

**AGENDA**  
**PLANNING COMMITTEE**

**Date:** Wednesday, 22 March 2017

**Time:** 2.30 pm

**Venue:** Collingwood Room - Civic Offices

**Members:**

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

Councillors J E Butts  
B Bayford  
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 - 10)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 22 February 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 11)**

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

**ZONE 1 - WESTERN WARDS**

(1) **P/17/0044/FP - 23 CYPRUS ROAD FAREHAM PO14 4JY** (Pages 13 - 16)

(2) **Q/0314/16 - FORMER COMMUNITY HALL COLDEAST PARK GATE** (Pages 17 - 19)

**ZONE 2 - FAREHAM**

(3) **P/17/0013/FP - 147 WEST STREET FAREHAM PO16 0DZ** (Pages 21 - 28)

**ZONE 3 - EASTERN WARDS**

(4) **P/17/0040/FP - 29 CROFTON LANE HILL HEAD FAREHAM PO14 3LP**  
(Pages 30 - 39)

(5) **P/17/0106/FP - 28 ERIC ROAD FAREHAM PO14 2RN** (Pages 40 - 42)

(6) **P/17/0126/FP - 84 MERTON AVENUE PORTCHESTER FAREHAM HAMPSHIRE PO16 9NH** (Pages 43 - 51)

(7) **P/14/0033/MA/A - LAND AT WINDMILL GROVE PORTCHESTER FAREHAM PO16 9HT** (Pages 52 - 55)

(8) **Planning Appeals** (Pages 56 - 59)

7. **Fareham Tree Preservation Order No 737 - Land North of Warsash Road and East of Brook Lane. Fareham Tree Preservation Order No 738 - Land North of Warsash Road and East of Brook Lane. Fareham Tree Preservation Order No 739 - Land North of 65 - 93 Warsash Road and East of Chapelfield Nurseries.**  
(Pages 60 - 62)

To consider a report by the Director of Planning and Regulation regarding Tree Preservation Order No's 737, 738 and 739.

The report details objections to a provisional order made in December 2016 and provides officer comments on the points raised.

P GRIMWOOD  
Chief Executive Officer  
Civic Offices  
[www.fareham.gov.uk](http://www.fareham.gov.uk)  
14 March 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:** Wednesday, 22 February 2017

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

**Councillors:** B Bayford, T M Cartwright, MBE, P J Davies, K D Evans,  
M J Ford, JP, R H Price, JP and L Keeble (deputising for J E  
Butts)

**Also  
Present:**



**1. APOLOGIES FOR ABSENCE**

An apology of absence was received from Councillor J E Butts.

**2. MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Special Planning Committee meeting held on 23 January 2017 and the Planning Committee meeting held on 25 January 2017 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/16/1415/FP – Drift House Brook Avenue Warsash SO31 9HN	6 (4)
Councillor Cartwright	P-16-1337-D3 – Merlin House 4 Meteor Way Stubbington PO13 9FU	6 (5)
Councillor Ford, JP	-Ditto-	6 (5)

**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 Application No/Page No
<b>ZONE 1 – 2.30pm</b>				
Miss K Little		LAND TO SOUTH & EAST OF ROOKERY AVENUE FAREHAM – RESIDENTIAL DEVELOPMENT OF UP TO 22 UNITS (15 DWELLINGS PER HECTARE), ASSOCIATED LANDSCAPING,	Supporting	6 (3) P/16/1088/OA Pg 28

		AMENITY AREAS AND A MEANS OF ACCESS FROM ROOKERY AVENUE		
Owner of Hambles Edge	Mrs G Osborne – Osborne House, Mr & Mrs Cameron – Ferry Lane House & Mr & Mrs McInnes – Fenmead	DRIFT HOUSE BROOK AVENUE WARSASH SO31 9HN – DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT 5-BED DWELLING	<b>Opposing</b>	6 (4) P/16/1414/FP Pg 40
Mrs B Clapperton	The Fareham Society	-Ditto-	<b>-Ditto-</b>	-Ditto-
Mr R Tutton (Agent)		-Ditto-	<b>Supporting</b>	-Ditto-
<b>ZONE 2 – 3.30pm</b>				
<b>ZONE 3 – 3.30pm</b>				

**6. 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) N/17/0001 - FULCRUM 6 SOLENT WAY WHITELEY PO15 7FT**

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

*Planning Strategy –*

*The area at Fulcrum 6 forms part of the designated employment area known as Solent 2, as designated by Policy S.14 in the Winchester District Local Plan Review 2006, but saved through the Winchester District Local Plan Part 1 Joint Core Strategy 2013.*

*Land has already been developed in this area for employment uses, with the adjoining sites at Fulcrum 1, 2, 4 and 5 (to the south and east of the application site) having already been developed for employment use. In addition, land to the immediate west of the application site is a designated employment allocation, Solent 2, within the Fareham Local Plan Part 2.*

*As the Winchester District Local Plan Part 1 recognises, the employment floorspace requirements within Winchester district are substantial and are largely based on existing commitments at Solent Business park (comprised of Solent 1 and Solent 2). As such the application site forms an important part of the District's, and the South Hampshire sub-region's employment land supply which should be retained. Furthermore, the Council would not want future housing on this site causing a constraint against future employment uses coming forward on the Solent 2 allocated site in Fareham Borough.*

**RECOMMEND**

**RAISE OBJECTION**

- a) *The proposed development would result in the loss of land allocated for economic development uses and would therefore have an unacceptable adverse impact on the supply of employment land within the South Hampshire sub-region;*
- b) *The proposed development would constrain the future development of the adjacent land within Fareham Borough for economic development uses and would therefore have an unacceptable adverse impact on the supply of employment land within the Borough and the South Hampshire sub-region.*

Upon being proposed and seconded, the officer recommendation to Raise Objection, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that Fareham Borough Council RAISE OBJECTION, in regards to the following reasons:

- a) The proposed development would result in the loss of land allocated for economic development uses and would therefore have an unacceptable adverse impact on the supply of employment land within the South Hampshire sub-region;
- b) The proposed development would constrain the future development of the adjacent land within Fareham Borough for economic development uses and would therefore have an unacceptable adverse impact on the supply of employment land within the Borough and the South Hampshire sub-region.

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

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

*The comments of the Council's Highway Engineer:*

*This proposal is to erect a discount food store on the south side of the Rookery Avenue/Solent Way roundabout within Winchester City Council's area. Access*

*is proposed from an existing bellmouth junction off Solent Way and a satisfactory total of 120 car parking spaces is proposed.*

*A Transport Assessment has been carried out from which it is calculated that peak hour traffic demand is expected, at worse, to be not significantly more than the allocated, business/employment use. When transferred/pass-by factors are taken into account, the actual 'new' traffic anticipated, that would affect this Borough's roads is expected to be minimal. Consequently no highway objection is raised to this application.*

*Members will note the update relating to the report, N/17/0001. The site subject of this application also forms part of the designated employment area known as Solent 2 within the Winchester District Local Plan. The proposed use would generate employment and the site is on the edge of the allocation where it would not cause a constraint against future employment uses coming forward on the wider employment area.*

**RECOMMENDATION:**

*That Winchester City Council be advised that Fareham Borough Council RAISE NO OBJECTION to the application as currently proposed.*

The Committee agreed that it was not opposed to the application but asked Officers to advise Winchester City Council, that from experience of the newly opened Lidl store in Portchester, if they are minded to grant permission and the proposal in Whiteley warrants any off site highway works, it is suggested they are carried out before the store opens. The delay in the completion of the highway improvements at the Portchester store have resulted in traffic congestion on the neighbouring roads at certain times. Furthermore, it is clear that at certain times the 120 space car park is not sufficient to serve the number of customers visiting the store.

Upon being proposed and seconded, the officer recommendation to Raise No Objection, was voted on and CARRIED.  
(Voting: 9 in favour; 0 against)

RESOLVED that NO OBJECTION be RAISED.

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

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:- *the table demonstrating the five year land supply position is appended to this update report (Appendix 1).*

*The applicant has submitted a Dormouse Mitigation Strategy and Reptile Mitigation Strategy. The County Ecologist has advised that, although the documents provide useful additional information, there are still outstanding ecological issues which have not been fully addressed and therefore the recommendation that further information is require has not changed. For that*



*reason the case officer's recommendation and suggested reasons for refusal set out in the main report remain unchanged.*

Upon being proposed and seconded, the officer's 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, 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 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 if 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 to 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.

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

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

Councillor T M Cartwright declared a non-pecuniary interest in this item as one of the deputees is known to him.

The Committee's attention was drawn to the Update Report which contained the following information:- *A Construction Environmental Management Strategy (CEMS) has been received. Amend condition 11 as follows;*

*The development shall be carried out in accordance with the approved Construction Environmental Management Strategy (CEMS). The specified areas shall be made available for their respective purposes and protective fencing shall be erected as shown prior to the commencement of development and shall be retained for the duration of the construction period unless otherwise agreed in writing with the Local Planning Authority.*

*Wheel washing facilities are indicated on the SEMS at the entrance to the site. Delete condition 8.*

*Amend condition 2 to include CEMS and additional landscaping plan/revised planting schedule;*

- *Construction Environmental Management Strategy (Site Set-Up) – drwg No 4000C*
- *Planting Plan Sheet 8: Areas 17 and 18*
- *Plant Schedule 8 February 2017*

*Amend condition 6 to include Planting Plan Sheet 8 and amend date of Plant Schedule.*

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

- (a) The conditions in the report (so far as they remain unamended by the following points below);
- (b) The amended conditions in the Update Report (so far as they remain unamended by the following points below);

- (c) Condition 3 to be amended to state that the brick material used in construction must be a multi blend red brick, to ensure that the property is in keeping with the local area;
- (d) The replacement of Condition 6 with a condition stating that no building works shall take place above damp proof course level until a revised landscaping scheme has been submitted to and approved in writing by the Local Planning Authority;

The Committee resolved that the details submitted by the applicant pursuant to Condition 6 would be determined by the Planning Committee and would not be delegated to Officers.

- (e) An additional condition stating that there shall be no burning of materials from site clearance or construction on site;
- (f) An additional condition stating that, notwithstanding Class E of the General Permitted Development Order 2015 no alterations or extensions shall be carried out to the garage buildings hereby permitted.

Was voted on and CARRIED.  
(Voting: 9 in favour; 0 against)

RESOLVED that, subject to:-

- (a) The conditions in the report (so far as they remain unamended by the following points below);
- (b) The amended conditions in the Update Report (so far as they remain unamended by the following points below);
- (c) Condition 3 to be amended to state that the brick material used in construction must be a multi-blend red brick, to ensure that the property is in keeping with the local area;
- (d) The replacement of Condition 6 with a condition stating that no building works shall take place above damp proof course level until a revised landscaping scheme has been submitted to and approved in writing by the Local Planning Authority;

Approval of detail(s) submitted pursuant to condition 6 shall be determined by the Planning Committee and not Delegated to Officers.

- (e) An additional condition stating that there shall be no burning of materials from site clearance or construction on site;
- (f) An additional condition stating that, notwithstanding Class E of the General Permitted Development Order 2015 no alterations or extensions shall be carried out to the garage buildings hereby permitted.

PLANNING PERMISSION be granted.

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

Councillors 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 and the Daedalus Anniversary Working Group.

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

(Voting: 9 in favour; 0 against)

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

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

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to the conditions in the report, and an additional condition requiring the extension to be used only as part of the main house or for incidental or ancillary use to the residential use of the main dwelling, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that subject to, the conditions in the report and an additional condition requiring the extension to be used only as part of the main house or for incidental or ancillary use to the residential use of the main dwelling, 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.

**7. TREE PRESERVATION ORDERS**

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. 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.

RESOLVED that Fareham TPO 729 is confirmed as made and served.

The confirmation of TPO 729 completes the review of Holly Hill Lane and is recommended that FTPO 215, FTPO 217, FTPO 277, HTPO 189 and HTPO 197 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**

The Committee considered a report by the Director of Planning and Regulation regarding Tree Preservation Order No 730, to which there were objections received, and Tree Preservation Order No 733, to which no objections have been received.

RESOLVED that:-

- (a) Tree Preservation Order 733 is confirmed as made and served; and
- (b) Tree Preservation Order 730 is revoked.

(The meeting started at 2.30 pm  
and ended at 5.00 pm).

## **Report to Planning Committee**

**Date:** 22 March 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 3.00pm.

# Agenda Annex

## ZONE 1 - WESTERN WARDS

Park Gate  
Titchfield  
Sarisbury  
Locks Heath  
Warsash  
Titchfield Common

### Reference

### Item No

**P/17/0044/FP**  
TITCHFIELD  
COMMON

23 CYPRUS ROAD FAREHAM HAMPSHIRE PO14 4JY  
RETENTION OF NEW ROOF TO OUTBUILDING AND CHANGE  
TO WINDOWS AND DOORS.

**1**  
**PERMISSION**

**Q/0314/16**

FORMER COMMUNITY HALL COLDEAST PARK GATE  
DEED OF VARIATION TO SECTION 106 AGREEMENT DATED 13  
FEBRUARY 2006 RELATING TO LAND AT COLDEAST BRIDGE  
ROAD PARK GATE (PLANNING REFERENCE: P/05/0858/VC)

**2**  
**Grant Deed of**  
**Variation**

# Agenda Item 6(1)

P/17/0044/FP

MR S CHURCH

TITCHFIELD COMMON

AGENT: ROBERT TUTTON  
TOWN PLANNING CO

RETENTION OF NEW ROOF TO OUTBUILDING AND CHANGE TO WINDOWS AND DOORS.

23 CYPRUS ROAD FAREHAM HAMPSHIRE PO14 4JY

## ***Report By***

Arleta Miszewska 01329 824666

## ***Site Description***

This application relates to a semi-detached bungalow situated on the western side of Cyprus Road, opposite its junction with Pound Gate Drive. The property has a rear garden measuring over 30 metres in length.

Two outbuildings are sited in the rear garden. The smaller of the two is sited in the bottom of the garden adjacent to the western rear garden boundary. The larger of the two outbuildings, subject of this application is sited in front of the smaller outbuilding. Both outbuildings were erected under householder permitted development rights and did not require planning permission.

## ***Description of Proposal***

Planning permission is sought for retention of a new roof to the larger outbuilding. The outbuilding was first constructed to meet the criteria for permitted development. However, since 2008 the legislation has changed and the recent alterations of the existing roof no longer can be undertaken without planning permission. The height of the roof has been increased by the width of the layer of the external roof insulation. Furthermore, existing bi-fold doors were blocked and new doors inserted.

## ***Policies***

The following policies apply to this application:

### **Approved Fareham Borough Core Strategy**

CS17 - High Quality Design

### **Development Sites and Policies**

DSP3 - Impact on living conditions

## ***Representations***

Five letters of representation have been received objecting to the application.

The following concerns have been raised:

- Risk of fire;
- Business use;
- Insurance of the building;
- Spoiling the enjoyment of our property, noise, size and positioning too close to the boundary;
- Impact on TPO oak tree;



- Condition of boundary fences and overhanging;
- Too big, looks out of keeping with its surroundings;
- Will be used as a living accommodation/dwelling;
- Generates noise.

One letter supporting the proposal has been received.

### ***Planning Considerations - Key Issues***

Impact on the character and appearance of the surrounding area

The outbuilding is sited some 40 metres within the site when viewed from Cyprus Road. In light of this distance, the additional height does not appear unacceptable in appearance and character terms. Furthermore there are other similar sized outbuildings located within the rear gardens of the properties at Cyprus Road.

Impact on the living conditions of the adjacent neighbours

The outbuilding is located alongside 28C Oaklands Way and projects beyond this property's front wall by approximately 1.7 metres. The nearest window within the neighbouring property serves a bedroom and is the sole window within the room and there is an obscure glazed window serving a bathroom at ground floor level. Officers are of the opinion that the additional height of the outbuilding does not affect the light and outlook currently enjoyed by the occupiers of this property.

Other matters

Concerns over risk of fire have been raised. The outbuilding was constructed to comply with Building Regulations (building regulation consent was granted in 2008) which also included fire safety regulations.

Further concerns have been raised over business use. The application is seeking permission for retention of the new roof of the building. Notwithstanding this the applicant has confirmed that he has used the outbuilding in the past for activities associated with his photography and picture framing hobby, which has since been moved into the smaller outbuilding located within his garden.

Noise concerns have been raised by a number of objectors; it has been suggested that the noise is generated by the tradespeople working on the interior of the outbuilding. No noise complaints have been received by Environmental Health in respect of the photography and picture framing activities.

Impact on protected trees has also been raised as a concern. The tree shown on the submitted plan is not protected by a tree preservation order. The nearest protected tree lies within the garden of 30 Oaklands Way to the rear. As the structure was completed in 2008 the roof alterations do not raise concerns over impact on surrounding trees.

It has been suggested that the repair and maintenance of the boundary fence should be requested by the local planning authority. However, the fence does not form a part of the proposal and therefore such conditions cannot be imposed.

Finally, concerns over building insurance and an aerial overhanging the property at no. 28C Oaklands Way have been raised. However, these are private matters and the local planning

authority has no power to regularise this.

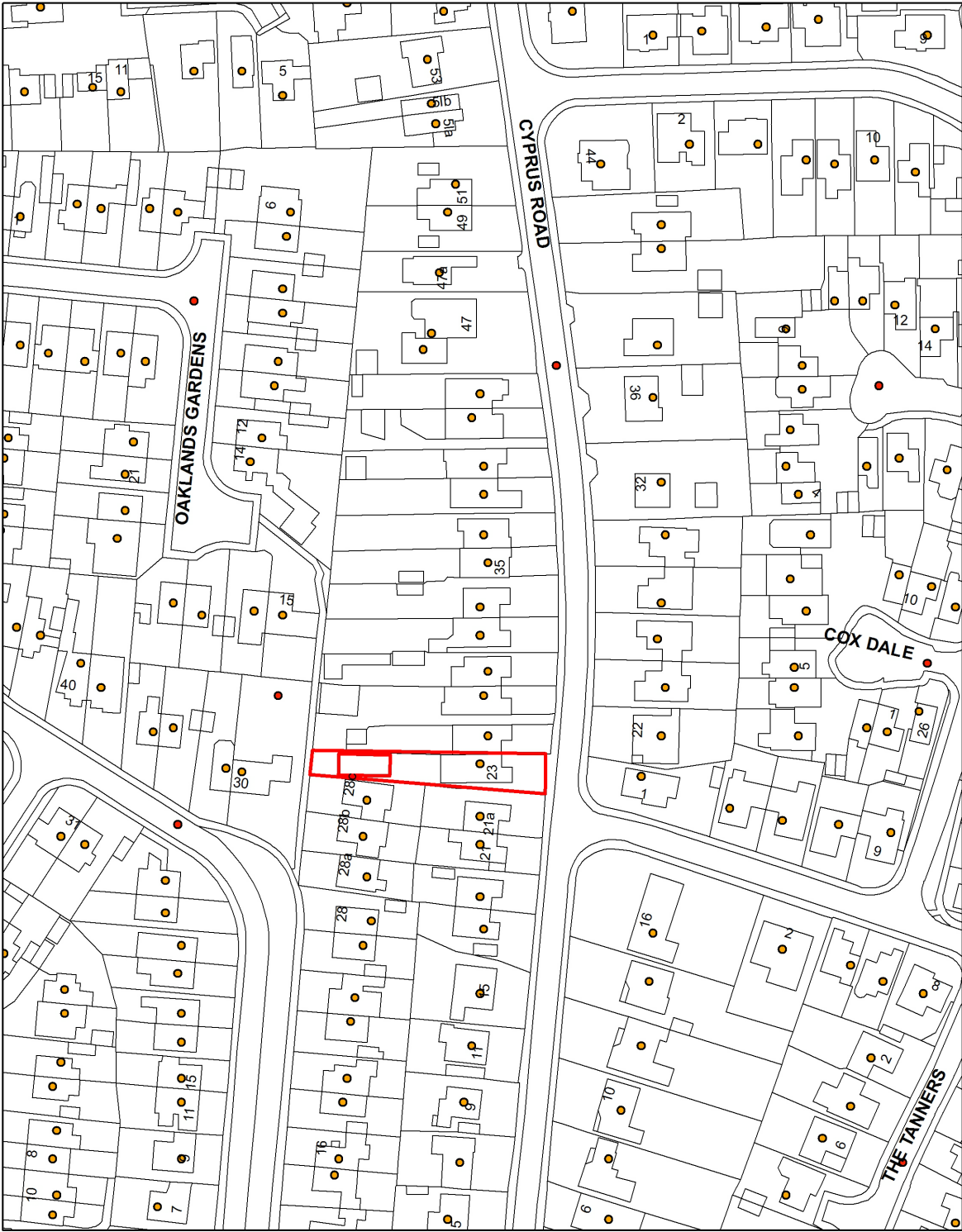
To conclude, officers consider the proposal is acceptable in planning terms.

***Recommendation***

PERMISSION

# FAREHAM

BOROUGH COUNCIL



23 Cyprus Road  
Scale 1:2,500



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# Agenda Item 6(2)

Q/0314/16

PARK GATE

HOMES AND COMMUNITIES  
AGENCY

DEED OF VARIATION TO SECTION 106 AGREEMENT DATED 13 FEBRUARY 2006  
RELATING TO LAND AT COLDEAST BRIDGE ROAD PARK GATE (PLANNING  
REFERENCE: P/05/0858/VC)

FORMER COMMUNITY HALL COLDEAST PARK GATE

## **Report By**

Kim Hayler - direct dial 01329 824815

## **Introduction**

The above legal agreement secured the provision of a number of community facilities for the Lot 1 development at Coldeast (P/05/0858/VC refers), including the transfer of the former community hall to the Council and the provision of a children's play area sited to the rear of the hall.

## **Planning Considerations - Key Issues**

Development proposals at Coldeast date back to 1998. It was a requirement of the Lot 1 planning permission that the community hall was to be put in good repair and transferred to the Council for community facilities at Coldeast. As time has passed, there is no longer a need for the building as it does not meet modern requirements/standards and needs and alternative community facilities have been provided elsewhere on the site secured through the more recent Lot 2 development(P/12/0299/FP refers).

As a result of the forgoing, the community hall has not been transferred to the Council and is currently in disrepair and causing security and health and safety issues. The developer is seeking confirmation that the building can be demolished.

The original planning permission also required the developer to provide land for and layout a Local Equipped Area of Play (LEAP) sited behind the community hall. The planning permission granted for additional housing at the Coldeast site in recent years provided an opportunity for the Council to consider more broadly how play facilities were provided at the site. As a result a larger fully equipped play area was secured as part of Lot 2 development on the Coldeast site. In light of this there is no longer considered a need for the play area to the rear of the hall;; the new facility will have an improved location benefitting from passive surveillance.

The Homes and Communities Agency (owners of the land) and Miller Homes (developer) are seeking a deed of variation to the legal agreement, on the following basis:

I. Demolition of the community hall; the developer to pay for the demolition, (with evidence of demolition costs as reasonably required) and transfer to the Council the balance of monies set aside for repairs to the building which should be put towards community facilities at Coldeast.

II. Pay to the Council the sum equivalent to the provision of the play area within 28 days of the demolition of the community hall. The monies to be put towards community facilities at Coldeast.

III. The Homes and Communities Agency to submit an outline planning application to the Council within a period to be agreed for the provision of starter homes or other affordable housing on the site of the community hall.

IV. The land comprising the community hall and play area to be transferred to the Council upon the approval of the outline application or within a period to be agreed.

V. The Council to commence development of the site for affordable housing within a period of 5 years from the Transfer date. Where this is not achieved, the Council will return the site to the Homes and Communities Agency.

The above approach to develop the community hall site for residential development is endorsed by the adopted Former Coldeast Hospital Development Brief.

***Recommendation***

That Members authorise the deed of variation as set out at Points I-V in the Officers report above.

# FAREHAM

BOROUGH COUNCIL



Former Community Hall  
Coldeast Park Gate  
Scale 1:2,500



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# Agenda Annex

## ZONE 2 - FAREHAM

Fareham North-West

Fareham West

Fareham North

Fareham East

Fareham South

### Reference

### Item No

**P/17/0013/FP**

147 WEST STREET FAREHAM PO16 0DZ

FAREHAM EAST

DEMOLITION OF EXISTING STORAGE BUILDING; ERECTION OF A SINGLE-STOREY OFFICE BUILDING; PROVISION OF NEW SECURITY LIGHTS AND ENTRANCE DOORS TO THE UNDERCROFT ENTRANCE.

**3**

**PERMISSION**

# Agenda Item 6(3)

**P/17/0013/FP**

MS A. BARNES

**FAREHAM EAST**

AGENT: ROBERT TUTTON  
TOWN PLANNING CO

DEMOLITION OF EXISTING STORAGE BUILDING; ERECTION OF A SINGLE-STOREY OFFICE BUILDING; PROVISION OF NEW SECURITY LIGHTS AND ENTRANCE DOORS TO THE UNDERCROFT ENTRANCE.

147 WEST STREET FAREHAM PO16 0DZ

## ***Report By***

Rachael Hebden. Direct dial 01329 824424

## ***Introduction***

The application has been submitted following the refusal of a previous application (reference P/15/1059/FP), which sought Permission for a residential dwelling. The application was refused for the following reason:

The proposed development is contrary to Policy CS17 of the Fareham Borough Local Plan, and Policy DSP3 of the adopted Local Plan Part 2: Development Sites and Policies and would represent an over-intensive form of development, demonstrated by the following aspects of poor quality design:

(i) The narrow, un-welcoming access which does not benefit from natural surveillance and has a poor relationship with servicing areas for the commercial units would create a poor residential environment;

(ii) The dwelling would, by virtue of the poor internal layout, arrangement of fenestration and use of one way privacy glass create a poor outlook from habitable room windows of the proposed building to the detriment of the amenity to be enjoyed by the future occupants;

(iii) The relationship of the proposed communal garden to refuse areas, the proximity of the surrounding built environment which would be overbearing and oppressive and also the presence of windows in neighbouring properties resulting in overlooking would result in the quality and usability of the private amenity space being inadequate to the detriment of residential amenity.

## ***Site Description***

The site is a small infill plot located within the urban area. The site currently contains a dilapidated single storey building previously used as a store with an area to the rear providing shared access to the retail units to the south and used for refuse storage. The site also provides access to the flat above number 147 West Street.

To the north and west of the site lies a private car park. To the immediate west of the site there is a refuse store serving Connaught House (to the south west of the site). To the east of the site lies a single storey retail unit (Razmattazz). To the south of the site lies a row of 2 and 3 storey buildings. No. 147 which lies directly south of the site contains a cafe at ground floor level with a flat above.

Access to the site is limited to pedestrian access only, via an alleyway between the rear of no's 145, 145a and 145b (the applicant does not have right of access over the car park to



the north of the site).

### ***Description of Proposal***

The application is for a single storey office building with pedestrian access via the undercroft entrance from Osborne Road South. The application also proposes a 2.25m high, timber perimeter fence, security lighting together with bin and cycle storage.

### ***Policies***

The following guidance and policies apply to this application:

National Planning Policy Framework 2012

Residential Car and Cycle Parking Standards Supplementary Planning Document

Draft Fareham Town Centre Development Vision document

### **Approved Fareham Borough Core Strategy**

CS1 - Employment Provision

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS7 - Development in Fareham

CS8 - Fareham Town Centre Development Location

CS17 - High Quality Design

### **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

### ***Relevant Planning History***

The following planning history is relevant:

<b><u>P/15/1059/FP</u></b>	<b>Proposed erection of a one-bedroomed dwelling to the rear of no. 147 West Street(Resubmission).</b>	
	REFUSE	16/12/2015
<b><u>P/14/0616/FP</u></b>	<b>DEMOLISH EXISTING STORE CONSTRUCT NEW TWO STOREY TOWN HOUSE</b>	
	REFUSE	25/09/2014
<b><u>P/14/0254/FP</u></b>	<b>DEMOLITION OF EXISTING STORE AND ERECTION OF A TWO STOREY TOWN HOUSE</b>	
	WITHDRAWN	23/06/2014

***Representations***

13 representations have been received of which 11 are in support of the proposal and 2 object.

The 11 representations in support of the application are on the grounds that:

- The proposed development is preferable to the existing dilapidated building;
- It will improve the appearance of the site; and
- There is a need for small units such as this for start up businesses in West Street

The 2 objections received raise the following concerns:

- Delivery of construction materials through the undercroft entrance will block the pavement;
- The condition of the site is due to lack of maintenance by the owner;
- The proposed office accommodation is of a size and layout which is unlikely to have any beneficial use within the market;
- Future occupiers will not have any right to use the adjacent car park which is owned by the Connaught Trust;
- The applicant has no right to install doors or security lights or to run services within/through the undercroft access;
- The Connaught Trust intend to erect a fence along the northern boundary which would impact the amenity of any future occupiers;
- The Connaught Trust intend to erect a fence around the perimeter which would impact any windows in the north elevation;
- The permitted development rights could result in a change of use to residential, which would be inappropriate.

Following receipt of the above comments (in particular the comments submitted on behalf of the Connaught Trust) amended plans were submitted which removed the proposed security lighting and door from within the undercroft and repositioned them within the site itself. The neighbours and people who submitted representations were re-consulted however no further comments have been received.

***Consultations***

INTERNAL CONSULTEES:

Environmental Health (Contamination) - No objection subject to the incorporation of a precautionary condition that requires development to cease if during any stage of the works materials which would suggest potential contamination are encountered. Work would not recommence before an investigation had been carried out any necessary mitigation measures approved by the LPA.

***Planning Considerations - Key Issues***

PRINCIPLE OF DEVELOPMENT:

The site is located within Fareham Town Centre as defined by the Local Plan, therefore

policies CS1, CS6, CS7 and CS8 are applicable.

Policy CS1 states that additional employment development will be permitted to meet a minimum floorspace target of 41 000 sq.m and to contribute to GVA growth through requiring the inclusion of 10 000 sq. m of new B1 development as part of mixed use schemes within Fareham Town Centre.

Policy CS6 sets out the Development Strategy for the Borough and details that development will be focused in certain areas (such as the town centre) and that the priority will be to re-use previously developed land within the defined urban settlement boundaries.

Policy CS8 also states that Development will be permitted where it is in accordance with the Fareham Town Centre Area Action Plan and makes provision for (amongst other development) approximately 10 000 sq.m office floorspace.

The Fareham Town Centre Area Action Plan has been superseded by the Development Sites and Policies Plan. The Development Sites and Policies Plan contains policies relating to the primary and secondary shopping areas and to making the most effective use of the upper floors, but does not contain any policies specifically relating to the development of land to the rear of shopping frontages.

The draft Fareham Town Centre Development Vision document (which is currently out for consultation) is also of relevance and aims to ensure that any development along West Street and the surrounding roads is well designed and makes efficient use of land.

The proposed development would be positioned to the rear of the shopping frontage and would make efficient use of space that is currently underused, by providing office accommodation. The proposed development would therefore comply with the relevant policies of the development plan and is acceptable in principle. The proposed development would also be consistent with the aims of the draft Fareham Town Centre Development Vision document.

## DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

Letters of support have been received which point out that the site is currently underused and not well maintained and that the proposed development would provide an opportunity to improve the appearance of the site.

The site is located to the rear of the retail, commercial and flatted units that front onto West Street. West Street, in the vicinity of the site, is a mixture of 2, 3 and sometimes 4 storey buildings of different ages, forms, architectural styles and materials. The areas to the rear are a mixture of open parking, private outdoor space, storage buildings and extensions largely associated with the commercial premises fronting West Street. The buildings are generally simple in form and subservient in scale to the West Street frontage. The proposed building would have a rectangular plan form and would be single storey with a shallow pitched roof.

The proposed building would be positioned behind no's 147 West Street and no. 145a Osborne Road South and as a result would only be visible from one vantage point within the public realm (from the north east of the site within Osborne Road South). The building would be positioned behind an existing wall along the west of the site therefore only the top of the building would be visible from the west of the site.

The proposed building has been designed to reflect the low key scale and form of no. 145a Osborne Road South and as a result it is considered that it would respond positively to and be respectful of key characteristics of the area. The proposed development would therefore comply with the design requirements of Policy CS17.

Policy CS17 also requires new housing to secure adequate internal and external space, privacy, sunlight and daylight to meet the requirements of future occupiers, however it does not specify that the same level of amenity is required for office development. The previous application was refused for three reasons as set out at the start of this report. These reasons can be summarized as:

- (i) the unwelcoming access creating a poor residential environment;
- (ii) a poor internal layout and poor outlook from the dwelling; and
- (iii) the juxtaposition of the garden to bin stores and the surrounding built environment would result in a poor amenity space.

The current application proposes a building which would provide office accommodation rather than use as a dwelling. Policy CS17 does not require office accommodation to achieve the same levels of amenity as required for a dwelling, therefore the proposed office use is acceptable in terms of policy requirements and the previous points (ii) and (iii) of the reason for refusal are considered to have been addressed.

The access through the undercroft from Osborne Road South was previously considered to be unwelcoming for a residential use. The application now seeks to improve this entrance through the use of appropriate lighting and re-positioned doors to the site. The security lighting and entrance to the site would improve the access and given that the proposal is for an office use rather than a dwelling, the access into a predominantly hard surfaced entrance courtyard is considered to be acceptable in addressing the first part of the previous reason for refusal.

## IMPACT ON NEIGHBOURING PROPERTIES

The proposed building would be single storey and while it would be visible from neighbouring properties it would have a minimal impact on their amenities in terms of outlook, privacy or amount of available sunlight. The proposed building would not impact the size or quality of the external amenity space to the south of the site which serves the first floor flat above no. 147. No objections have been received regarding the impact the proposed building would have on the amenities of neighbouring properties.

## PARKING PROVISION

The Trust responsible for the adjacent car park has pointed out that future occupiers of the proposed building would not have any right to use the adjacent car park. The objections received have also raised concerns about the lack of parking provision in general.

The application does not rely on the use of adjacent, privately owned car park. It is considered that the site is in a highly accessible town centre location within walking distance of the train and bus stations. Significantly reduced parking provision for offices in such sustainable locations is considered to be acceptable and therefore in this case the provision of a car-free scheme is acceptable. It is noted that the previously refused residential scheme was also car free in its design and there was no reason for refusal relating to the lack of any parking provision.

## OTHER ISSUES

The letter originally received on behalf of the Trust that owns land adjacent to the site (including the undercroft access to the site) has stated that the applicant has no right to install security lights or to route services over any land owned by The Trust. The amended plans demonstrate that lighting and services can be provided within the site therefore these concerns are considered to have been addressed.

Concerns have been raised regarding the potential change of use from the proposed office use to residential use. The ability to change the use of the building from an office to residential would require an express Planning Permission as the right to change the use to residential as Permitted Development under Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 only applies to buildings that were used as offices prior to 29th May 2013. Notwithstanding this, a condition is included in the recommendation to restrict potential changes of use under permitted development rights in the event that the legislation changes in the future.

## CONCLUSION

The proposed building would contribute towards the provision of 10 000 sq. m of B1 development in accordance with Policy CS1. It would have a minimal impact on the amenity of neighbouring properties and would respect the character of the area.

### ***Recommendation***

PERMISSION subject to conditions:

1.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.

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

Location plan Drawing no. P01

Site plan Drawing no. P03 Rev J

Proposed elevations Drawing no. P05 Rev I

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

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

REASON: To secure the satisfactory appearance of the development.

4. The premises shall be used for purposes within B1a use only and for no other purpose including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

REASON: To protect the amenities of the occupiers of the nearby residential properties.

5. None of the development hereby permitted shall be brought into use until the bin and cycle storage has been provided in accordance with the details on Drawing no. P-034 Rev J. The designated areas shall thereafter be kept available and retained at all times for the purpose of bin and cycle storage.

REASON: In the interests of visual amenity and in order to facilitate an alternative to the motorcar.

6. 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 bank and public holidays.

REASON: To protect the amenities of the occupiers of nearby residential properties.

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

REASON: To protect the amenities of the nearby residents; in accordance with Policy DSP2 of the Local Plan Part 2: Development Sites and Policies 2015.

8. No development shall take place until a Site Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Site Construction Management Plan shall include:

- How provision is to be made on site for the storage of building materials,
- Storage of plant and machinery;
- Storage of and removal of excavated materials;
- Site office and welfare huts associated with the implementation of the development.

The areas and facilities approved in pursuance to this condition shall be made available before construction works commence on site and shall thereafter be kept available at all times during the construction period, unless otherwise agreed in writing with the local planning authority.

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

9. In the event that contamination becomes evident during the construction of the development (including site clearance and ground preparations) hereby approved, all work must stop, the Local Planning Authority must be notified and an investigation into the contamination shall be carried out by a suitably qualified individual to assess the risks to human health and the wider environment. Written details of the investigation together with a remediation scheme shall be submitted to the Local Planning Authority and approved in writing prior to works recommencing. The approved remediation scheme shall subsequently be implemented in full and confirmation in writing that the works have been completed in accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the building hereby approved.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place.

### ***Background Papers***

P/17/0013/FP, P/15/1059/FP, P/14/0616/FP, P/14/0254/FP, P/13/0880/FP

# FAREHAM

## BOROUGH COUNCIL



147 West Street  
Scale 1:2,500



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**ZONE 3 - EASTERN WARDS**

Portchester West  
 Hill Head  
 Stubbington  
 Portchester East

Reference		Item No
<b>P/17/0040/FP</b> HILL HEAD	29 CROFTON LANE HILL HEAD FAREHAM PO14 3LP TWO STOREY, 2 BEDROOMED BACKLAND SITE DEVELOPMENT TO THE REAR OF 29 CROFTON LANE, NEW PRIVATE DRIVEWAY USING THE EXISTING SITE ACCESS WITH ONSITE PARKING AND TURNING FOR TWO CARS TOGETHER WITH A NEW SECOND SITE ACCESS TO THE EXISTING PROPERTY	4 <b>PERMISSION</b>
<b>P/17/0106/FP</b> [O] STUBBINGTON	28 ERIC ROAD FAREHAM PO14 2RN EXTENDING ROOF OF DETACHED GARAGE TO FORM COVERED AREA	5 <b>PERMISSION</b>
<b>P/17/0126/FP</b> PORTCHESTER EAST	84 MERTON AVENUE PORTCHESTER FAREHAM HAMPSHIRE PO16 9NH ADDITION OF A BARN-HIPPED PITCHED ROOF OVER EXISTING GARAGE AND CHANGE OF USE TO A ONE BED DWELLING. PROVISION OF A DROPPED KERB.	6 <b>REFUSE</b>
<b>P/14/0033/MA/A</b> PORTCHESTER EAST	LAND AT WINDMILL GROVE PORTCHESTER FAREHAM HAMPSHIRE PO16 9HT AMENDMENTS TO PLANS APPROVED UNDER REFERENCE P/14/0033/FP, INCLUDING CHANGES TO DOORS & WINDOWS IN PLOTS 1-4 & 10-24, CHANGES TO ROOFS TO PLOTS 1-4 & 10-24, (INCLUDING RAISING OF MAIN RIDGE TO PLOTS 1 - 4 & 22 - 23 BY 0.25M), ADDITION OF SINGLE STOREY UTILITY & BOOT ROOM EXTENSION TO PLOT 19, PROVISION OF WALK- ON BALCONIES TO PLOTS 10-19 AND AS SPECIFIED IN SUBMITTED DOCUMENT 'PLANNING ELEVATIONAL CHANGES SCHEDULE OF DRAWINGS'.	7 <b>APPROVE</b>



# Agenda Item 6(4)

**P/17/0040/FP**

**HILL HEAD**

DURECATH DEVELOPMENTS  
LTD

AGENT: ARCHITECTURELIVE  
LTD.

TWO STOREY, 2 BEDROOMED BACKLAND SITE DEVELOPMENT TO THE REAR OF 29 CROFTON LANE, NEW PRIVATE DRIVEWAY USING THE EXISTING SITE ACCESS WITH ONSITE PARKING AND TURNING FOR TWO CARS TOGETHER WITH A NEW SECOND SITE ACCESS TO THE EXISTING PROPERTY

29 CROFTON LANE HILL HEAD FAREHAM PO14 3LP

## ***Report By***

Peter Kneen - direct dial 01329 824363

## ***Introduction***

The application has been called to the Planning Committee at the request of Councillor Mr A. Mandry.

## ***Site Description***

The application site is located within the existing defined urban area of Stubbington & Hill Head, and presently forms a large, detached, modern two storey dwelling, set within a large, landscaped plot (The Light House, 29 Crofton Lane). The property includes a large side and rear garden area, measuring 34m by 52m (approximately). The garden area is bounded by existing residential development, all being two storey, although the garden area of No.31 Crofton Lane (to the north of the site), wraps around the northern and western boundaries of the site. The existing property comprises a single vehicle access point from Crofton Lane, at the southern end of the eastern elevation, adjacent to the boundary of No.27 Crofton Lane. The garden area comprises mixed boundary features including hedging and screen fencing.

The existing rear garden area of the site is heavily landscaped, and comprises a number of mature trees and shrubs, the majority of which are to be retained as part of the development proposal. Crofton Lane is a 'C' Class road, and comprises one of the main arterial routes through Hill Head. The road is street lit, and limited to a 30mph speed limit. The site is well served by local buses, with the nearest bus stops located on the western side of Crofton Lane, approximately 90m south of the site.

## ***Description of Proposal***

This application seeks planning permission for the construction of a two bedroomed detached modern style dwelling within the rear garden of 29 Crofton Lane. The scheme, which has been subject to pre-application discussions would see the dwelling erected on the south-western corner of the site, adjacent to existing residential properties accessed from Ellerslie Close. The proposed dwelling would comprise an open plan living/kitchen/dining area, and a bedroom at ground floor level, with a single en-suite bedroom at first floor level. The property has been sited in line with the existing, detached two-storey properties fronting Ellerslie Close.

The dwelling would include an 11m long private garden area (to the front of the property), together with additional courtyard seating areas to the north and west of the proposed dwelling. Access to the property would be from the existing access to 29 Crofton Lane, with a new separate access created to the host dwelling further north along its frontage. The

proposed access driveway would run along the southern boundary of the site, culminating in a private parking courtyard to the east of the proposed dwelling and garden area. The parking area would be separated from the garden area by an existing hedgerow, which would be re-enforced as part of the development proposal.

The host dwelling would maintain a private rear garden area measuring 22m wide by 35m long (approximately).

### ***Policies***

The following policies apply to this application:

#### **Approved Fareham Borough Core Strategy**

CS2 - Housing Provision

CS6 - The Development Strategy

CS11 - Development in Portchester, Stubbington and Hill Head

CS17 - High Quality Design

#### **Approved SPG/SPD**

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

#### **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

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

### ***Relevant Planning History***

The following planning history is relevant:

<b><u>P/08/0290/FP</u></b>	<b>EXTENSIONS AND ALTERATIONS TO EXISTING BUNGALOW TO FORM TWO STOREY HOUSE</b>	
	PERMISSION	17/04/2008

### ***Representations***

Five objections have been received in relation to the proposed development. The key matters of concern raised were:

- Development in the garden area;
- The provision of a new access onto Crofton Lane;
- Loss of trees;
- Loss of privacy;
- Noise from vehicles and during construction;
- Dirt and dust during construction; and,
- Visually out of keeping.

One of the respondents raised concern that part of the development site encroaches on

their land. This is not a material consideration in the determination of the planning application, but has been outlined in 'Notes for Information' below.

### **Consultations**

#### INTERNAL

#### Highways:

No highway objection is raised to the application, subject to conditions, to each of the proposed car parking spaces being at least 3.5m wide to enable satisfactory turning to take place and to any gates from Crofton Lane opening inwards and being set back 5m from the back of the adjacent footway.

#### Trees:

Adequate precautions to protect the retained trees are specified in accordance with the arboricultural method statement including in the tree report produced by CBA Trees. The development proposals will have no significant adverse impact on the contribution of the trees to public amenity or the character of the wider setting.

The impact of trees and the effect of tree loss, pruning and other site operations on local tree cover, public amenity and local character has been considered.

Provided that the recommendations of the CBA tree report are followed and that construction methods, as detailed within the arboricultural method statement, are followed when working near retained trees, then any impact would be minimal and acceptable.

Therefore, no objection is raised to the proposed two bedroom, two storey house, subject to conditions.

### **Planning Considerations - Key Issues**

The following matters represent the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- Principle of the development;
- Impact on living conditions to neighbouring occupiers;
- Design and appearance of the proposal
- Highway safety and car parking;
- Trees; and,
- Ecology.

#### Principle of the development:

The site is located within the defined urban area of Stubbington and Hill Head, where there is a presumption in favour of new development, in principle. The site, located within Hill Head represents a highly sustainable location for new development, providing a wide range of services and facilities, including schools, shops, access to public transport and a wide mix of employment opportunities.

#### Impact on Living Conditions to neighbouring occupiers:

This planning application proposes the construction of one detached, part single storey part two storey dwelling, within the rear garden of 29 Crofton Lane, accessed by the existing access from Crofton Lane. The host dwelling will have a separate access created 13m to the north of the existing (discussed further below). The proposed dwelling, sited to the south-western corner of the site has been sited to sit alongside existing two storey residential development that fronts onto Ellerslie Close (a cul-de-sac comprising eight detached dwellings to the south west of the site). Ellerslie Close is accessed from Hill Head Road, which runs in an east-west direction.

Concern has been raised by the occupiers of No.9 Ellerslie Close, the proposed immediate neighbour to the dwelling due to the proximity of the proposed dwelling to their property. However, following discussions with the agent and applicant at pre-application stage, the design of the proposed dwelling seeks to ensure that the privacy and sense of space around the dwelling remains despite the proposed dwelling being located only 3m from the side elevation of No.9. No.9 has no windows on the side elevation of the dwelling (with the exception of the rear conservatory), and therefore the only window on the proposed southern elevation is a high level window set at the bottom of the stairwell to provide additional light. Given the design of the proposed dwelling, the first floor windows serving the bedroom are orientated to the east (towards Crofton Lane), but set back over 4m from the rear elevation of No.9 Ellerslie Close, and partly obscured by the proposed building itself. A second window to this first floor bedroom is orientated to the southwest, and would have a view largely down Ellerslie Close. The window would be set approximately 20m from the front elevation of No.6 Ellerslie Close (on the western side of the Close), and would be partially obstructed by existing vegetation within the rear garden of No.31 Crofton Lane.

The single storey element, which does extend beyond the rear elevation of No.9 Ellerslie Close, is set 4.2m from the conservatory of No.9, and is angled away from the boundary, with the furthest extent of the single storey element being over 6m from the 2m high boundary fence. The single storey element would not therefore result in an overbearing impact on No.9. Additionally, the proposed car parking for the dwelling would be located broadly in line with the rear boundary of the garden of No.9 and over 10m away from the rear elevation of No.27 Crofton Lane. No objection to the proposals has been received from the occupier of No.27.

Therefore, based on the above assessment, it is considered that the proposed dwelling will not have a detrimental impact on the living conditions of neighbouring occupiers. It is acknowledged that some noise and disturbance could occur during the construction period, however, given the design and finished appearance of the structure, not being of traditional brick and block work construction, it is considered unlikely that the construction period would be as extended as that of a traditional build.

#### Design and Appearance of the proposal:

The application seeks the erection of a modern, part single, part two storey dwellinghouse, constructed with part flat, and part pitched roof. The building would not be of a traditional brick and block work construction, with the use of synthetic slated elevations. The design and siting of the property has been carefully considered by the applicant to ensure a minimal impact on the amenities of neighbours whilst maximising the views and movement of the sun to provide as much of an outlook and natural light as possible.

The NPPF and Policy CS17 of the Development Plan highlights the importance of good quality design in new proposals, and that it is not the responsibility of Local Planning

Authorities to stifle design. Whilst it is acknowledged that the majority of developments in Hill Head are of a traditional design and appearance, modernist designed properties are apparent in the local area, even at the neighbouring property of Nos.25 and 27 Crofton Lane, which are a pair of 1930s Art Deco style dwellings with flat roofs.

Additionally, given the position of the proposed dwelling, to the rear of the site, only glimpsed views would be appreciated from both Crofton Lane and Ellerslie Close. It is therefore considered that the proposed modernist design is not out of keeping, and would sit comfortably in the mix of dwelling styles and types prevalent in Hill Head.

#### Highway Safety and Car Parking:

No objection to the proposals has been raised by the Council's Transport Planner. The proposal would result in the provision of two off street car parking spaces (in compliance with the Council's Adopted Car Parking Standards), accessed from a private driveway to the southern boundary of the site. In order to minimise noise and disturbance on the neighbouring properties, the driveway would be constructed in a hard or bound surface (to be agreed by Condition), to ensure the movement and manoeuvring of vehicles does not impact on the living conditions of neighbours. The existing boundary vegetation to the southern boundary is to be retained. The width of the parking area measures 8.35m, which would ensure that each of the two parking spaces exceed the 3.5m width sought.

In addition, the proposal includes the creation of a separate access to serve the host dwelling (No.29 Crofton Lane). This new access would be located almost 13m to the north of the existing (from the midpoint of the accesses). The level of separation, speed of traffic on Crofton Lane, and the orientation of the road would ensure that the proposed new access would not have a detrimental impact on highway safety and is therefore considered acceptable. Provision of bin and cycle storage is subject to condition.

#### Trees:

The site comprises a number of mature trees, including five subject to protection by individual Tree Preservation Orders. None of the protected trees are to be felled to enable the construction of the proposed development. Those trees to be felled, and those protected trees have been assessed by an arborist and detailed in the submitted Arboricultural Statement. This has also been reviewed by the Council's Principal Tree Officer who has raised no objection to the proposed development.

Many third parties have raised an objection to the loss of a mature Beech and Maple tree on the site frontage to enable the provision of the new access for the host dwelling. Both trees have been assessed in the Arboricultural Statement, and by the Principle Tree Officer to be Category U (cannot realistically be retained in the current context). Neither of the trees are protected and could therefore be removed without the consent of the Council. The Arboricultural Statement sets out measures to ensure that the removal of the trees do not have a harmful impact on the protected Oak tree (which in itself is only considered a Category B tree (Tree of Moderate Quality)). The application is therefore considered to not have a significant impact on protected trees, with a number of other unprotected trees, shrubs and hedging being retained on the site.

As such, and subject to conditions to ensure compliance with the recommendations of the Arboricultural Statement, the proposal is considered acceptable, and would not have a significant impact on protected trees on the site. Additionally, further landscaping conditions

are proposed to ensure the new access and driveway are satisfactorily integrated into the street scene.

## Ecology

The Solent coastline provides feeding grounds for internationally protected populations of overwintering birds and is used extensively for recreation. Natural England has concluded that the likelihood of a significant effect in combination arising from new housing around the Solent cannot be ruled out. Applications for residential development within the Borough therefore need to propose measures to mitigate the direct impacts of their development on the Solent SPA. This can be done by the provision of a financial contribution of £176.00 per dwelling. The applicant has made this payment and therefore is considered to have satisfactorily addressed the mitigation concerns.

## Conclusion:

In summary, it is considered that the proposed construction of this two bedroomed detached dwelling accords with the principles of the adopted Design Guidance and Parking Standards. The levels of separation, siting, design and layout of the property is considered appropriate for the existing, built-up residential environment, and would not therefore be detrimental to the living conditions of neighbouring occupiers. The proposal would not have a detrimental impact on highway safety, and no Protected tree would be harmed as a result of the proposed development.

Based on the above it is considered the proposal complies with development plan policies and therefore the application is recommended for approval.

## **Recommendation**

PERMISSION; subject to the following conditions:

1. The development shall begin before the expiration of three years following 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:

- a) Existing Site Location Plan (Drawing: 1616 AP 00.01 Rev A);
- b) Existing Site Plan (Drawing: 1616 AP 00.02 Rev B);
- c) Proposed Site Plan (Drawing: 1616 AP 00.03 Rev D);
- d) Proposed Site Constraints (Drawing: 1616 AP 00.04 Rev G);
- e) Proposed Ground Floor (Drawing: 1616 AP 10.01 Rev J);
- f) Proposed First Floor (Drawing: 1616 AP 10.02 Rev C);
- g) Proposed New Site Access (Drawing: 1616 AP 10.04 Rev B);
- h) Proposed East Elevation (Drawing: 1616 AP 10.01 Rev C);
- i) Proposed South Elevation (Drawing: 1616 AP 40.02 Rev B);
- j) Proposed West Elevation (Drawing: 1616 AP 40.03 Rev C); and,
- k) Proposed North Elevation (Drawing: 1616 AP 40.04 Rev B).

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

3. No development above the damp proof course shall take place until details of all

materials to be used in the construction of the dwelling hereby permitted, have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development, in the interests of visual amenity.

4. The dwelling hereby approved shall not be occupied until the additional means of vehicular access to serve 29 Crofton Lane has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.

5. The dwelling hereby approved shall not be occupied until the parking and turning areas for that property have been constructed in accordance with the approved details and available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times.

REASON: In the interests of highway safety.

6. The dwelling hereby approved shall not be occupied until details of the refuse bin and secure cycle storage have been submitted to and approved in writing by the Local Planning Authority. The refuse bin and secure cycle storage shall thereafter be retained in that use for the lifetime of the development.

REASON: In the interests of visual amenity and in order to facilitate modes of transport alternative to the private car.

7. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors;
- (ii) loading and unloading of plant and materials;
- (iii) storage of plant and materials used in constructing the development;
- (iv) wheel washing facilities;
- (v) measures to control the emission of dust and dirt during construction;
- (vi) turning on site of vehicles;
- (vii) the location of any site huts/cabins/offices.

REASON: To ensure safe and neighbourly construction.

8. The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0800 hours and 1800 hours Monday to Friday and 0800 hours and 1300 hours on Saturday.

REASON: In the interests of residential amenity.

9. Notwithstanding the provisions set out on the approved plans, the driveway hereby permitted shall be laid as a permeable hard surface or a bonded gravelled surface, details of which must be submitted to and approved in writing by the Local Planning Authority before the dwelling is occupied. The driveway shall thereafter be retained in this condition for the lifetime of the development.

REASON: In the interests of residential amenity.

10. 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 or amending that Order) no additions to, or extensions or

enlargements of, or alterations affecting the external appearance of, the building hereby approved shall be made or erected without a grant of planning permission from the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain control over the enlargements/alterations of the building(s) in the interests of amenities of the area.

11. The dwelling hereby approved shall not be occupied until the stairwell window at first floor level in the south elevation shall be glazed with obscure glass and be of a non opening design and construction to a height of 1.7 metres above internal finished floor and shall thereafter be retained in that condition at all times.

REASON: To prevent overlooking of the adjoining residential properties.

12. The development hereby permitted shall be undertaken in accordance with the Recommendations and Conclusions set out in Section's 8.0 to 16.0 of the submitted Arboricultural Statement (prepared by CBA Trees, dated December 2016). There shall be no deviation from this Statement unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of amenity and of the environment of the development.

13. Nothing in this permission shall authorise the felling, lopping, topping or uplifting of any tree on the site protected by a Tree Preservation Order other than as specified on the submitted application documents.

REASON: To clarify the extent of this permission.

14. The proposed dwelling shall not be occupied until a detailed landscaping scheme identifying all existing trees, shrubs and hedges to be retained together with the species, planting sizes, planting distances, density, numbers and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed, has been submitted to and approved by the local planning authority in writing.

REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality.

15. The landscaping scheme, submitted under Condition 14 above, shall be implemented within the first planting season following the occupation of the dwelling 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.

16. No building hereby permitted shall be occupied until the surface water and foul drainage works have been completed in accordance with the submitted plans.

REASON: To ensure that the development is satisfactorily drained.

### ***Notes for Information***

a) Applicants should be aware that, prior to the commencement of development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction of a vehicular access, which can only be given by the Highway Authority. Further details regarding the application

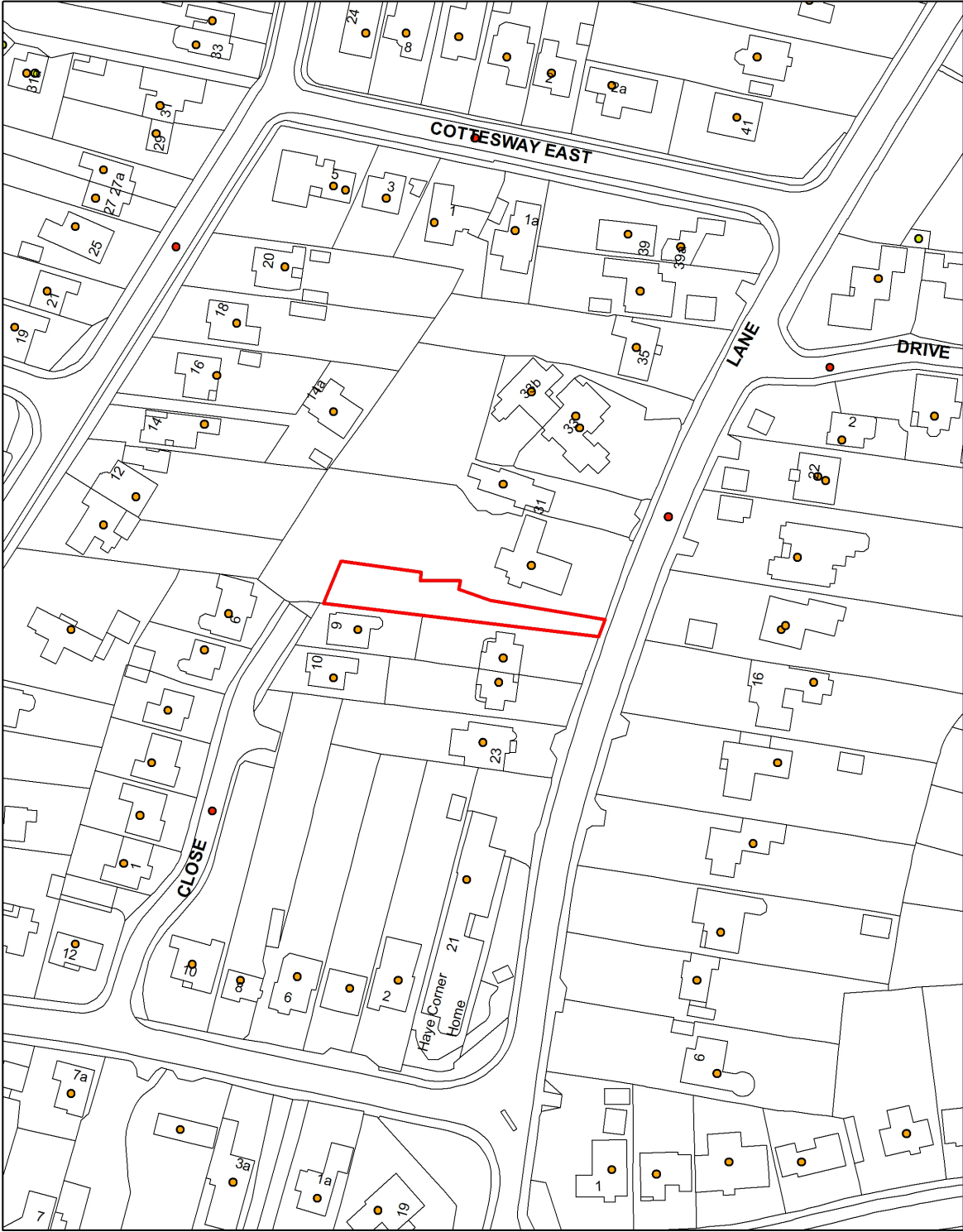


process can be read online via <http://www3.hants.gov.uk/roads/applydroppedkerb.htm>. Contact can be made either via the website or telephone 0300 555 1388.

b) Boundary issue - The immediate neighbour to the north, whose garden wraps around the northern and western boundaries of No.29 Crofton Lane is currently in dispute with the applicants regarding the exact boundary of their land. The applicant has stated that the proposal is located entirely within their land and as such the correct Certificate of Ownership has been submitted with the planning application. The boundary dispute remains a private legal matter between the applicant and their neighbour and does not represent a material planning consideration for the determination of this planning application.

# FAREHAM

BOROUGH COUNCIL



29 Crofton Lane  
Scale 1:2,500



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# Agenda Item 6(5)

P/17/0106/FP [O]

STUBBINGTON

MR GRAHAM LIGHT

AGENT: MR GRAHAM LIGHT

EXTENDING ROOF OF DETACHED GARAGE TO FORM COVERED AREA

28 ERIC ROAD FAREHAM PO14 2RN

## **Report By**

Emma Marks - Direct dial 01329 824756

## **Site Description**

This application relates to a detached dwelling situated on the west side of Eric Road which is to the north of Gosport Road, Stubbington.

## **Description of Proposal**

Permission is sought to extend the roof of the existing detached garage to form an enclosed covered area.

The extension measures 3 metres in depth with an eaves height of 2.1 metres and a ridge height of 3.4 metres.

## **Policies**

The following policies apply to this application:

### **Development Sites and Policies**

DSP3 - Impact on living conditions

### **Relevant Planning History**

The following planning history is relevant:

#### **P/99/0022/FP**

**Erection of Single Storey Rear Extension**

PERMISSION

18/02/1999

## **Planning Considerations - Key Issues**

Design and impact on street scene

The existing detached garage is located to the rear of the site and accessed by a driveway which runs down the side of the property. The extension proposed is to the rear of the garage and will be at the same height and design as the existing garage.

The extension would not be visible from the street and the design of the extension is in keeping with the existing building.

Impact on the living conditions of adjacent neighbours

The garage is located next to the northern boundary of the site. The neighbouring property to the north is over 7 metres away from the proposed extension. Due to the distance and the roof design, hipping away from the boundary, officers are of the view that the proposal would have no impact upon the living conditions of the neighbouring property in relation to outlook, light and privacy.

***Recommendation***

PERMISSION subject to the following conditions:

1. The development shall begin before the expiry of a period of three years from the date of the 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.

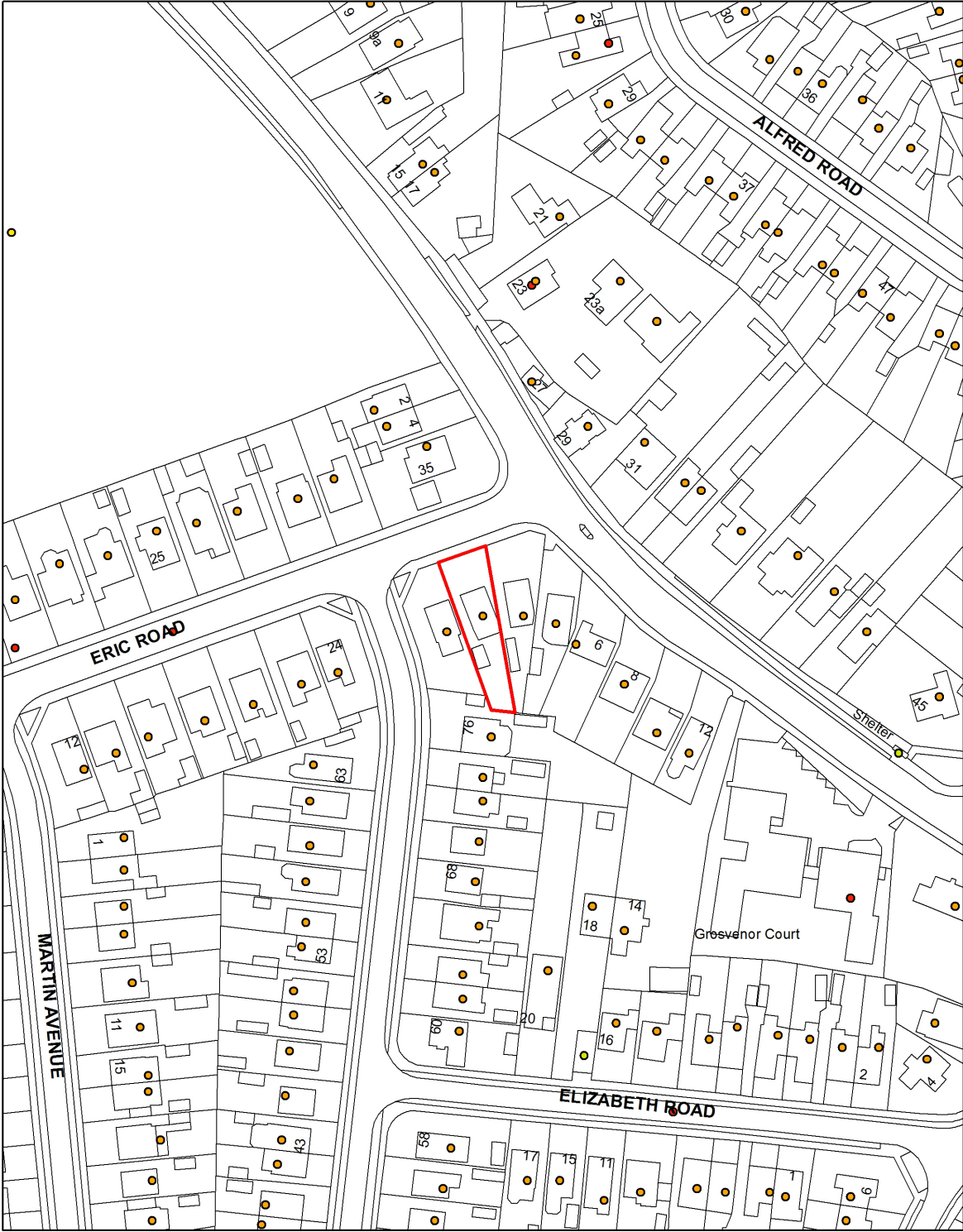
2. The development shall be carried out in accordance with the following approved documents:

a) Proposed floor and elevations plan - dated Jan 2017

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

# FAREHAM

BOROUGH COUNCIL



28 Eric Road  
Scale 1:2,500



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# Agenda Item 6(6)

**P/17/0126/FP**

MR A. WELLS

**PORTCHESTER EAST**

AGENT: ROBERT TUTTON  
TOWN PLANNING  
CONSULTANTS LTD

ADDITION OF A BARN-HIPPED PITCHED ROOF OVER EXISTING GARAGE AND CHANGE OF USE TO A ONE BED DWELLING. PROVISION OF A DROPPED KERB.

84 MERTON AVENUE PORTCHESTER FAREHAM HAMPSHIRE PO16 9NH

## ***Report By***

Rachael Hebden. Direct dial 01329 824424

## ***Amendments***

The plans originally submitted did not contain any on-site parking. Amended plans have been submitted which contain on-site parking for 1 car.

## ***Site Description***

The site is located within a residential area in Portchester. No. 84 Merton Avenue is located on a corner plot between Merton Avenue and Alton Grove and fronts Merton Avenue. There is a double garage to the rear of no. 84 which is the subject of this application. The garage has a hipped roof with vehicular access from Alton Grove.

## ***Description of Proposal***

The application seeks the sub-division of the site and the alteration and conversion of the garage to a one bedroom dwelling.

The existing garage is single storey with a hipped roof and a ridge height of 4m. The application proposes to increase the eaves height of the garage from 2.2m to 2.8m together with the addition of a partially cropped, pitched roof with a ridge height of 6.4m.

## ***Policies***

The following policies and guidance apply to this application:

National Planning Policy Framework 2012

National Planning Policy Guidance

Fareham Borough Design Guidance (excluding Welborne) Supplementary Planning Document

Residential Car and Cycle Parking Standards Supplementary Planning Document

## **Approved Fareham Borough Core Strategy**

CS2 - Housing Provision

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS11 - Development in Portchester, Stubbington and Hill Head

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

CS20 - Infrastructure and Development Contributions

**Development Sites and Policies**

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

***Relevant Planning History***

The following planning history is relevant:

<b><u>P/09/0797/FP</u></b>	<b>ERECTION OF DETACHED DOUBLE GARAGE</b>	
	PERMISSION	17/11/2009

<b><u>P/09/0528/FP</u></b>	<b>(A) ERECTION OF 1.8 METRE FENCE ALONG SOUTHERN BOUNDARY; AND (B) ERECTION OF DOUBLE GARAGE</b>	
	PART	13/08/2009
	PERMISSION	

***Representations***

At the time of writing this report 26 letters of support, 1 neutral comment and 8 objections have been received.

The letters of support comment mainly on the quality of the proposed design and the need to provide more housing in the urban area.

The objections raised the following concerns:

- obtrusive and overbearing structure within the street scene
- block visibility for cars leaving no. 5's drive
- loss of light to no. 5's bathroom and kitchen
- existing garage is unfinished
- loss of light to no. 82
- overdevelopment of the site
- boathouse description is misleading as it is a house
- pressure on existing parking and congestion of road

***Consultations***

INTERNAL CONSULTEES

Environmental Health

-No objection subject to conditions.

Highways

-No objection subject to conditions.

***Planning Considerations - Key Issues***

## Principle of development

The site is within the urban area, therefore Policies CS2 and CS6 are applicable. In addition Policy CS10 which seeks to provide for residential development within the urban area provided that the setting of the area is protected, is also applicable.

The site comprises garden land which is no longer identified as previously developed land. Whilst this in itself is not a reason to resist development, proposals on residential garden sites must be considered against the criteria within Policy CS17 which requires all development to respond positively to and be respectful of the key characteristics of the area including scale, form and spaciousness. The proposed alterations and subsequent conversion of the existing garage, is therefore acceptable in principle subject to satisfying the criteria of the Planning Policies summarised earlier in this report.

## Impact on host property

The proposed dwelling would be separated from no.84 by approximately 25m and would therefore satisfy the minimum 'back to back' distance of 22m recommended in the Fareham Borough Design Guidance (excluding Welborne) Supplementary Planning Document. The proposed amenity space for the host property would be a depth of approximately 13m which would satisfy the 11m minimum depth also recommended in the Fareham Borough Design Guidance (excluding Welborne) Supplementary Planning Document.

The site plan demonstrates that there would be sufficient space for the on-site parking of 2 cars to the front of no. 84 in line with the standards contained in the Residential Car and Cycle Parking Standards Supplementary Planning Document.

## Impact on neighbouring properties

Policy DSP3 states that development proposals should ensure that there will be no unacceptable adverse impact upon living conditions on the site or neighbouring development, by way of the loss of sunlight, daylight, outlook and/or privacy.

The proposed dwelling would be located to the east of no. 5 Alton Grove. There is a window in no. 5's east elevation which is the sole window serving the kitchen. The Fareham Borough Design Guidance (excluding Welborne) Supplementary Planning Document recommends that two storey side extensions are separated from sole windows serving habitable rooms in neighbouring properties by 6m, but that a lesser distance of 4m may be acceptable in some circumstances. The proposed two storey dwelling would be visible from no. 5's kitchen window, however it would be visible at an oblique angle therefore the separation distance of 4.82m is considered to be acceptable in this case in terms of the impact on the outlook.

The owners of no. 5 have raised concerns regarding the potential loss of light to their ground floor kitchen. The proposed dwelling would be located to the south east of the kitchen window and may therefore result in a loss of sunlight available to this room during part of the morning only. The loss of sunlight would be for a limited time of the day. In addition, the amount of sunlight currently available to the kitchen is compromised by the existing boundary wall of approximately 2m in height which is located opposite the window. The limited hours during which sunlight would be lost, combined with the presence of the boundary wall and the existing garage are such that the proposal is not considered to be so harmful to the amenity of the neighbouring property's kitchen window to justify a reason for



refusal.

The owners of no. 5 have also raised concerns about the impact the proposed dwelling would have on the visibility from their drive. It is acknowledged that the size and position of the dwelling would restrict the visibility of drivers exiting no. 5's drive, however it would not restrict the visibility any more than the existing garage. There is no highway objection to the proposal in this regard.

### Design and Impact on the Character of the Area

Policy CS17 states that development must respond positively to and be respectful of the key characteristics of the area, including (amongst other criteria) scale, form and spaciousness.

The existing garage is located to the rear of no. 84 however it contributes to the Alton Grove street scene rather than Merton Avenue. The character of this section of Alton Grove is established by chalet style dwellings positioned along a uniform building line. The dwellings to the west of the site (no's 5-11 Alton Grove) have hipped roofs with ridgelines running parallel to Alton Grove. The existing garage is located forward of the building line established by the dwellings to the west of the site, however it is single storey with a hipped roof and a ridge height of 4m. The size and design of the existing garage, in particular the recessive form of the hipped roof, ensures that it respects the character of Alton Grove and does not appear overly dominant given its position forward of the building line established by no's 5-11 Alton Grove. It is of relevance to note that a previous application (P/09/0528/FP) for a larger garage was refused because of its unacceptable impact on the character of the area.

The proposed alterations to the garage would include an increase of the eaves height from 2.2 to 2.8m and the replacement of the existing hipped roof with a pitched roof (albeit partially cropped) with a ridge height of 6.4m (the same height as no's 5-11 Alton Grove). Unlike no's 5-11 Alton Grove which have ridges running parallel to the road, the ridge of the proposed dwelling would be perpendicular to the road with the gable end facing the front of the site.

The prominent position of the dwelling forward of the building line created by no's 5-11 Alton Grove would be emphasized by the increase in size and the dominant design which would incorporate a gable end. The proposed alterations to the garage would result in a much larger and more prominent building which would not respect the scale, form or pattern of development established by no's 5-11 Alton Grove and would as a result be out of keeping with the character of the area and contrary to Policy CS17.

### Flood Risk

The site is identified as being a flood zone 3(a), that is as having a high probability of flooding and the proposed development is classified as being 'more vulnerable' in the event of a flood.

The NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding to ensure that development is located in areas with a lower risk of flooding before areas at a higher risk of flooding are developed.

The NPPG states that if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.

Table 3 (Flood risk vulnerability classification) in the NPPG states that an exception test is required for 'more vulnerable' development in a flood zone 3a.

The exception test as set out in para 102 of the NPPF is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

Essentially, the 2 parts to the Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall. Both elements of the test will have to be passed for development to be permitted.

The applicant has not applied the sequential approach nor is the application supported by an exception test.

The application is supported by a flood risk assessment which states that the proposed development constitutes a change of use and a minor development of less than 250m<sup>2</sup> and that in accordance with NPPF para 104 the sequential and exception tests are not required.

The NPPG defines minor development (in relation to flood risk) as being:

- Minor non-residential extensions with a footprint of less than 250 square metres;
- Alterations that does not increase the size of buildings; and
- Householder development for examples games rooms within the curtilage of the existing dwelling.

The NPPG states that: "The definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling".

The proposed development would increase the size of the existing building and would create a separate dwelling within the curtilage of the existing dwelling. The proposed development clearly does not constitute minor development within the context of flood risk, therefore the sequential approach and the exception test are required.

The supporting text to Policy CS6 (The Development Strategy) states that the council will adopt the sequential approach in accommodating development and will apply the exception test where necessary. Furthermore Policy CS15 states that the Borough Council will promote and secure sustainable development by avoiding unacceptable levels of flood risk.

The application is supported by a Flood Risk Assessment, however this would only become relevant (as part of the Exception Test) if a sequential approach been taken and no other sites in areas less prone to flooding were found to be available. The applicant has not undertaken a sequential approach therefore it has not been demonstrated that the development could not be provided in an area with a lower probability of flooding. The application therefore does not satisfy the requirements of the NPPF or Policies CS6 and CS15.

## Living Conditions

The proposed dwelling would provide adequate internal space in line with the minimum national internal space standards, however the garden for the proposed dwelling would be a depth of only 8m which would fall short of the 11m minimum garden depth recommended in the Fareham Residential Design Guidance SPD. The proposed development would therefore not satisfy the requirements of Policy CS17 which requires new housing to secure adequate external space for future occupiers.

## Solent Recreation Mitigation Partnership

Through the work of the Solent Recreation Mitigation Partnership (SRMP) it has been concluded that any net increase in residential development would give rise to likely significant

effects on the Solent Coastal Special Protection Areas (SPA's), either 'alone' or 'in combination' with other development proposals. In accordance with Policy DSP15 of the adopted Fareham Borough Local Plan Part 2 all development is required to mitigate the negative impact. This can take the form of a financial contribution of £176. The applicant has failed either to provide a commuted sum of £176 via s111 of the Local Government Act 1972 or to enter into a s106 agreement to provide the payment prior to commencement. The proposed development is therefore contrary to Policy DSP15.

The Borough of Fareham benefits from a stretch of coastline that has been internationally recognised as Special Protection Areas (SPA's). The European Habitats and Birds Directives protect rare species and habitats. The Directives have been transposed into UK law through the Habitats Regulations. Under these Regulations, the borough council must assess whether or not a proposed development is likely to have a significant effect on an SPA. An assessment is required by the decision maker to determine whether the proposal is likely to have a significant effect on a European site. If necessary, avoidance or mitigation measures could be included to remove the harm which otherwise would have occurred. It is also necessary to look at the proposal in combination with other developments in the local area.

Policy DSP15 sets out that planning permission for proposals resulting in a net increase in residential units may be permitted where 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution that is consistent with the approach being taken through the Solent Recreation Mitigation Project. The SRMP has adopted an interim strategy which requires a financial contribution of £176 per new dwelling for all developments within 5.6km of the SPA's. The interim strategy is to use any contributions to educate users of the coast about the importance of the SPA's, the reason for their designation and the damage that recreational pressure can place on these designations and the bird species that use them.

The Community Infrastructure Levy (CIL) Regulations 2010 came into effect on the 6th April 2010. From that date, Regulation 122(2) provides that a planning obligation can only constitute a reason for granting consent if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

All applications finally determined after the 6th April 2010 must clearly demonstrate that any planning obligation that is used to justify the grant of consent must meet the three tests. The

same tests are repeated in paragraph 204 of the NPPF.

The research undertaken by Natural England and the SRMP set out that mitigation is required and therefore an obligation is necessary to make the development acceptable in planning terms. Similarly the research undertaken indicates that developments whereby the population increases within 5.6km of the coast (which captures the entirety of the Borough of Fareham) means that the required obligation is directly related to the proposal.

Essentially the total cost of the mitigation framework will be £176 per net additional dwelling provided through a development scheme. The research into this cost per net additional household is considered to be fairly and reasonably related in scale and kind to the development such that the tests in paragraph 204 of the NPPF would be met by an obligation.

The applicant has confirmed that they would be willing to make the necessary commuted sum of £176 via section 111 of the Local Government Act 1971, however at the time of writing this report no payment has been received.

In the absence of the necessary financial contribution towards the Solent Recreation Mitigation Strategy interim strategy being provided it is considered that the proposed development is not considered to mitigate its impact and would, in combination with other developments, likely increase the recreational pressure and habitat disturbance to the Solent Coastal Protection Areas. As such the appeal proposal remains contrary to policies CS4 and DSP15.

## Conclusion

The proposed development would be an obtrusive feature within the streetscene which would not provide adequate external amenity space. The proposed development would in combination with other development increase the recreational pressure and habitat disturbance to the Solent Coastal Protection Areas. In addition it has not been demonstrated that a sequential approach has been taken in relation to flood risk. It is therefore recommended that the application is refused.

## ***Recommendation***

REFUSE for the following reasons:

1. The proposed development is contrary to Policies CS17 of the adopted Fareham Borough Local Plan, the Fareham Borough Design Guidance (excluding Welborne) Supplementary Planning Document and Policy DSP3 of the Local Plan Part 2: Development Sites and Policies and is unacceptable in that:

-its scale, design and position forward of the building line would result in an overtly dominant, visually obtrusive feature which would be harmful to the character of the street scene and

-the proposal fails to provide adequate external amenity space to meet the requirements of the future occupiers of the dwelling.

2. The proposed dwelling would be contrary to Policy DSP15 of the Local Plan Part 2 Development Sites and Policies Plan in that it has not been supported by a financial contribution or a legal agreement to secure a financial contribution. The proposal would

therefore fail to provide the satisfactory mitigation of the 'in combination' effects that the proposed net increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.

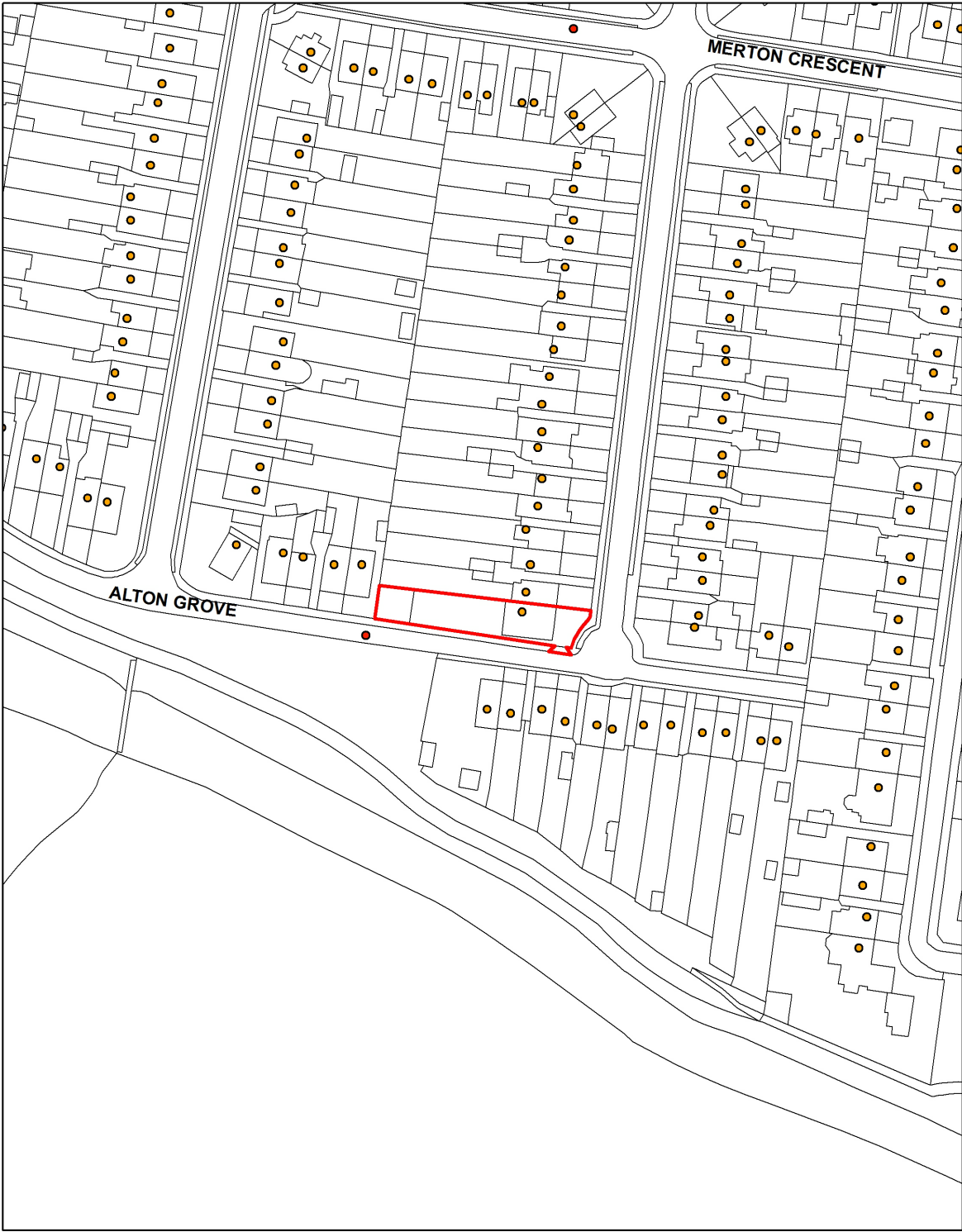
3. The proposed development is contrary to Policies CS6 and CS15 of The Fareham Borough Core Strategy and the NPPF by virtue of the absence of a sequential approach to flood risk being undertaken. As such the proposal fails to demonstrate that the proposed development could not be undertaken in an area at a lower risk of flooding and as a result the proposed development would be unnecessarily located within an area identified as having a higher probability of flooding providing an unacceptable level of flood risk to the occupants of the new dwelling.

***Background Papers***

P/17/0126/FP

# FAREHAM

BOROUGH COUNCIL



84 Merton Avenue  
Scale 1:2,500



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# Agenda Item 6(7)

P/14/0033/MA/A

PORTCHESTER EAST

BARGATE HOMES LTD

AGENT: BARGATE HOMES LTD

AMENDMENTS TO PLANS APPROVED UNDER REFERENCE P/14/0033/FP, INCLUDING CHANGES TO DOORS & WINDOWS IN PLOTS 1-4 & 10-24, CHANGES TO ROOFS TO PLOTS 1-4 & 10-24, (INCLUDING RAISING OF MAIN RIDGE TO PLOTS 1 - 4 & 22 - 23 BY 0.25M), ADDITION OF SINGLE STOREY UTILITY & BOOT ROOM EXTENSION TO PLOT 19, PROVISION OF WALK-ON BALCONIES TO PLOTS 10-19 AND AS SPECIFIED IN SUBMITTED DOCUMENT 'PLANNING ELEVATIONAL CHANGES SCHEDULE OF DRAWINGS'.

LAND AT WINDMILL GROVE PORTCHESTER FAREHAM HAMPSHIRE PO16 9HT

## ***Report By***

Richard Wright - direct dial 01329 824758

## ***Introduction***

At the Planning Committee meeting on 16th November 2016 Members resolved to grant planning permission for the redevelopment of this site with 24 new homes. The planning permission was formally issued on 2nd December.

Since then the site has been acquired by Bargate Homes Limited who have indicated their intention to implement the planning permission shortly. During the production of 'working drawings' several minor issues have been identified which the developers would like to address. The main issue involves the practicality of constructing some of the dwellings as shown on the drawings approved last year resulting in a need to slightly increase in height some roof eaves and roof ridges. This application proposes various minor changes to the approved scheme to take account of this issue whilst at the same time providing plots 10 - 19 with 'walk-on' balconies instead of Juliet balconies and providing plot 19 with a single storey utility/boot room on its eastern side.

## ***Policies***

The following policies apply to this application:

### **Approved Fareham Borough Core Strategy**

CS17 - High Quality Design

### **Development Sites and Policies**

DSP3 - Impact on living conditions

## ***Relevant Planning History***

The following planning history is relevant:

### **P/14/0033/FP**

**ERECTION OF 24 RESIDENTIAL DWELLINGS WITH ASSOCIATED WORKS, ACCESS, PARKING, LANDSCAPING AND OPEN SPACE, FOLLOWING DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES (REVISED APPLICATION)**

APPROVE

02/12/2016

## ***Representations***

No public consultation has been carried out.

### ***Planning Considerations - Key Issues***

A full set of revised elevations has been submitted with this application. The proposed changes to the previously approved scheme can be summarised as follows:

Plots 1 - 4 & 22 - 23 (House Type A): Changes to windows (including roof lights) and doors, changes to porch design and raising of roof eaves heights by approximately 0.55 metres and the roof ridge by around 0.25 metres.

Plots 5 - 9 & 20 - 21 (House Type D): No changes.

Plots 10 - 19 (House Type DE): Changes to windows and doors, change from Juliet balconies to full 'walk-on' balconies and raising of roof eaves by approximately 0.8 metres and roof ridges running north/south by approximately 0.65 metres.

Plot 19 only: Addition of single storey utility & boot room extension measuring 2.3 by 7.6 metres on the eastern side of the dwelling.

Plot 24: (House Type B): Changes to windows and doors and raising of roof eaves by around 0.25 metres and the rear roof ridge running north/south by approximately 0.2 metres.

The proposed changes are not considered to be materially harmful to the appearance of the dwellings nor will they have an adverse effect on the character of the area. Likewise there would be no material adverse impact on the light, outlook or privacy enjoyed by neighbouring properties as a result of the amendments proposed.

Officers consider planning permission should be granted for these minor revisions to the previously approved drawings. The amended permission would still be bound by the planning conditions imposed on the original consent and the legal agreement entered into by the applicant. One additional condition is proposed relating to securing a privacy screen between the new 'walk-on' balconies for plots 14 & 15. Views between balconies on other plots would be screened by the 'wing walls' shown to be constructed on the original approved floor plans.

### ***Recommendation***

APPROVE subject to the following conditions:

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

- a. 16-2037-001 Rev J
- b. 16-2037-TYPE B -001 Rev C
- c. 16-2037-TYPE D-001 Rev D
- d. 16-2037-TYPE D-003 Rev D
- e. 16-2037-TYPE D-004 Rev D
- f. 16-2037-TYPE D-006 Rev D
- g. 16-2037-TYPE DE-001 Rev F
- h. 16-2037-TYPE DE-003 Rev D
- i. 16-2037-TYPE DE-004 Rev E
- j. 16-2037-TYPE DE-005 Rev A
- k. 16-2037-TYPE DE-006



l. 16-2037-TYPE DE-007

m. 16-2037-TYPE A-001 Rev C

n. Planning Elevational Changes Schedule of Drawings

2. The dwellings on plots 14 & 15 shall not be occupied until a 1.8 metre high privacy screen constructed of obscure glass has been installed between the balconies located on the rear of those dwellings. The privacy screen shall be retained in that condition and position at all times thereafter unless otherwise agreed in writing by the local planning authority.

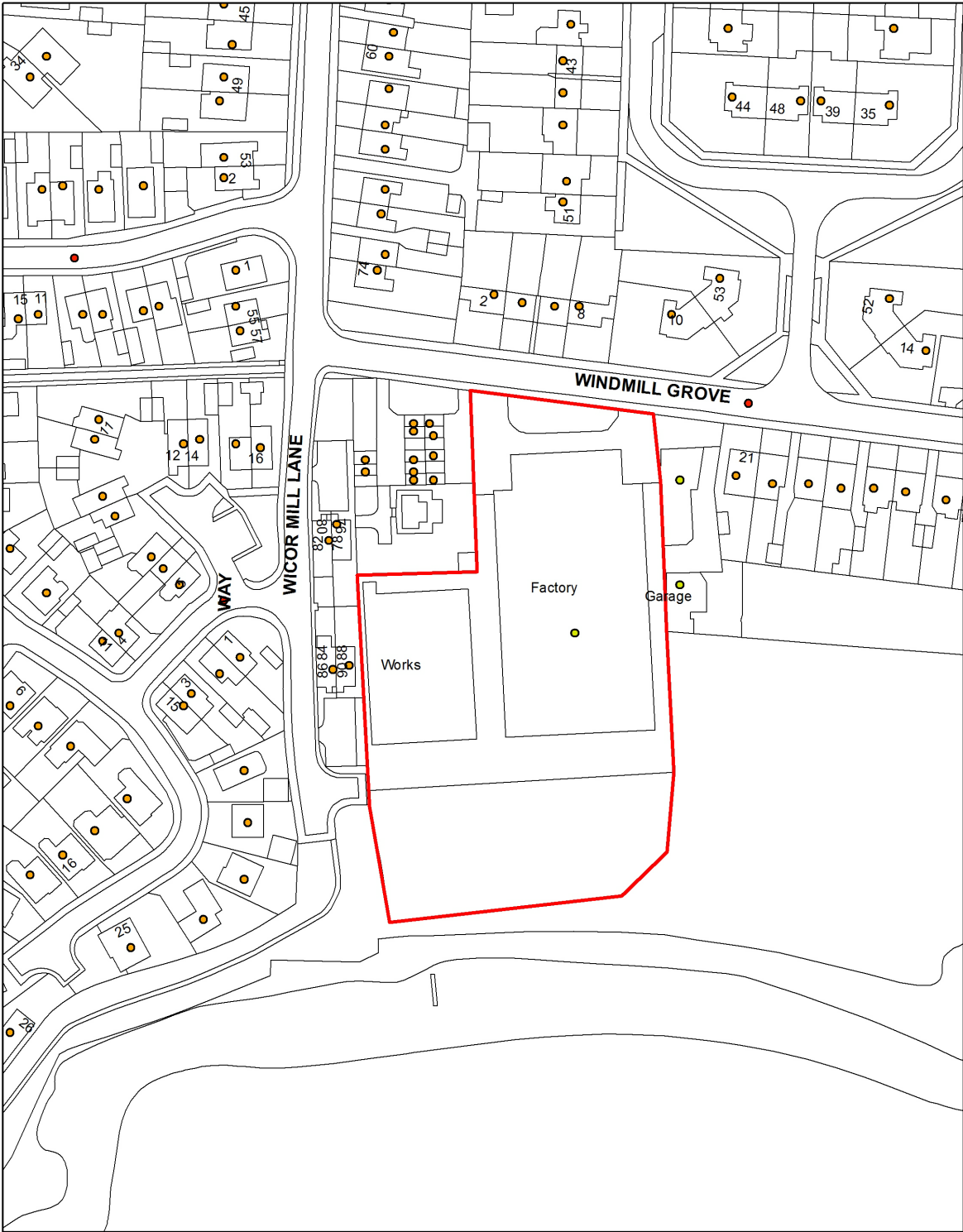
REASON: To prevent overlooking and to protect the privacy of neighbours.

***Background Papers***

P/14/0033/FP; P/14/0033/MA/A

# FAREHAM

BOROUGH COUNCIL



LAND AT WINDMILL GROVE  
Scale 1:2,500



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# Agenda Item 6(8)

## PLANNING APPEALS

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

### **CURRENT**

#### **P/15/1060/FP**

**Appellant:** Crownplex Ltd - Mr K Jivraj  
**Site:** 21 West Street Portchester Fareham PO16 9XB  
**Decision Maker:** Committee  
**Recommendation:** REFUSE  
**Council's Decision:** REFUSE  
**Date Lodged:** 08 March 2017  
**Reason for Appeal:** Five x 2-bed apartments & four x 1-bed apartments created by constructing an additional floor to the front of the property & two additional storeys to the rear part of the property.

#### **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/16/0855/FP**

**Appellant:** REGAL HOMES LTD  
**Site:** 52 Church Road Locks Heath Southampton SO31 6LQ  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:**  
**Council's Decision:** REFUSE  
**Date Lodged:** 08 March 2017  
**Reason for Appeal:** ERECTION OF DETACHED TWO BEDROOM BUNGALOW WITH CAR PORT AND PARKING TO REAR OF EXISTING DWELLING

### **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/16/0190/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).  
**Decision:** ALLOWED  
**Decision Date:** 17 February 2017

#### **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  
**Decision:** ALLOWED  
**Decision Date:** 10 March 2017

## **PLANNING APPEALS**

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

### **DECISIONS**

#### **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 March 2017**

**Report of:**            **Director of Planning and Regulation**

**Subject:**              **FAREHAM TREE PRESERVATION ORDER No 737 - Land north of Warsash Road and East of Brook Lane.**

**FAREHAM TREE PRESERVATION ORDER No 738 - Land north of Warsash Road and East of Brook Lane.**

**FAREHAM TREE PRESERVATION ORDER No 739 - Land north of 65 – 93 Warsash Road and East of Chapelfield Nurseries.**

#### **SUMMARY**

The report details objections to a provisional order made in December 2016 and provides officer comments on the points raised.

#### **RECOMMENDATION**

- (i) Tree Preservation Order 738 is confirmed as made and served;
- (ii) Tree Preservation Order 739 is confirmed with a minor modification to the description of 'W1' in the Schedule as: Land east of Chapelfield Nurseries, northwest corner boundary.
- (iii) Tree Preservation Order 737 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 737 was served on the 8 December 2016 following an immediate threat to trees on the land.

## INTRODUCTION

5. On the 8 December 2016 the Council received an email from a concerned local resident that trees were being clear felled on land east of Brook Lane / north of Warsash Road. TPO 737 was served on the afternoon of the same day as an emergency Area order covering all trees of whatever species.

## OBJECTIONS

6. Three objections were received to the making of TPO 737 from the two land owners and their consultant to the use of an Area order because by default it protects a significant number low quality trees.
7. The Council responded to the objectors explaining that due to the temporary nature of the emergency Area order, officers would review the TPO following an assessment of the trees on the land with a view to making more targeted TPOs covering those trees worthy of protection.



8. In January 2017 the Council's Tree Team was contacted by the arboricultural consultant working for the land owners' requesting a site meeting to discuss the Area order. The Tree Officer has worked with the arboricultural consultant in determining the most important trees worthy of on-going protection.

### **TPO 738 AND TPO 739**

9. On 17 February 2017 two new orders were served covering 49 individual trees, 8 tree groups and 2 areas of woodland. The trees included were either visible from local public vantage points, in sufficient numbers to provide wider landscape value and good quality developing trees with the potential for increased public visibility should the land be developed in future.
10. No objections have been received to the making of TPO 738 and 739.

### **RISK ASSESSMENT**

11. The Council will not be exposed to any significant risk associated with the confirmation of the FTPO 738 and 739 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**

12. The emergency Area TPO 737 has now been reviewed and replaced with two new orders to which there have been no objections.

Officers recommend that:

- i) TPO 737 is revoked;
- ii) TPO 738 is confirmed as made and served; and
- iii) TPO 739 is confirmed with one modification whereby the area identified as 'W1' on the plan is described in the Schedule as:

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Oaks	Land east of Chapelfield Nurseries, northwest corner boundary

**Background Papers:** TPO 737, TPO 738 and TPO 739.

**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 the Principal Tree Officer Paul Johnston on (01329) 824451 [pjohnston@fareham.gov.uk](mailto:pjohnston@fareham.gov.uk) .