSP2 sets out that development should not, alone or cumulatively, have a significant adverse impact upon neighbouring development.

The nearest neighbouring properties are due south of the site and located with the Borough of Gosport.

The additional workshops, where there may be opportunities for noise break out are further away from the neighbouring dwellings than the existing Innovation Centre workshops. Given this separation distance and proximity adjacent to the active part of the airfield, it is considered that the proposal would not have a material adverse impact upon residential amenity. It is noted that Environmental Health have not raised any objection.

ECOLOGY:

The submitted ecological appraisal indicates that the areas of the site that are laid to grass have limited botanical merit with the grassed areas well tended to and maintained such that the potential for the presence of reptiles is negligible. The hangar to be demolished was also surveyed for protected species. No protected species were identified within the hangar and furthermore the hangar provides for negligible bat roost potential.

The ecologist advising the Council notes that the previously agreed ecological enhancements from the construction of the existing Innovation Centre will be affected by this development. A planning condition can address the need for these features to be relocated elsewhere within the application site.

CONTAMINATION:

Given the historic military use of the Daedalus site there is a need for contamination assessments, radiation assessments and unexploded ordnance surveys. The actual part of the site for the building has previously been surveyed for these contaminants given that the extension sits in the location of the current car parking area assessed and surveyed under the construction of the initial Innovation Centre. The land in the application site that is additional to the site for the existing Innovation Centre is predominantly hard surfacing and either taxiway/apron space and the base of the hangar to be removed.

The necessary surveys cannot be undertaken in full until the existing hard surfacing is removed as the non-intrusive surveying equipment will not penetrate through this hard surfacing. As such the timing of the work will be critical to ensure that on removal of the hard standing there is adequate opportunity for the ground to be surveyed appropriately and any necessary mitigation measures to be agreed before the new car parking areas are constructed. This timing of development and the undertaking of appropriate surveys can be secured by planning condition.

CONCLUSIONS:

The proposed Innovation Centre phase two aligns with the overarching planning vision for the Daedalus site and with policy CS12 of the Core Strategy. The proposal will provide a functional, yet contemporary extension to the building that will complement the existing building and the adjacent CEMAST building as a pair of gateway buildings to the wider Daedalus site.

The building will not have a demonstrable impact upon the operation of the airfield, local and wider highway network and the occupation of the building will not result in material harm to the amenity of neighbouring properties. The proposals accords with Policies CS5, CS12 and CS17 of the adopted Fareham Borough Core Strategy and Policy DSP2 and DSP3 of the adopted Fareham Local Plan Part 2: Development Sites and Policies.

Recommendation

PERMISSION subject to conditions

01 The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

REASON: To comply with the procedures set out in the Town and Country Planning (Development Management Procedure) Order 2010 and Section 92 of the Town and Country Planning Act 1990.

02 The development is to be carried out in accordance with the finally amended and approved plans as follows:

- 160617 001 P01 Location Plan
- 160617 002 P01 Site Plan as Existing
- 160617 004 P01 Site Layout as Proposed
- 160617 005 T01 Site Layout as Proposed - Staging Constraints
- 160617 006 T01 Site Plan as Existing Showing Staging of Construction Works
- 160617 050 P01 Existing Ground Floor Plan
- 160617 051 P01 Existing First Floor Plan
- 160617 052 P01 Existing Roof Plan

- 160617 053 P01 Existing North West and South West Elevations
- 160617 054 P01 Existing North East and South East Elevations
- 160617 104 P01 Proposed Ground Floor Plan
- 160617 105 P01 Proposed First Floor Plan
- 160617 106 P01 Proposed Second Floor Plan
- 160617 107 P01 Proposed Roof Plan
- 160617 200 P01 Proposed North West Elevation
- 160617 201 P01 Proposed South East Elevation
- 160617 202 P01 Proposed North East and South West Elevations
- 160617 300 P01 Proposed Section A-A and B-B
- 160617 301 P01 Proposed Section C-C and D-D
- B162 700 P1 Phase 2 Vehicle Tracking

REASON: In the interests of an appropriate and comprehensive development.

03 (i) No development shall take place until a contaminated land site investigation and risk assessment to all relevant receptors has been undertaken and the results have been submitted to and approved in writing by the local planning authority.

(ii) Where any site investigations pursuant to part (i) of this condition reveals a risk to receptors, a strategy of remedial measures and detailed method statement to address the identified risks shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

(iii) Prior to the first occupation of the building hereby permitted, the agreed remedial measures shall be fully implemented and verified in writing by an independent competent person. The validation is required to confirm that the remedial works have been implemented in accordance with the agreed remedial strategy and shall include photographic evidence and 'as-built' drawings as appropriate.

REASON: To ensure the development is constructed and operates in a safe manner

04 No development (except removal of hardstanding and above ground features) shall take place until a Unexploded Ordnance (UXO) non-intrusive investigation has been undertaken and the results submitted to and approved in writing by the Local Planning Authority. This shall include mitigation proposals to address all identified UXO risks. The development shall be undertaken in accordance with the approved details.

REASON: To ensure the development is constructed and operates in a safe manner

05 Prior to the first occupation of the building hereby permitted the UXO mitigation proposals shall be implemented and verified in writing by an independent competent person. This verification shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development is constructed and operates in a safe manner

06 No development (except removal of hardstanding and above ground features) shall take place until a radiological survey and risk assessment has been carried out and the results have been submitted to and approved in writing by the Local Planning Authority. This shall include mitigation proposals to address all identified radiological risks. The development shall be undertaken in accordance with the approved details.

REASON: To ensure the development is constructed and operates in a safe manner

07 Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures, all work should cease and an investigation, risk assessment and a detailed remedial method statement shall be submitted to and agreed in writing by the Local Planning Authority before works recommence. The remediation shall be fully implemented in accordance with the approved details. A report verifying that the remedial actions have been implemented in accordance with the agreed remedial method statement(s) and including soil analysis results, groundwater analysis results, photographic evidence and drawings/ plans where appropriate shall be submitted to the Local Planning Authority prior to the first occupation of the building.

REASON: To ensure the development is constructed and operates in a safe manner.

08 No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The development shall be undertaken strictly in accordance with the approved programme of archaeological work and the Written Scheme of Investigation.

REASON: To ensure that any archaeological interests at the site are properly assessed and recorded.

09 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:

- parking for site vehicles and contractors;
- the management and coordination of deliveries of plant and materials and the disposing of waste resulting from demolition and or 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.
- construction traffic routes
- 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; and
- vegetation clearance details

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

10 The external materials to be used in the construction of the building hereby permitted shall match those used in the existing building.

REASON: To secure the satisfactory appearance of the development.

11 The building hereby permitted shall be used only for purposes within Use Class B1 and for no other purpose of the Schedule of the Town and Country Planning (Use Classes)

Order 1987, or in any provision equivalent to Class B1 or any statutory instrument revoking and re-enacting that Order with or without modification unless otherwise first agreed in writing with the Local Planning Authority following the submission of a planning application for that purpose.

REASON: To protect the creation of local employment opportunities including the key objectives of the Solent Enterprise Zone

12 The development shall be carried out in accordance with the approved details such that the building achieves a BREEAM 'very good' rating.

REASON: To ensure the development is constructed and operates in a sustainable manner.

13 Within 12 months of first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out the measures to be undertaken to reduce the reliance on the private motorcar along with details of how alternative modes of travel will be encouraged. The Plan shall include details of implementation, targets, monitoring and will form part of an annual review process. The development hereby permitted shall be operated in accordance with the approved travel plan.

REASON: In the interests of sustainable development and to reduce car borne traffic to the site

14 Details of the proposed means of foul and surface water sewerage disposal shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be carried out in accordance with the approved details.

REASON: To ensure the development is constructed and operates in a sustainable manner.

15 Within eight weeks of the date of this decision an Employment and Skills Plan for the Construction period shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include a programme for implementation. The development shall be undertaken in accordance with the approved details.

REASON: To ensure the strategic objectives for the Daedalus site are achieved

16 Prior to the opening of the northern access point to the site, a car park traffic calming scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Measures to reduce vehicle speeds; and

- Appropriate signage to prohibit the exiting of vehicles at the southern entrance

The car park will be constructed and laid out in accordance with the approved details prior to the first occupation of the building

REASON: In the interest of Highway Safety.

17 Prior to the first use of the northern access priority markings shall be installed at the Meteor Way turning head giving priority to vehicles entering and leaving the site.

REASON: In the interest of Highway Safety.

18 Prior to the occupation of the building hereby permitted a scheme for ecological enhancements (to include the relocation of features previously secured to be removed as a result of the development) shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be installed prior to first occupation and retained at all times.

REASON: To ensure the preservation of important bird habitat and to ensure protection to nesting birds

19 The building hereby permitted shall not be first occupied until details of the on-site cycle parking have been submitted and approved in writing by the Local Planning Authority. Within six months of first occupation the cycle parking shall be provided in accordance with the approved details. The approved cycle parking area shall be retained thereafter for their intended purpose.

REASON: To encourage sustainable travel.

20 The building shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles in accordance with the approved plan. The parking and manoeuvring areas shall thereafter be retained for such purposes at all times.

REASON: In the interests of highway safety.

Notes for Information

The applicant should provide certification that all reasonably practicable measures have been taken to reduce risks from UXO.

It is recommended that all hardstanding and surface features are removed prior to undertaking contaminated land, UXO and Radiation surveys and risk assessments. Soil should not be moved around the site prior to this surveying.

The potential health and safety risks from UXO should be considered by contractor during removal of hardstanding.

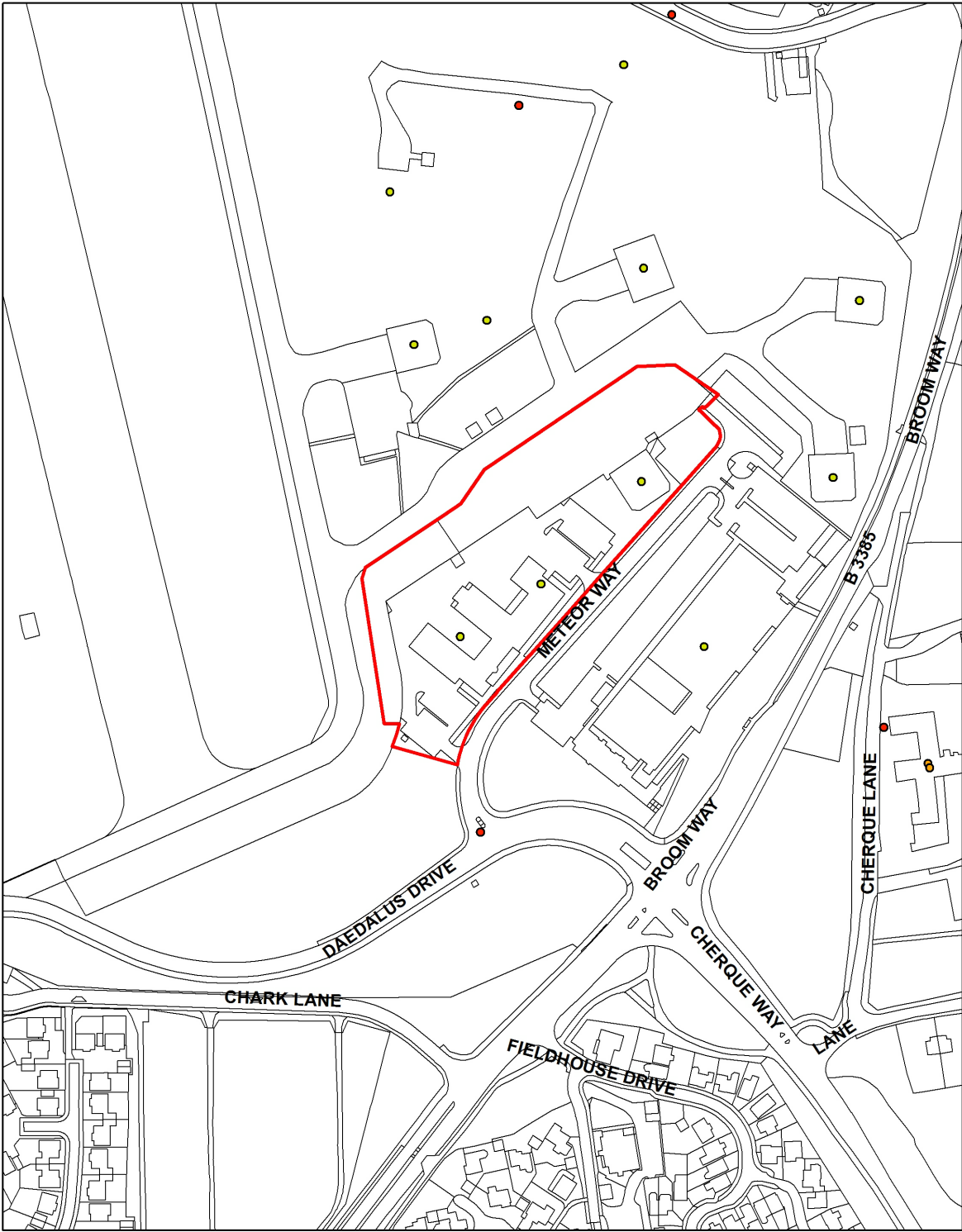
With regards to the strip of hardstanding on the taxi way that will remain in situ until a later stage of the development it is recommended that the applicant discusses this with both the Radiological and UXO specialists to obtain advice regarding the need for additional surveying of this strip or other methods of risk assessment/ mitigation. This advice should then be provided in the mitigation proposals.

Background Papers

P/11/0436/OA, P/13/0194/FP, P/13/0201/FP, P/13/1122/PA, P/14/0081/FP

FAREHAM

BOROUGH COUNCIL



Merlin House
4 Meteor Way
Scale 1:2,500



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Agenda Item 6(6)

P/17/0042/FP [O]

HILL HEAD

MS L BROWN

AGENT: TOWN PLANNING
EXPERTS

SINGLE-STOREY SIDE EXTENSION

39 KNIGHTS BANK ROAD FAREHAM HAMPSHIRE PO14 3HX

Report By

Richard Wright - direct dial 01329 824758

Site Description

This application relates to a residential property located in Knights Bank Road, Hill Head.

The property has been extended several times previously with a separate residential unit on the western side of the building and an annexe in the roof space.

Description of Proposal

Planning permission is sought for the construction of a single-storey extension on the eastern side of this house.

A porch is attached to the eastern side of the house and a detached garage and outbuilding stand to that side set back further northwards into the plot. It is proposed to replace the porch, garage and outbuilding with the new extension which is shown to provide additional living space in the form of a study, utility/boiler room and games room on a larger footprint to the side of the house.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS17 - High Quality Design

Design Guidance Supplementary Planning Document (Dec 2015)

EXD - Fareham Borough Design Guidance Supplementary Planning Document

Development Sites and Policies

DSP3 - Impact on living conditions

Relevant Planning History

The following planning history is relevant:

P/11/0955/FP

**ERECTION OF SINGLE STOREY/TWO STOREY SIDE EXTENSION,
PROVISION OF FRONT AND REAR DORMERS, ROOF TERRACE
AND INSERTION OF VELUX ROOF LIGHTS TO FORM ANNEXE.**

APPROVE

03/01/2012

P/11/0151/FP

**ERECTION OF SINGLE STOREY/TWO STOREY SIDE EXTENSION,
PROVISION OF REAR DORMERS & ROOF TERRACE AND
INSERTION OF VELUX ROOF LIGHTS TO FORM ANNEXE**

PERMISSION

19/05/2011

P/09/0804/FP

ERECTION OF SINGLE STOREY AND TWO STOREY SIDE EXTENSION, PROVISION OF REAR DORMER AND ROOF TERRACE, AND INSERTION OF FIVE VELUX ROOFLIGHTS TO FORM ANNEXE

PERMISSION

27/01/2010

P/06/1613/VC

VARIATION OF CONDITION 3 OF P/03/1344/FP (TO ENABLE ANNEX TO BE SUB-LET - RETROSPECTIVE APPLICATION)

PERMISSION

27/09/2007

P/03/1344/FP

Erection of Two Storey Side Extension to form Self-Contained Annexe, Replace Existing Flat Roof with Pitched Roof and New Detached Single Garage (Alternative to P/03/0483/FP)

PERMISSION

27/10/2003

P/03/0483/FP

Erection of Two Storey Side Extension to form Self-Contained Annexe, Replace Existing Flat Roof with Pitched Roof and New Detached Single Garage

PERMISSION

21/05/2003

Representations

Five letters have been received, two in objection to the proposal raising the following issues:

- Impact on character of street
- Parking provision on site

Planning Considerations - Key Issues

In response to the application being publicised five letters from neighbours have been received, three in objection to the proposal.

Neighbours are concerned that parking should take place within the property and not on the road. However plenty of space would still remain within the frontage of the property to accommodate the parking needs of the dwelling plus the self-contained unit and annexe.

The neighbour living immediately adjacent at 41 Knights Bank Road has said that she finds the plans acceptable in that the extension should have minimal impact on the light and views from windows in her property. The case officer has visited the neighbour to discuss the impact on her property and agrees that the extension would not have a materially harmful effect on light to or outlook from the adjacent house. High level windows set in the side of no. 41 are secondary windows serving a living room which has a large window/door set in the rear facing elevation. These side windows would face onto the flank of the extension at a distance of around 3.8 metres. However, given that the windows currently face onto the flank elevation of the garage which is slightly closer to the boundary the effect on light into and outlook from that room would not be made materially worse. The proposed extension would not project so far to the rear to have a material impact on windows in the rear elevation of no. 41.

Another concern of some neighbours was that the extension would result in the house being out of character with others in the street. The design and appearance of the extension is such that it would appear as a modest, subservient addition to one side. It would be set back a reasonable distance from the front of the house and a gap would be retained between its flank elevation and the party boundary with no. 41. The extension would not harm the appearance of the house or the character of the street.

Finally, several neighbours raised the issue over the property being used for commercial purposes. The application does not propose any change of use and the extension is submitted to be used as part of the existing residential use. If the extension or any other part of the premises were to be used for commercial purposes in the future then an assessment would need to be carried out based on a fact and degree basis as to whether a material change of use has occurred needing planning permission.

Conclusion

In summary, the proposed extension would not harm the living conditions of neighbours or the character and appearance of the streetscene. There would be sufficient parking space retained to meet the needs of the dwelling.

The proposals accords with Policy CS17 of the adopted Fareham Borough Core Strategy and Policy DSP3 of the adopted Fareham Local Plan Part 2: Development Sites and Policies.

Recommendation

PERMISSION subject to the following conditions:

1. The development shall be begun before the expiry of a period of three years from the date of this decision.

REASON: To allow a reasonable 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:

- a) SK-L01 Location Plan
- b) SK-20 Site Plan
- c) SK-24 Proposed Ground & roof plan
- d) SK-25 Proposed Elevations
- e) SK-26 Proposed Elevations

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

3. The external materials to be used in constructing the extension hereby permitted shall match those used on the existing house unless otherwise agreed in writing by the local planning authority.

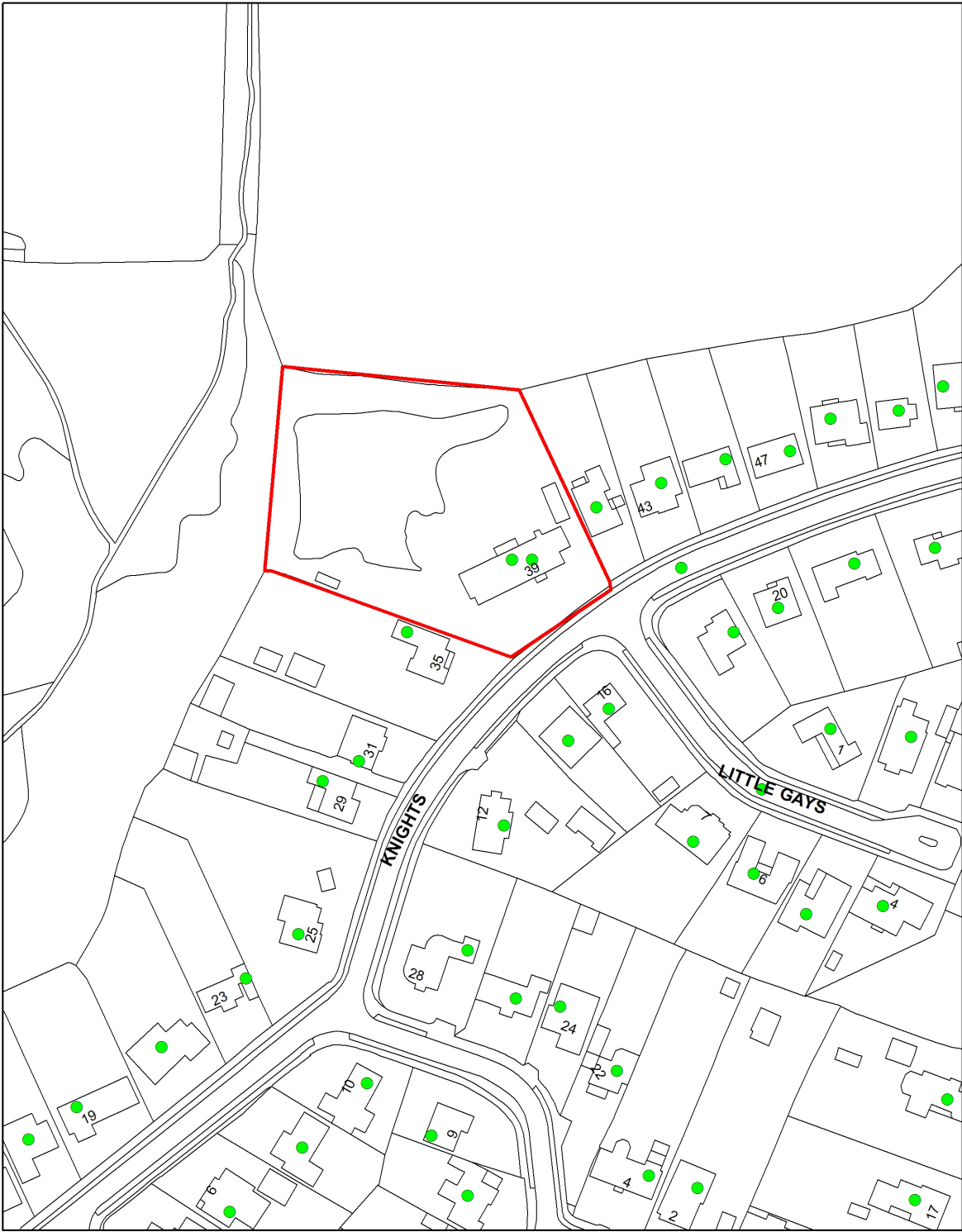
REASON: To ensure the satisfactory appearance of the development.

Background Papers

P/17/0042/FP

FAREHAM

BOROUGH COUNCIL



39 Knights Bank Road, Fareham
Scale 1:1,250



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Agenda Item 6(7)

PLANNING APPEALS

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

CURRENT

P/16/0190/VC

Appellant: Mr Martin Roberts
Site: 15 Samuel Mortimer Close Catisfield Fareham PO15 5NZ
Decision Maker: Committee
Recommendation: APPROVE
Council's Decision: REFUSE
Date Lodged: 06 December 2016
Reason for Appeal: Automated sectional garage door to car port of Plot 24 (15 Samuel Mortimer Close).

P/16/0711/FP

Appellant: MR DAVID HUMPHREY
Site: The Wheatsheaf 1 East Street Titchfield
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 30 December 2016
Reason for Appeal: CONSTRUCTION OF TWO-STOREY DWELLING AND ALTERATIONS TO PUBLIC HOUSE CURTILAGE

P/16/0829/OA

Appellant: Mr & Mrs M Newman
Site: 18 Lychgate Green Fareham PO14 3HB
Decision Maker: Officers Delegated Powers
Recommendation:
Council's Decision: REFUSE
Date Lodged: 30 January 2017
Reason for Appeal: Erection of dwelling house and garage (Garage is a replacement)

PLANNING APPEALS

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

CURRENT

P/16/0933/PH

Appellant: Mrs V Harfield
Site: 208a Swanwick Lane Swanwick Southampton SO31 9AF
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 10 February 2017
Reason for Appeal: ERECTION OF SINGLE STOREY REAR EXTENSION MEASURING 5.02 METRES DEEP BEYOND REAR WALL, 3.363 METRES MAXIMUM HEIGHT AND MAXIMUM EAVES HEIGHT 2.759 METRES

HEARINGS

P/15/0260/OA

PUBLIC INQUIRY

Appellant: PERSIMMON HOMES SOUTH COAST
Site: Land North Of Cranleigh Road/ West Of Wicor Primary School
Portchester Fareham Hampshire
Decision Maker: Committee
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 16 September 2016
Reason for Appeal: OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS), FOR RESIDENTIAL DEVELOPMENT FOR UP TO 120 DWELLINGS, TOGETHER WITH A NEW VEHICLE ACCESS FROM CRANLEIGH ROAD, PUBLIC OPEN SPACE INCLUDING A LOCALLY EQUIPPED AREA OF PLAY (LEAP), PEDESTRIAN LINKS TO PUBLIC OPEN SPACE, SURFACE WATER DRAINAGE AND LANDSCAPING

DECISIONS

PLANNING APPEALS

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

DECISIONS

P/16/0774/FP

Appellant: Mrs Emma Ford
Site: 30 James Grieve Avenue Locks Heath Fareham SO31 6UD
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 14 November 2016
Reason for Appeal: TWO STOREY SIDE & SINGLE STOREY REAR EXTENSIONS
Decision: ALLOWED
Decision Date: 04 January 2017

P/16/1002/FP

Appellant: MR IAN HUNTER
Site: 14 Kelsey Close Fareham PO14 4NW
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 13 December 2016
Reason for Appeal: DEMOLITION OF EXISTING GARAGE, CONSTRUCTION OF TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION
Decision: DISMISSED
Decision Date: 10 February 2017

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 22 February 2017

Report of: Director of Planning and Development

Subject: FAREHAM TREE PRESERVATION ORDER NO 733 – MEADOWBANK, CEDAR COTTAGE, AJAYS, AUBERON, THE LAIR, WELLSIDE COTTAGE and LOWATER NURSERY, HOOK VILLAGE.

SUMMARY

The report details objections to a provisional order made in September 2016 and November 2016 and provides officer comment on the points raised.

RECOMMENDATION

- (i) That Tree Preservation Order 733 is confirmed as made and served; and
- (ii) Tree Preservation Order 730 is revoked.

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. TPO 733 was served on the 17 November 2016 on public amenity grounds.

INTRODUCTION

5. On the 19 September 2016 TPO 730 was served following a Conservation Area notification to fell a mature oak tree situated at Meadowbank, Hook Lane. The order protects 23 trees situated on land at Meadowbank, Cedar Cottage, Ajays, Auberon, The Lair, Wellside Cottage and Lowater Nursery. TPO 730 was replaced by TPO 733 on 17 November 2016 following the inclusion of nine additional trees at Auberon.
6. Three objections were received to the making of TPO 730 and because those same trees remain included in TPO 733 those objections are dealt with under the confirmation of TPO 733 in this report. No objections were received to the making of TPO 733.

OBJECTIONS

7. Under Regulation 6 of the Town and Country Planning (Trees) Regulations 2012, three objections have been received from the following properties – Meadowbank, The Lair and Wellside Cottages in relation to TPO 730, which are summarised below:
 - Many of the trees are not visible from the public highway.

- The making of a blanket TPO is not necessary as the trees are already within a Conservation Area.
- No other applications have been made to remove trees from the Conservation Area.
- Many of the trees are growing close together; contain dead wood and restricting light to property.
- Concern that permission can be denied to have work carried out.

HOOK CONSERVATION AREA

8. In August 2016 the Council received six weeks' notice of intent (Conservation Area notification – P/16/0920/TC) from Meadowbank to remove a mature oak tree on the east boundary of the property.
9. When the Council receives a notification of tree works within a Conservation Area it has two options: it can either raise no objection to the proposed tree works within six weeks or in circumstances where the Council considers the proposals to be harmful to the character of the Conservation Area it can make a Tree Preservation Order.
10. Following a site assessment, Officers considered the impact of removing the oak tree at Meadowbank would have a negative impact on the character of the Conservation Area. The decision was made to serve a TPO to protect the tree.
11. During the site visit it became evident there are a significant number of trees that contribute to the verdant character of the surrounding properties. Therefore it was deemed expedient to capture other important and prominent trees situated locally because of their significant contribution to the character of the Conservation Area.
12. Whilst the Conservation Area designation provides some protection, the Regulations simply require that six weeks' notice of tree works is given, which enables the Council to consider whether greater protection is required if the pruning or removal of trees is considered harmful to the character of the Conservation Area.

TREE WORK APPLICATIONS

13. In dealing with applications to carry out works to protected trees the Council will consider whether the reasons given in support of an application outweigh the amenity grounds for protecting them. Permission to prune and maintain protected trees in the context of their surroundings, species, and previous management history will not be unreasonably withheld by the Council. Dead and dangerous branches can be removed subject to five days written notice.
14. The existence of a TPO does not preclude the carrying out of tree works to, or indeed the felling of, any tree if such a course of action is warranted by the facts. There is currently no charge for making an application to carry out works to protected trees, applications are normally determined within 4 - 5 weeks of registration.

TPO 733

15. The Tree Preservation Order covers 31 individual trees that are listed in the TPO schedule and plotted on the accompanying TPO plan. Therefore the trees protected by TPO 733 are clearly identifiable, whereas the Conservation Area coverage does not discern that level of information.

16. The majority of the trees are visible from local public vantage points or contribute to the verdant character of Hook village. The Hook Conservation Area Character Appraisal states: *The hamlet retains a distinct rural character and all the roads into it retain a rural feel. This is strengthened by the absence of pavements and kerb edging, and the presence of hedgerows, banks and planting abutting the carriageway throughout the hamlet. These are essential characteristics of the Conservation area and their loss would be harmful to character and appearance.*
17. In relation to Hook Lane it goes on to say: *The trees and hedges on this part of the lane are essential to its informal rural feel and are an important element in the character of the Conservation Area; and in terms of the wider setting: The 'greening' of the hamlet provides a pleasing contrast to the red brick of the historic buildings. A number of individual trees also make an important contribution to the settlement.*
18. TPO 733 was served to include nine additional trees on the Auberon frontage to protect the visual separation between the lane and the dwelling, which has planning permission to increase the roof height to provide first floor accommodation (P/16/.0857/FP). The TPO captures both existing prominent mature trees as well as younger developing trees that will be important for continuity of tree cover.

RISK ASSESSMENT

19. The Council will not be exposed to any significant risk associated with the confirmation of the FTPO 733 as made and served. 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

20. When making Tree Preservation Orders the Council endeavours to consider the rights of those affected and use its powers responsibly. However, the rights of the individual must be balanced against the rights of the public to expect the planning system to protect a tree when its amenity value justifies such protection.
21. Tree Preservation Orders seek to protect trees in the interest of public amenity; therefore it follows that the removal of a protected tree should only be sanctioned where its public amenity value is outweighed by other considerations. In this instance Officers consider the reasons put forward objecting to the confirmation of TPO 730 and therefore those same trees now protected by TPO 733, are not sufficient to outweigh the public amenity value of those trees and their contribution to the local character of the village.
22. Officers therefore recommend that Tree Preservation Order 733 is confirmed as made and served; and TPO 730 is revoked as all the trees protected by it are covered by TPO 733.

Background Papers: TPO 730 and TPO 733.

Reference Papers: Forestry Commission: The Case for Trees – 2010. 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).