

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 15 February 2023

Time: 2.30 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors Miss J Burton
D G Foot
M J Ford, JP
Mrs C L A Hockley
S Ingram
P Nother
Mrs S M Walker

Deputies: Ms C Bainbridge
F Birkett
S Dugan
Mrs K K Trott



1. Apologies for Absence

2. Minutes of Previous Meeting (Pages 1 - 28)

To confirm as a correct record the minutes of the Planning Committee meetings held on 18 January 2023 and 25 January 2023.

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. Actual Revenue Expenditure (Pages 29 - 35)

To consider a report by the Deputy Chief Executive Officer on the Actual Revenue Expenditure 2022/23.

7. Spending Plans 2023-24 (Pages 36 - 45)

To consider a report by the Deputy Chief Executive Officer on the Spending Plans 2023-24.

8. Local Information Requirements (Pages 46 - 77)

To consider a report by the Director of Planning and Regeneration on the Local Information Requirements.

9. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 78)

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

ZONE 1 - WESTERN WARDS

(1) **P/22/1560/FP - 69 RALEY ROAD LOCKS HEATH SO31 6PB (Pages 81 - 87)**

(2) **P/22/1172/VC - 166 SOUTHAMPTON ROAD TITCHFIELD PO14 4QL (Pages 88 - 102)**

(3) **P/22/1271/FP - 166 SOUTHAMPTON ROAD TITCHFIELD PO14 4QL (Pages 103 - 110)**

ZONE 2 - FAREHAM

ZONE 3 - EASTERN WARDS

- (4) **P/22/1449/FP - 39 KNIGHTS BANK ROAD FAREHAM PO14 3HX** (Pages 113 - 122)
- (5) **P/23/0005/FP - 10 JAY CLOSE FAREHAM PO14 3TA** (Pages 123 - 128)
- (6) **Q/1777/22 - LAND TO THE EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE STUBBINGTON** (Pages 129 - 132)
- (7) **Planning Appeals** (Pages 133 - 138)

10. Tree Preservation Order - TPO 775 - 42 Foster Close Stubbington PO14 2HH
(Pages 139 - 148)

To consider a report by the Director of Planning and Regeneration on Tree Preservation Order (No 775) 2022 at 42 Foster Close, Stubbington to which objections have been received.



P GRIMWOOD
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
07 February 2023

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

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 18 January 2023

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: Miss J Burton, D G Foot, M J Ford, JP, Mrs C L A Hockley,
S Ingram, P Nother and Mrs S M Walker

**Also
Present:**



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 14 December 2022 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements made at this meeting.

4. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct, Councillor N J Walker and Councillor Mrs S Walker both declared a disclosable pecuniary interest in item 6(6) – Turret House, Hospital Lane as they both own this property.

The left the room for this item and took no part in the debate or vote on the application.

5. DEPUTATIONS

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Item No/ Application No/Page No	Dep Type
ZONE 1					
ZONE 2 – 2.30pm					
Mr Peter Davies		94 HIGHLANDS ROAD FAREHAM PO15 6JE – CONSTRUCTION OF AN APARTMENT BLOCK CONTAINING 8 FLATS FOLLOWING THE DEMOLITION OF EXISTING DWELLING, WITH VEHICULAR ACCESS FROM	Opposing	6 (1) P/21/1157/FP Pg 23	Written

		FAREHAM PARK ROAD			
Mr Clive Addis		-DITTO-	-Ditto-	-Ditto-	Written
Mr Jamie Braha (Agent)		-DITTO-	Supporting	-Ditto-	In Person (3 mins)
Mr Bob Marshall	The Fareham Society	ADMIRAL HOUSE & NICHOLSON GATE HIGH STREET FAREHAM – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A 75-BEDROOM CARE HOME IN C2 USE, WITH ASSOCIATED CAR PARKING, LANDSCAPING AND ACCESS	Opposing	6 (3) P/22/0709/FP Pg 52	In Person (3 mins)
Mr Richard Yorke		-DITTO-	-Ditto-	-Ditto-	Written
Mr Douglas Bond (Agent)		-DITTO-	Supporting	-Ditto-	In Person
ZONE 3 – 3.30pm					
Ms Cheryl Spencer		LAND AT THE DOWNSWAY REAR OF 79-85 WEST STREET PORTCHESTER – CONSTRUCTION OF 2 X THREE BEDROOM HOUSES	Opposing	6 (4) P/22/0268/FP Pg 82	Written
Mr Andrew Dunn		-DITTO-	-Ditto-	-Ditto-	In Person
Mr Robert Tutton (Agent)		-DITTO-	Supporting	-Ditto-	In Person
Mr Robert Tutton (Agent)		85 HILL HEAD ROAD FAREHAM PO14 3JP – REMODEL OF INTERNAL LAYOUT TO GROUND FLOOR INCLUDING NEW FACING MATERIALS, FIRST FLOOR EXTENSION TO THE NORTH AND BALCONY TO	Supporting	6 (5) P/22/1116/FP Pg 98	In Person

		<p>THE SOUTH. EXISTING FIRST FLOOR ROOF TO BE RAISED WITH NEW FEATURE WINDOW TO THE EAST. NEW EXTERNAL WINDOWS AND DOORS THROUGHOUT. ASSOCIATED LANDSCAPING INCLUDING NEW ACCESS GATE, BOUNDARY WALL, ANCILLARY SINGLE STOREY STORE TO THE WEST AND SAUNA POD TO THE NORTH</p>		
--	--	--	--	--

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

The Committee noted a report by the Director of Planning and Regeneration on the development control matters, including information regarding new appeals and decisions.

(1) P/21/1157/FP - 94 HIGHLANDS ROAD FAREHAM PO156JE

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

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

After further consideration of the committee report Paragraph 8.29 has been superseded with the following:

The applicant has purchased 6.36kgTN/yr of nitrate mitigation ‘credits’ from Whitewool Farm. This has been secured through the operation of a legal agreement between Whitewool Farm, South Downs National Park Authority and Fareham Borough Council dated 3rd November 2021. The creation of a managed wetland at Whitewool Farm is removing nitrates from the River Meon and therefore providing a corresponding reduction in nitrogen entering the Solent marine environment. The purchase of credits has the effect of allocating a proportion of this reduction in nitrates to this development, meaning that the scheme can demonstrate nutrient neutrality.

Two additional conditions have also been included which is as follows:

15) No development shall take place until the Council has received evidence that the required nitrate mitigation capacity has been allocated to the development pursuant to the allocation agreement dated 5th May 2022 between (1) William Northcroft Butler and James Nicholas Butler (2) HN Butler Farms Limited and (3) Fitim Ferati.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites.

16) The second floor rooflights proposed to be inserted into the eastern elevation of the approved development shall be:

a) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

and shall thereafter be retained in that condition at all times.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent property.

Upon being proposed and seconded the officer recommendation to: -

- (i) Delegate authority to the Head of Development Management to:
 - (a) Make any necessary modification, deletion or addition to the proposed conditions; and
 - (b) Make any necessary changes arising out of the detailed negotiations with the applicant which may necessitate the variation, addition, or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions;
- (ii) Grant planning permission, subject to
 - (a) The conditions in the report; and
 - (b) The additional conditions in the Update Report

Was voted on and CARRIED.

(Voting: 8 in favour; 1 against)

RESOLVED that: -

- (i) AUTHORITY BE DELEGATED to the Head of Development to:
 - (a) Make any necessary modification, deletion or addition to the proposed conditions; and
 - (b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition, or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions;
- (ii) PLANNING PERMISSION be granted subject to: -
 - (a) The conditions in the report; and

(b) The conditions in the Update Report.

(2) P/21/1398/FP - 58 ALEXANDER GROVE FAREHAM PO16 0TX

Upon being proposed and seconded the officer recommendation to: -

- (i) Delegate authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions; and
- (ii) Grant planning permission subject to the conditions in the report.

Was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that: -

- (i) AUTHORITY Be delegated to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions; and
- (ii) PLANNING PERMISSION be granted, subject to the conditions in the report.

(3) P/22/0709/FP - ADMIRAL HOUSE & NICHOLSON GATE HIGH STREET PO16 7BQ

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

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

Correction of typographic errors: Paragraph 8.8 should state 'mainstream' rather than mainsteam. Paragraph 8.12 should state, 'due to the age of the building and is of some architectural merit'.

Correction of error regarding Habitat Regs in the Informative, which should read:

Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional licenced ecologist.

The Committee requested that an informative be added to the decision notice requesting that where possible materials from Admiral House be salvaged and be made available for use within the local area.

Upon being proposed and seconded the officer recommendation to: -

- (i) DELEGATE authority to the Head of Development Management to:
 - (a) Make any necessary modification, deletion or addition to the proposed conditions; and
 - (b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions as drafted to ensure consistency between the two sets of provisions;
- (ii) GRANT planning permission subject to the conditions in the report; and
- (iii) ADD an informative to the decision notice requesting that the applicant use all reasonable endeavours to ensure that all good roof tiles and bricks from the original part of Admiral House, are sympathetically salvaged and made available for re-use in building projects elsewhere.

Was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that: -

- (i) AUTHORITY be delegated to the Head of Development Management to:
 - (a) Make any necessary modification, deletion or addition to the proposed conditions; and
 - (b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions as drafted to ensure consistency between the two sets of provisions;
- (ii) PLANNING PERMISSION be granted subject to the conditions in the report; and
- (iii) AN INFORMATIVE be added to the decision notice requesting that the applicant use all reasonable endeavours to ensure that all good roof tiles and bricks from the original part of Admiral House, are sympathetically salvaged and made available for re-use in building projects elsewhere.

(4) P/22/0268/FP - LAND AT THE DOWNSWAY REAR OF 79-85 WEST STREET PORTCHESTER

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

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

Following receipt of amended plans paragraph 8.12 has been superseded with the following:

8.12 Amended plans have been received which show a significantly smaller dormer with a pitched roof design. It is considered that the revised dormer has a more modest design and would meet the requirements for dormers set out in the adopted Design Guidance.

Condition 2 has been amended to reflect the changes to the amended plans:

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

a) Site and Location Plans May 20201 Drawing No: 01 12th January 2022

b) Proposed 2No. Three Bedroom Houses Drawing No: 02 12th January 2022

c) Transport Assessment – August 2021

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

A verbal update was provided at the meeting by the Planning Case Officer recommending that an additional condition be imposed requiring that the car parking shown on the proposed plans is laid out and made available before the houses are first occupied and thereafter retained and kept available for parking of vehicles at all times.

Upon being proposed and seconded the officer recommendation to: -

(i) DELEGATE authority to the Head of Development Management to:

(a) Make any necessary modification, deletion or addition to the proposed conditions; and

(b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition, or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions;

(ii) GRANT PLANNING PERMISSION subject to:-

(a) The conditions in the report; and

(b) The amended condition 2 in the Update Report; and

(c) An additional condition requiring that the car parking shown on the proposed plans is laid out and made available before the houses are first occupied and thereafter retained and kept available for parking of vehicles at all times.

Was voted on and CARRIED.

(Voting: 8 in favour; 1 against)

RESOLVED that: -

(i) AUTHORITY be delegated to the Head of Development Management to:

- (a) Make any necessary modification, deletion or addition to the proposed conditions; and
 - (b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition, or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions;
- (ii) PLANNING PERMISSION be granted subject to:-
- (a) The conditions in the report;
 - (b) The amended condition 2 in the Update Report; and
 - (c) An additional condition requiring the car parking shown on the proposed plans is laid out and made available before the houses are first occupied and thereafter retained and kept available for parking of vehicles at all times.

(5) P/22/1116/FP - 85 HILL HEAD ROAD FAREHAM PO14 3JP

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

Upon being proposed and seconded the officer recommendation to grant planning permission, 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/22/1702/FP - TURRET HOUSE HOSPITAL LANE PORTCHESTER PO16 9LT

The Chairman, Councillor N J Walker, and Councillor Mrs S Walker both declared a disclosable pecuniary interest in this item as they are the owners of the property. They both left the room at the start of this item and took no part in the debate or vote on the application.

The Vice-Chairman, Councillor I Bastable chaired the meeting for this item in the absence of the Chairman.

Upon being proposed and seconded the officer recommendation to: -

- (i) DELEGATE authority to the Head of Development Management to:
 - (a) Make any necessary modification, deletion or addition to the proposed conditions; and
 - (b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions as drafted to ensure consistency between the two sets of provisions; and

- (ii) GRANT PLANNING PERMISSION subject to the conditions in the report.

Was voted on and CARRIED.

(Voting: 7 in favour; 0 against)

RESOLVED that: -

- (i) AUTHORITY be delegated to the Head of Development Management to:
 - (a) Make any necessary modification, deletion or addition to the proposed conditions; and
 - (b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions as drafted to ensure consistency between the two sets of provisions; and
- (ii) PLANNING PERMISSION be granted subject to the conditions in the report.

(7) Planning Appeals

The Committee noted the information in the report.

(8) UPDATE REPORT

The Update Report was circulated prior to the meeting and considered along with the relevant agenda item.

(The meeting started at 2.30 pm
and ended at 4.27 pm).

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 25 January 2023

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: Miss J Burton, D G Foot, M J Ford, JP, Mrs C L A Hockley,
P Nother and Mrs S M Walker

**Also
Present:**



1. APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillor S Ingram.

2. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements made at this meeting.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

4. DEPUTATIONS

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Item No/ Application No/Page No	Dep Type
ZONE 1 – 2.30pm					
Ms Tamsin Dickinson		LAND NORTH OF GREENAWAY LANE – OUTLINE PLANNING APPLICATION WITH ALL MATERS RESERVED (EXCEPT FOR ACCESS) FOR RESIDENTIAL DEVELOPMENT OF UP TO 6 SELF-BUILD DWELLINGS, ASSOCIATED LANDSCAPING & ACCESS FROM GREENAWAY LANE	Opposing	6(1) P/20/0730/OA Pg 17	Written
Mr Rob Megginson		-DITTO-	-Ditto-	-Ditto-	In Person
Mr John Boardman (Agent)		-DITTO-	Supporting	-Ditto-	In Person
ZONE 3 – 4.00pm					

<p>Mrs Iris Grist</p>		<p>CAMS BRIDGE – LAND TO THE NORTH OF THE THICKET – RESERVED MATTERS PLANNING APPLICATION FOR THE APPEARANCE, SCALE AND LAYOUT OF THE IMPROVEMENTS TO CAMS BRIDGE AND THE APPROACHES TO ENABLE USE BY PEDESTRIANS AND CYCLISTS, VEHICLE ACCESS FOR VEHICLES ASSOCIATED WITH RAILWAY MAINTENANCE, LIGHTING, RAISING THE BRIDGE PARAPETS, BOLLARDS, RE-SURFACING AND THE LANDSCAPING OF THE SITE, PURSUANT TO OUTLINE PLANNING PERMISSION P/18/0001/OA</p>	<p>Opposing</p>	<p>6(4) P/21/0741/RM Pg 84</p>	<p>Written</p>
<p>Mr Will Cobley (Agent)</p>		<p>-DITTO-</p>	<p>Supporting</p>	<p>-Ditto-</p>	<p>In Person</p>
<p>Mr Bob Marshall</p>	<p>The Fareham Society</p>	<p>LAND EAST OF DOWNEND ROAD – PHASE ONE: APPLICATION FOR THE APPROVAL OF ALL OUTSTANDING RESERVED MATTERS FOR THE ERECTION OF 180 RESIDENTIAL DWELLINGS WITH ASSOCIATED INTERNAL ACCESS ARRANGEMENTS, PARKING, LANDSCAPING, OPEN SPACE AND</p>	<p>Opposing</p>	<p>6(5) P/21/2048/RM Pg 93</p>	<p>In Person</p>

		ANCILLARY INFRASTRUCTURE WORKS (PHASE ONE PURSUANT TO OUTLINE CONSENT P/20/0912/OA)			
Ms Hannah Anderson		-DITTO-	-Ditto-	-Ditto-	Written
Ms Anne Brierley (Possibly)		-DITTO-	-Ditto-	-Ditto-	In Person
Mr Will Cobley (Agent)		-DITTO-	Supporting	-Ditto-	In Person

5. FIVE YEAR HOUSING LAND SUPPLY POSITION

The Committee considered a report by the Director of Planning and Regeneration which provided an update on the Council's Five Year Housing Land Supply Position.

RESOLVED that the Committee noted: -

- (i) The content of the report including the current 5-Year Housing Land Supply Position; and
- (ii) That the 5-Year Housing Land Supply Position set out in the attached report (which will be updated regularly as appropriate) is a material consideration in the determination of planning applications for residential development.

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

The Committee noted a report by the Director of Planning and Regeneration on the development control matters, including information regarding new appeals and decisions.

(1) P/20/0730/OA - LAND NORTH OF GREENAWAY LANE WARSASH

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

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

An additional representation has been received from a member of the public. In addition to previous concerns raised regarding the access onto the Greenaway Lane which has been addressed in section (f) of the committee report, concerns have also been raised regarding the ownership of land to the north of the site which will provide an ecological buffer. Should permission be granted, a legal agreement will be secured between the landowners to secure the retention and management of this piece of land. The legal agreement will

detail that the land will be managed by either Fareham Borough Council in the event that the open space for the application to the north is also transferred. Alternatively, the area will be managed and maintained by a private management company funded by a resident's service fee.

Comments have been received from Natural England and they raise no objection to the proposal subject to appropriate mitigation being secured.

Additionally, Conditions 2 and 3 have been amended to the following:

2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall be begun before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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.

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

- (i) The applicant/owner first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
 - a) To secure the preparation and provision of the off-site ecology area;
 - b) To secure the provision of an Ecological Management and Enhancement Plan;
 - c) To secure the necessary commuted maintenance sums prior to adoption of the ecology off site area by the Council; or
 - d) In the event that the Council does not adopt the delivered off site ecology area, then the creation of a management company to maintain the area in perpetuity including details of how that management company would be funded to ensure the management and maintenance of the area in perpetuity;
 - e) Mechanism for securing appropriate funding of the management company for the lifetime of the development;
 - f) Mechanism for ensuring collection and enforcement of the funding stream provided in d) above to fund the management of the ecological area for the lifetime of the development;
 - g) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;
 - h) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the

- site would cause through increased recreational disturbance on the New Forest Special Protection Areas;
 - i) Commuted sums towards management of any trees within the off site ecological area in the event that the public spaces are adopted by the Council; and
- (ii) DELEGATION of authority be given to the Head of Development Management to:
 - (a) Make any necessary modification, deletion or addition to the proposed conditions of heads of terms for the section 106 legal agreement; and
 - (b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions;
- (iii) GRANT outline planning permission, subject to: -
 - (a) The conditions in the report; and
 - (b) The amended conditions 2 and 3 as set out in the Update Report.

Was voted on and CARRIED.

(Voting: 7 in favour; 1 against)

RESOLVED that, subject to: -

- (i) The applicant/owner first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
 - (a) To secure the preparation and provision of the off-site ecology area;
 - (b) To secure the provision of an Ecological Management and Enhancement Plan;
 - (c) To secure the necessary commuted maintenance sums prior to adoption of the ecology off site area by the Council; or
 - (d) In the event that the Council does not adopt the delivered off site ecology area, then the creation of a management company to maintain the area in perpetuity including details of how that management company would be funded to ensure the management and maintenance of the area in perpetuity;
 - (e) Mechanism for securing appropriate funding of the management company for the lifetime of the development;
 - (f) Mechanism for ensuring collection and enforcement of the funding stream provided in d) above to fund the management of the ecological area for the lifetime of the development;
 - (g) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;

- (h) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the New Forest Special Protection Areas;
 - (i) Commuted sums towards management of any trees within the off site ecological area in the event that the public spaces are adopted by the Council; and
- (ii) DELEGATION of authority be given to the Head of Development Management to:
- (a) Make any necessary modification, deletion or addition to the proposed conditions of heads of terms for the section 106 legal agreement; and
 - (b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions;
- (iii) OUTLINE PLANNING PERMISSION be granted, subject to: -
- (a) The conditions in the report; and
 - (b) The amended conditions 2 and 3 as set out in the Update Report.

(2) P/22/0630/FP - LAND TO REAR OF 248-250 BOTLEY ROAD BURRIDGE SO31 1BL

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

- (i) Authority be DELEGATED being given to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions; and
- (ii) GRANT planning permission, subject to:-
 - (a) The conditions in the report.

Was voted on and CARRIED.

(Voting: 6 in favour; 2 against)

RESOLVED that: -

- (i) Authority be DELEGATED to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions; and
- (ii) PLANNING PERMISSION be granted, subject to:-
 - (a) The conditions in the report.

(3) P/22/1084/FP - 33 LODGE ROAD LOCKS HEATH SO31 6QY

Upon being proposed and seconded the officer recommendation to: -

- (i) DELEGATE authority to the Head of Development Management to:
 - (a) Make any necessary modification, deletion or addition to the proposed conditions; and
 - (b) In consultation with the Solicitor to the Council, consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, or any other subsequent minor changes arising;
- (ii) GRANT planning permission, subject to:-
 - (a) Receipt of the appropriate contributions to address the likely significant effect of the development on Habitat Sites (Solent & New Forest) in terms of recreational disturbance in accordance with the SRMS and the Councils Interim Mitigation Solution; and
 - (b) The conditions in the report;

Was voted on and CARRIED.

(Voting: 8 in favour; 0 against)

RESOLVED that: -

- (i) DELEGATION of authority be given to the Head of Development Management to:
 - (a) Make any necessary modification, deletion or addition to the proposed conditions; and
 - (b) In consultation with the Solicitor to the Council, consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, or any other subsequent minor changes arising;
- (ii) PLANNING PERMISSION be granted, subject to:-
 - (a) Receipt of the appropriate contributions to address the likely significant effect of the development on Habitat Sites (Solent & New Forest) in terms of recreational disturbance in accordance with the SRMS and the Councils Interim Mitigation Solution; and
 - (b) The conditions in the report;

PLANNING PERMISSION be granted.

(4) P/21/0741/RM - CAMS BRIDGE - LAND TO NORTH OF THE THICKET

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

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

Paragraph 9.2 of the Officer report to the Planning Committee recommends approval be granted subject to a) receipt of an acceptable amended Landscape Boundary Treatment Strategy plan and b) a list of planning conditions.

The applicant has submitted an amended Landscape Boundary Treatment Strategy plan which Officers consider to be acceptable. The plan shows infill shrub planting at two areas just south of the bridge on both sides. A shrub schedule has been provided with two evergreen species, wild privet and leylandii, to match the existing hedgerows. Three additional gaps of infill shrub planting are also proposed further south along the eastern boundary. These will be filled with species selected from the native hedgerow mix.

The submitted plan satisfies part a) of the Officer recommendation.

Suggested condition 1 should be amended to clarify that the approved Landscape Boundary Treatment Strategy is drawing number TOR-xx-xx-P-L-92-001 Revision D.

Upon being proposed and seconded the officer recommendation to: -

- (i) DELEGATE authority to the Head of Development Management to:
 - (a) Make any necessary modification, deletion or addition to the proposed conditions;
- (ii) Reserved matters and details pursuant to conditions 2 & 3 of the outline planning permission reference P/18/0001/OA be APPROVED, subject to:-
 - (a) The conditions in the report;
 - (b) Condition 1 being amended as per the Update Report;
 - (c) Subject to receipt of a satisfactory amended boundary treatment plan, showing the gap at the northern end of the party boundary between 2 The Pines and the application site being filled by an improved boundary treatment (such as a 1.8 metre high fence with evergreen planting on its east side to tie in with existing planting);
 - (d) An additional condition requiring the installation of the bollards within one month of the commencement of development, or as otherwise agreed in writing with the Local Planning Authority, and thereafter retained at all times; and

- (e) An informative be placed on the decision notice requesting that the developer investigate additional measures which can be installed on the pedestrian/ cycle access, to prevent its potential use by motorcycles and increase safety for pedestrians and cyclists.

Was voted on and carried.

(Voting: 8 in favour; 0 against)

RESOLVED that, subject to: -

- (i) DELEGATION of authority being given to the Head of Development Management to:
 - (a) Make any necessary modification, deletion or addition to the proposed conditions;
- (ii) Reserved matters and details pursuant to conditions 2 & 3 of the outline planning permission reference P/18/0001/OA be APPROVED, subject to: -
 - (a) The conditions in the report;
 - (b) Condition 1 being amended as per the Update Report;
 - (c) Subject to the receipt of a satisfactory amended boundary treatment plan, showing the gap at the northern end of the party boundary between 2 The Pines and the application site being filled by an improved boundary treatment (such as a 1.8 metre high fence with evergreen planting on its east side to tie in with existing planting);
 - (d) An additional condition requiring the installation of the bollards within one month of the commencement of development, or as otherwise agreed in writing with the Local Planning Authority, and thereafter retained at all times; and
 - (e) An informative be placed on the decision notice requesting that the developer investigated additional measures which can be installed on the pedestrian / cycle access, to prevent its potential use by motorcycles and increase safety for pedestrians and cyclists.

(5) P/21/2048/RM - LAND TO THE EAST OF DOWNEND ROAD PORTCHESTER PO16 8TS

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

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

Final comments have been received from Fareham Housing as follows:

“The applicant is proposing 180 units for phase 1, with 40% affordable housing – 72 units, split 65% rent (47 units) and 35% shared ownership (25 units). This all accords with the Unilateral undertaking.

Affordable rent

1 more 3 bed unit and 1 less 4 bed unit is proposed compared to the unilateral undertaking.

Shared Ownership

More 1 bed units and less 3 bed units are proposed compared to the unilateral undertaking (discrepancy in 2 bed figures due to rounding).

On the basis that the percentages in the unilateral undertaking will be met when combining phase 1 & phase 2 then the above is acceptable to Fareham Housing. I would reiterate that the applicant may want to discuss with an affordable housing registered provider.

The distribution of the affordable housing units has evolved following numerous discussions. I am satisfied that the changes made by the applicant have improved the distribution and integration of the affordable housing units on this site.”

The full list of approved drawings/documents to be included in condition 1 is as follows:

- 1. Arboricultural Impact Assessment and Method Statement (ref. MILL21118-03 RMA1 Rev B)*
- 2. Updated Ecology Report by Ecosupport (May 2022)*
- 3. Noise and Vibration Assessment by Dice Environmental (November 2022)*
- 4. Refuse vehicle tracking (ref. 091.5013.0216 Rev D)*
- 5. Fire tender tracking (ref. 091.5013.0216 Rev D)*
- 6. Junction and forward visibility splays (ref. 091.5013.0218 Rev D)*
- 7. Extent of adoption (ref. 091.5013.0219 Rev B)*
- 8. Temporary Access Road to Existing Garage Area North of Cams Bridge (ref. 091.0013.003 Rev A)*
- 9. Drainage Technical Note 091.5013/DTN/2 DTN*
- 10. Appendix A to Drainage Technical Note 091.5013/DTN/2*
- 11. Appendix B to Drainage Technical Note 091.5013/DTN/2*
- 12. Appendix C to Drainage Technical Note 091.5013/DTN/2*
- 13. Appendix D to Drainage Technical Note 091.5013/DTN/2*
- 14. Appendix E to Drainage Technical Note 091.5013/DTN/2*
- 15. Planning layout (ref. P1693.01 Rev ZG)*
- 16. Materials layout (ref. P1693.02 Rev P)*
- 17. Heights layout (ref. P1693.03 Rev P)*
- 18. Tenure layout (ref. P1693.04 Rev V)*
- 19. Parking layout (ref. P1693.05 Rev Q)*
- 20. Refuse layout (ref. P1693.06 Rev N)*
- 21. Enclosures layout (ref. P1693.07 Rev N)*
- 22. Location plan (ref. P1693.08 Rev D)*
- 23. Parcel plan (ref. P1693.09)*
- 24. Garden dimension layout (ref. P1693.10 Rev M)*
- 25. Amenity space layout (ref. P1693.11 Rev A)*

26. *Ownership & management plan (ref. P1693.12 Rev A)*
27. *Type 2 Plans & elevations – Style 2 Brick (ref. P1693.2.01 Rev B)*
28. *Type 2 Plans & elevations – Style 4 Brick (ref. P1693.2.02 Rev E)*
29. *Type 2 Plans & elevations – Style 2 Brick (ref. P1693.2.08)*
30. *Type 3 Plans & elevations – Style 2 Brick (ref. P1693.3.01 Rev B)*
31. *Type 3 Plans & elevations – Style 4 Brick (ref. P1693.3.02 Rev F)*
32. *Type 3 Plans & elevations – Style 4 Brick (ref. P1693.3.04 Rev A)*
33. *Type 3 Plans & elevations – Style 4 Brick (ref. P1693.3.05 Rev A)*
34. *Type 4 Floor roof plans – Style 4 (ref. P1693.4.01 Rev C)*
35. *Type 4 Elevations – Style 4 Brick (ref. P1693.4.02 Rev C)*
36. *Type AN Plans & elevations – Style 4 Brick (ref. P1693.AN.01)*
37. *Type AN Plans & elevations – Style 3 Brick (ref. P1693.AN.02 Rev A)*
38. *Type BR Floor & roof plans – Style 1 (ref. P1693.BR.01 Rev B)*
39. *Type BR Elevations – Style 1 Brick (ref. P1693.BR.02 Rev B)*
40. *Type BR Elevations – Style 1 Tile (ref. P1693.BR.03 Rev A)*
41. *Type BR Floor & roof plans – Style 4 (ref. P1693.BR.08 Rev A)*
42. *Type BR Elevations – Style 4 Painted Brick (ref. P1693.BR.09 Rev A)*
43. *Type CA Floor & roof plans – Style 3 (ref. P1693.CA.01 Rev F) Rev E*
44. *Type CA Elevations – Style 3 Brick (ref. P1693.CA.02 Rev F) Rev E*
45. *Type CA Elevations – Style 3 Board (ref. P1693.CA.03 Rev D) Rev C*
46. *Type CA1 Floor & roof plans – Style 1 (ref. P1693.CA1.01 Rev B)*
47. *Type CA1 Elevations – Style 1 Brick (ref. P1693.CA1.02 Rev B)*
48. *Type CA1 Elevations – Style 1 Tile (ref. P1693.CA1.03 Rev A)*
49. *Type CA1 Floor & roof plans – Style 2 (ref. P1693.CA1.04 Rev B)*
50. *Type CA1 Elevations – Style 2 Tile (ref. P1693.CA1.05 Rev B)*
51. *Type CA1 Floor & roof plans – Style 4 (ref. P1693.CA1.06 Rev C)*
52. *Type CA1 Elevations – Style 4 Brick (ref. P1693.CA1.07 Rev C)*
53. *Type CA1 Floor & roof plans – Style 4 (ref. P1693.CA1.08)*
54. *Type CA1 Elevations – Style 4 Painted (ref. P1693.CA1.09)*
55. *Type FA Floor & roof plans – Style 3 (ref. P1693.FA.01 Rev C)*
56. *Type FA Elevations – Style 3 Brick (ref. P1693.FA.02 Rev C)*
57. *Type FA Elevations – Style 3 Board (ref. P1693.FA.03 Rev B)*
58. *Type FA1 Floor & roof plans – Style 1 (ref. P1693.FA1.01 Rev B)*
59. *Type FA1 Elevations – Style 1 Brick (ref. P1693.FA1.02 Rev B)*
60. *Type FA1 Floor & roof plans – Style 4 (ref. P1693.FA1.05 Rev A)*
61. *Type FA1 Elevations – Style 4 Brick (ref. P1693.FA1.06 Rev A)*
62. *Type GD1 Floor & roof plans – Style 3 (ref. P1693.GD1.01 Rev B)*
63. *Type GD1 Elevations – Style 3 Brick (ref. P1693.GD1.02 Rev C)*
64. *Type GM Floor & roof plans – Style 1 (ref. P1693.GM.01 Rev A)*
65. *Type GM Elevations – Style 1 Brick (ref. P1693.GM.02 Rev A)*
66. *Type GM Floor & roof plans – Style 2 (ref. P1693.GM.03 Rev A)*
67. *Type GM Elevations – Style 2 Brick (ref. P1693.GM.04 Rev A)*
68. *Type HA Plans & elevations – Style 4 Brick (ref. P1693.HA.01 Rev G)*
69. *Type HA Plans & elevations – Style 2 Brick (ref. P1693.HA.02 Rev C)*
70. *Type HA Plans & elevations – Style 4 Brick (ref. P1693.HA.03 Rev E)*
71. *Type HM Floor & roof plans – Style 1 (ref. P1693.HM.01 Rev C)*
72. *Type HM Elevations – Style 1 Brick (ref. P1693.HM.02 Rev C)*
73. *Type HM Floor & roof plans – Style 4 (ref. P1693.HM.03 Rev A)*

74. *Type HM Elevations – Style 4 Brick (ref. P1693.HM.04 Rev A)*
75. *Type HU Floor & roof plans – Style 1 (ref. P1693.HU.01 Rev A)*
76. *Type HU Elevations – Style 1 Brick (ref. P1693.HU.02 Rev A)*
77. *Type HU Floor & roof plans – Style 2 (ref. P1693.HU.03 Rev B)*
78. *Type HU Elevations – Style 2 Brick (ref. P1693.HU.04 Rev B)*
79. *Type HU Floor & roof plans – Style 3 (ref. P1693.HU.05 Rev B)*
80. *Type HU Elevations – Style 3 Brick (ref. P1693.HU.06 Rev B)*
81. *Type HU Floor & roof plans – Style 4 (ref. P1693.HU.07 Rev D)*
82. *Type HU Elevations – Style 4 Brick (ref. P1693.HU.08 Rev D)*
83. *Type HU1 Floor & roof plans – Style 3 (ref. P1693.HU1.01 Rev A)*
84. *Type HU1 Elevations – Style 3 Board (ref. P1693.HU1.02 Rev A)*
85. *Type HU1 Floor & roof plans – Style 4 (ref. P1693.HU1.03)*
86. *Type HU1 Elevations – Style 4 Brick (ref. P1693.HU1.04)*
87. *Type HU3 Floor & roof plans – Style 4 (ref. P1693.HU1.03 Rev C)*
88. *Type HU3 Elevations – Style 4 Painted (ref. P1693.HU3.02 Rev C)*
89. *Type PS Floor & roof plans – Style 2 (ref. P1693.PS.01 Rev C)*
90. *Type PS Elevations – Style 2 Brick (ref. P1693.PS.02 Rev C)*
91. *Type PS Floor & roof plans – Style 3 (ref. P1693.PS.03 Rev D)*
92. *Type PS Elevations – Style 3 Brick (ref. P1693.PS.04 Rev D)*
93. *Type PS Floor & roof plans – Style 4 (ref. P1693.PS.05 Rev D)*
94. *Type PS Elevations – Style 4 Brick (ref. P1693.PS.06 Rev D)*
95. *Type WA Floor & roof plans – Style 1 (ref. P1693.WA.01 Rev C)*
96. *Type WA Elevations – Style 1 Tile – P4 (ref. P1693.WA.02 Rev A)*
97. *Type WA Elevations – Style 1 Tile – P63 (ref. P1693.WA.03 Rev C)*
98. *Type WA Floor & roof plans – Style 2 (ref. P1693.WA.04 Rev A)*
99. *Type WA Elevations – Style 2 Tile (ref. P1693.WA.05 Rev A)*
100. *Type WA Floor & roof plans – Style 1 (ref. P1693.WA.06)*
101. *Type WN Floor & roof plans – Style 1 (ref. P1693.WN.01)*
102. *Type WN Elevations – Style 1 Brick (ref. P1693.WN.02)*
103. *Type WN Floor & Roof Plans – Style 2 (ref. P1693.WN.03 Rev B)*
104. *Type WN Elevations – Style 2 Brick (ref. P1693.WN.04 Rev B)*
105. *Block 1 Ground floor plan (ref. P1693.BLK1.01 Rev B)*
106. *Block 1 First floor plan (ref. P1693.BLK1.02 Rev B)*
107. *Block 1 Second floor plan (ref. P1693.BLK1.03 Rev B)*
108. *Block 1 Roof plan (ref. P1693.BLK1.04)*
109. *Block 1 Front elevation (ref. P1693.BLK1.05 Rev A)*
110. *Block 1 Side elevation (ref. P1693.BLK1.06 Rev A)*
111. *Block 1 Rear elevation (ref. P1693.BLK1.07 Rev A)*
112. *Block 1 Side elevation (ref. P1693.BLK1.08 Rev A)*
113. *Block 2 Ground floor plan (ref. P1693.BLK2.01 Rev D)*
114. *Block 2 First floor plan (ref. P1693.BLK1.02 Rev E)*
115. *Block 2 Second floor plan (ref. P1693.BLK2.03 Rev E)*
116. *Block 2 Roof plan (ref. P1693.BLK2.04 Rev D)*
117. *Block 2 Front elevation (ref. P1693.BLK2.05 Rev D)*
118. *Block 2 Side elevation (ref. P1693.BLK2.06 Rev E)*
119. *Block 2 Rear elevation (ref. P1693.BLK2.07 Rev E)*
120. *Block 2 Side elevation (ref. P1693.BLK2.08 Rev D)*

121. Block 3 Ground floor plan (ref. P1693.BLK3.01 Rev D)
122. Block 3 First floor plan (ref. P1693.BLK3.02 Rev D)
123. Block 3 Second floor plan (ref. P1693.BLK3.03 Rev D)
124. Block 3 Roof plan (ref. P1693.BLK3.04 Rev C)
125. Block 3 Front elevation (ref. P1693.BLK3.05 Rev C)
126. Block 3 Side elevation (ref. P1693.BLK3.06 Rev D)
127. Block 3 Rear elevation (ref. P1693.BLK3.07 Rev D)
128. Block 3 Side elevation (ref. P1693.BLK3.08 Rev D)
129. Block 6 Ground & first floor plan (ref. P1693.BLK6.101 Rev A)
130. Block 6 Second floor & roof plan (ref. P1693.BLK6.102 Rev A)
131. Block 6 Front & side elevations (ref. P1693.BLK6.103 Rev A)
132. Block 6 Rear & side elevations (ref. P1693.BLK6.104 Rev A)
133. Block 7 Ground floor plan (ref. P1693.BLK7.101 Rev B)
134. Block 7 First floor plan (ref. P1693.BLK7.102 Rev A)
135. Block 7 Second floor plan (ref. P1693.BLK7.103 Rev A)
136. Block 7 Roof plan (ref. P1693.BLK7.104)
137. Block 7 Front & side elevations (ref. P1693.BLK7.105 Rev A)
138. Block 7 Rear & side elevations (ref. P1693.BLK7.106)
139. Block 8 Ground floor plan (ref. P1693.BLK8.101 Rev B)
140. Block 8 First floor plan (ref. P1693.BLK8.102 Rev A)
141. Block 8 Second floor plan (ref. P1693.BLK8.103 Rev A)
142. Block 8 Roof plan (ref. P1693.BLK8.104)
143. Block 8 Front & side elevations (ref. P1693.BLK8.105)
144. Block 8 Rear & side elevations (ref. P1693.BLK8.106 Rev A)
145. Landscape general arrangement (ref HED-1426-100 Rev P04)
146. Landscape strategy (ref HED-1426-101 Rev P03)
147. Planting typologies (ref HED-1426-102 Rev P03)
148. Landscape planting plan (ref HED-1426-103 Rev P03)
149. Hard landscape plan (ref HED-1426-104 Rev P03)
150. Hard landscape typologies (ref HED-1426-105 Rev P04)
151. Detail area 1 (ref HED-1426-106 Rev P02)
152. Detail area 2 (ref HED-1426-107 Rev P02)
153. Detail area 3 (ref HED-1426-108 Rev P02)
154. Detail area 4 (ref HED-1426-109 Rev P02)
155. Detail area 5 (ref HED-1426-110 Rev P00)
156. Landscape management plan (ref HED-1426-300 Rev P03) Rev
P01
157. Section A (ref HED-1426-SK-401 Rev P01)
158. Section AC (ref HED-1426-SK-402 Rev P01)
159. Section AI (ref HED-1426-SK-403 Rev P01)
160. Section AJ (ref HED-1426-SK-404 Rev P01)
161. Section AK (ref HED-1426-SK-405 Rev P01)
162. Section AL (ref HED-1426-SK-406 Rev P01)
163. Section AM (ref HED-1426-SK-407 Rev P01)
164. Section AN (ref HED-1426-SK-408 Rev P01)
165. Section AO (ref HED-1426-SK-409 Rev P01)
166. Section AP (ref HED-1426-SK-410 Rev P01)

167. Section AQ (ref HED-1426-SK-411 Rev P01)
168. Section AR (ref HED-1426-SK-412 Rev P01)
169. Section AT (ref HED-1426-SK-413 Rev P01)
170. Section AU (ref HED-1426-SK-414 Rev P01)
171. Section AV (ref HED-1426-SK-415 Rev P01)
172. Section AW (ref HED-1426-SK-416 Rev P01)
173. Section B (ref HED-1426-SK-417 Rev P01)
174. Section I (ref HED-1426-SK-418 Rev P01)
175. Section P (ref HED-1426-SK-419 Rev P01)
176. Section T (ref HED-1426-SK-420 Rev P01)
177. Section Y (ref HED-1426-SK-421 Rev P01)
178. Single Garage Plans & elevations – Style 1, 2 & 4 (ref. P1693.GAR.01)
179. Single Garage Plans & elevations – Style 3 (ref. P1693.GAR.02)
180. Double Garage Plans & elevations – Style 1, 2 & 4 (ref. P1693.GAR.03)
181. Double Pair Plans & elevations – Style 1, 2 & 4 (ref. P1693.GAR.04)
182. Garage with carport Plans & elevations – Style 1 (ref. P1693.GAR.05)
183. Garage Pair Plans & elevations – Style 1 (ref. P1693.GAR.06)
184. Cycle store (Block 2 & 3) Plans & elevations (ref. P1693.BC.01 Rev A)
185. Bin store (Block 3) Plans & elevations (ref. P1693.BC.02)
186. Cycle & bin stores (Block 1) Plans & elevations (ref. P1693.BC.03 Rev A)
187. Cycle & bin stores (Block 4) Plans & elevations (ref. P1693.BC.04 Rev A)
188. Substation Plans & elevations (ref. P1693.SUB.01)
189. Wastewater Pumping Station Plans & Elevations – 091.5013.550
190. Streetscenes sheet 1 of 5 (ref. P1693.SS.01 Rev D)
191. Streetscenes sheet 2 of 5 (ref. P1693.SS.02 Rev D)
192. Streetscenes sheet 3 of 5 (ref. P1693.SS.03 Rev E)
193. Streetscenes sheet 4 of 5 (ref. P1693.SS.04 Rev E)
194. Streetscenes sheet 5 of 5 (ref. P1693.SS.05 Rev F)
195. Site layout proposed levels sheet 1 of 7 (ref. 091.5013.0615 Rev C)
196. Site layout proposed levels sheet 2 of 7 (ref. 091.5013.0616 Rev C)
197. Site layout proposed levels sheet 3 of 7 (ref. 091.5013.0617 Rev E)
198. Site layout proposed levels sheet 4 of 7 (ref. 091.5013.0618 Rev I)
199. Site layout proposed levels sheet 5 of 7 (ref. 091.5013.0619 Rev D)
200. Site layout proposed levels sheet 6 of 7 (ref. 091.5013.0620 Rev J)

201. Site layout proposed levels sheet 7 of 7 (ref. 091.5013.0621 Rev I)

The windows to be referred to in condition 5 are as follows:

All upper floor windows in:

- 1) The west elevation of plot 5
- 2) The east elevation of plot 7
- 3) The east elevation of plot 8
- 4) The south elevation of plot 30
- 5) The east elevation of plot 33
- 6) The west elevation of plot 34
- 7) The west elevation of plot 37
- 8) The south elevation of plot 39
- 9) The east elevation of plot 45
- 10) The east elevation of plot 52
- 11) The east elevation of plot 85
- 12) The north elevation of plot 88
- 13) The south elevation of plot 89
- 14) The east elevation of plot 92
- 15) The north elevation of plot 98
- 16) The north elevation of plot 114
- 17) The north elevation of plot 120
- 18) The south elevation of plot 122
- 19) The north elevation of plot 132
- 20) The north elevation of plot 139
- 21) The south elevation of plot 141

An additional planning condition (7) is recommended as follows:

7. no development hereby permitted shall proceed beyond damp proof course level until details of a mechanical ventilation with heat recovery (MHVR) system to be installed in units 149 – 157 (inclusive) and 172 – 180 (inclusive) 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 protect the living conditions of future residents and to enable the appropriate ventilation of those flats without adverse impacts from external noise sources.

The Planning Officer also provided members with a verbal update to confirm the following amendments to the Update Report (removal of text shown by strikethrough):

43. Type CA Floor & roof plans – Style 3 (ref. P1693.CA.01 Rev F) ~~Rev E~~
44. Type CA Elevations – Style 3 Brick (ref. P1693.CA.02 Rev F) ~~Rev E~~
45. Type CA Elevations – Style 3 Board (ref. P1693.CA.03 Rev D) ~~Rev G~~
156. Landscape management plan (ref HED-1426-300 Rev P03) ~~Rev P01~~

Upon being proposed and seconded the officer recommendation to: -

- (i) DELEGATE authority to the Head of Development Management to;

- (a) Make any necessary modification, deletion or addition to the proposed conditions; and
 - (b) In consultation with the Solicitor to the Council, consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, or any other subsequent minor changes arising.
- (ii) Reserved matters and details pursuant to conditions 5 & 11 of the outline planning permission reference P/20/0912/OA be APPROVED, subject to: -
- (a) The amendments to conditions 1 and 5 as per the Update Report;
 - (b) The addition on 7 as set out in the Update Report;
 - (c) An additional condition removing the Permitted Development Rights for windows at upper floor level on the rear (eastern) elevation for Plot 8; and
 - (d) An additional condition requiring a disabled parking bay be required for Block 6.

Was voted on and CARRIED.

(Voting: 7 in favour; 1 against)

RESOLVED that, subject to: -

- (i) DELEGATION of authority be given the Head of Development Management to;
 - (a) Make any necessary modification, deletion or addition to the proposed conditions; and
 - (b) In consultation with the Solicitor to the Council, consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, or any other subsequent minor changes arising.
- (ii) Reserved matters and details pursuant to conditions 5 & 11 of the outline planning permission reference P/20/0912/OA be APPROVED, subject to: -
 - (a) The amendments to conditions 1 and 5 as per the Update Report;
 - (b) The addition of Condition 7 as set out in the Update Report;

- (c) An additional condition removing the Permitted Development Rights for windows at upper floor level on the rear (eastern) elevation for Plot 8; and
- (d) An additional condition requiring a disabled parking bay be provided for Block 6.

(6) Planning Appeals

The Committee noted the information in the report.

(7) UPDATE REPORT

The Update Report was circulated prior to the meeting and considered along with the relevant agenda item.

(The meeting started at 2.30 pm
and ended at 5.50 pm).

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date **23rd January 2023**

Report of: **Deputy Chief Executive Officer**

Subject: **ACTUAL REVENUE EXPENDITURE**

SUMMARY

This report sets out for the information of Members details of the actual revenue expenditure for 2021/22 in respect of the services for which this Committee is responsible.

RECOMMENDATION

The Committee is asked to note the content of the report.

INTRODUCTION

1. The final accounts for the financial year for this Committee shows that the actual expenditure of £1,191,930 was £336,590 (39%) above the revised budget of £854,800 which was agreed by the executive in January 2022.
2. The actual totals of gross expenditure and income are set out in the table below.

Planning Committee	Revised	Actual	Variance
	Budget		
	2021/22	2021/22	2021/22
	£	£	£
Employees	764,300	1,025,294	260,994
Transport	10,900	9,858	-1,042
Supplies & Services	517,800	619,063	101,263
Third Party Payments	92,100	83,604	-8,496
Internal Recharges	179,700	202,192	22,492
GROSS EXPENDITURE	1,564,800	1,940,011	375,211
Other Income	-17,600	0	17,600
Fees & Charges	-692,400	-748,621	-56,221
GROSS INCOME	-710,000	-748,621	-38,621
NET EXPENDITURE	854,800	1,191,390	336,590

3. The main reasons for the variance was because of additional spend on employee costs due to additional pension costs that are removed from the overall council position. There was also increased spend on consultants and legal costs in relation to planning applications and appeals, plus costs associated with the judicial reviews in Warsash. Application fee income and work from the legal partnership exceeded the budgeted fees and charges projection, offsetting the overall appeals costs.
4. The actual net revenue expenditure for the year analysed over the main services heading is shown in the following table:-

	Revised	Actual	Variance
	Budget		
	2021/22	2021/22	2021/22
	£	£	£
Planning Applications	109,600	246,807	137,207
Planning Advice	178,600	246,129	67,529
Planning Enforcement	129,400	166,586	37,186
Planning Appeals	437,200	531,868	94,668
	854,800	1,191,390	336,590

5. A detailed breakdown of the actual cost of the individual services is shown in Appendix A. The main variations which exceed £5,000 from the approved budgets are detailed below.

PLANNING APPLICATIONS

6. The service was overspent by just over £137,200, the main reason for variance was a large overspend in the employee budget of £150,000. This was due to additional pension costs of £163,600 and an annual leave adjustment of £5,000 due to annual leave owed to employees due to covid. This has been offset by various staffing savings during the year of £18,600.
7. There was additional use of consultants advice to determine major planning applications contributing to a £15,000 overspend in this area.
8. There was additional income of £28,000 from the Southampton and Fareham Legal Partnership from costs recovered for work on S106 agreements. This was mostly due to Welborne.
9. Planning application income peaked in the last quarter with a total of £647,300. The overall variance in income from applications was a surplus of £20,600.

PLANNING ADVICE

10. The overall overspend for this service was just over £67,500. There was an overspend due to pension costs of £54,400 and overspend in the employee budget of £9,600.
11. Income was less than budgeted by £6,500.

PLANNING ENFORCEMENT

12. The overall overspend for this service was just over £37,000. The main reason for this was additional pension costs of £35,300.

PLANNING APPEALS

13. The overall overspend for this service was £94,700. There were a number of high-profile planning appeals requiring the use of consultants and legal representation.
14. The largest spend was on appeals during the year including Land South of Romsey Avenue South, Downend Road Portchester, Posbrook Lane, Land South of Funtley Road, East Crofton Cemetery, Newgate Lane East, Land East of New Road (Borderland fencing). This overspend excludes officer time.
15. There were also two continuing judicial reviews during the year, Save Warsash and Egmont Nurseries.

RISK ASSESSMENT

16. The council notes the ongoing costs of appeals. This is being monitored and managed within existing council resources.

CONCLUSION

17. The cost of the services provided by this Committee was £336,590 higher than anticipated when the revised budgets were prepared and the reasons for this are set out in this report.
18. Any overspends against the overall budget will have to be offset by corresponding underspends within other committees or portfolio budgets. Where this is not possible then reserves will have to be used to balance the council's accounts.

Enquiries:

For further information on this report please contact Neil Wood. (Ext 4506)

PLANNING COMMITTEE**ACTUAL OF EXPENDITURE AND INCOME 2021/22**

	Revised Budget 2021/22 £	Actual 2021/22 £	Variance 2021/22 £
Planning Applications	109,600	246,807	137,207
Planning Advice	178,600	246,129	67,529
Planning Enforcement	129,400	166,586	37,186
Planning Appeals	437,200	531,868	94,668
	854,800	1,191,390	336,590

<u>SUBJECTIVE ANALYSIS</u>	Revised Budget 2021/22 £	Actual 2021/22 £	Variance 2021/22 £
Employees	764,300	1,025,294	260,994
Transport	10,900	9,858	-1,042
Supplies & Services	517,800	619,063	101,263
Third Party Payments	92,100	83,604	-8,496
Internal Recharges	179,700	202,192	22,492
GROSS EXPENDITURE	1,564,800	1,940,011	375,211
Other Income	-17,600	0	17,600
Fees & Charges	-692,400	-748,621	-56,221
GROSS INCOME	-710,000	-748,621	-38,621
NET EXPENDITURE	854,800	1,191,390	336,590

	Revised Budget 2021/22	Actual 2021/22	Variance 2021/22
	£	£	£
<u>PLANNING APPLICATIONS</u>			
EMPLOYEES	491,200	641,367	150,167
TRANSPORT EXPENDITURE	7,000	6,236	-764
SUPPLIES AND SERVICES	101,200	123,126	21,926
THIRD PARTY PAYMENTS	73,300	69,929	-3,371
INTERNAL RECHARGES	117,200	131,491	14,291
GROSS EXPENDITURE	789,900	972,149	182,249
OTHER INCOME	-17,600	0	17,600
FEES AND CHARGES	-692,400	-748,621	-56,221
GROSS INCOME	-680,300	-725,342	-45,042
NET EXPENDITURE	109,600	246,807	137,207

	Revised Budget 2021/22	Actual 2021/22	Variance 2021/22
	£	£	£
<u>PLANNING ADVICE</u>			
EMPLOYEES	149,300	213,296	63,996
TRANSPORT EXPENDITURE	1,300	1,367	67
SUPPLIES AND SERVICES	5,800	1,883	-3,917
THIRD PARTY PAYMENTS	13,100	9,151	-3,949
INTERNAL RECHARGES	38,800	43,711	4,911
GROSS EXPENDITURE	208,300	269,408	61,108
FEES AND CHARGES	-29,700	-23,279	6,421
GROSS INCOME	-29,700	-23,279	6,421
NET EXPENDITURE	178,600	246,129	67,529

	Revised Budget 2021/22	Actual 2021/22	Variance 2021/22
	£	£	£
<u>PLANNING ENFORCEMENT</u>			
EMPLOYEES	100,300	138,321	38,021
TRANSPORT EXPENDITURE	2,600	2,162	-438
SUPPLIES AND SERVICES	2,700	1,013	-1,687
THIRD PARTY PAYMENTS	5,700	4,524	-1,176
INTERNAL RECHARGES	18,100	20,565	2,465
NET EXPENDITURE	129,400	166,585	37,185

	Revised Budget 2021/22	Actual 2021/22	Variance 2021/22
	£	£	£
<u>PLANNING APPEALS</u>			
EMPLOYEES	23,500	32,309	8,809
TRANSPORT EXPENDITURE	0	93	93
SUPPLIES AND SERVICES	408,100	493,042	84,942
INTERNAL RECHARGES	5,600	6,424	824
NET EXPENDITURE	437,200	531,868	94,668

TOTAL PLANNING COMMITTEE	854,800	1,191,389	336,589
---------------------------------	----------------	------------------	----------------

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 23rd January 2023

Report of: Deputy Chief Executive Officer

Subject: SPENDING PLANS 2023-24

SUMMARY

This report sets out the overall level of revenue spending on this Committee's services and seeks agreement for the revised revenue budget for 2022/23, the discretionary planning charges for 2023/24 and the base budget for 2023/24 before being recommended to Full Council for approval.

RECOMMENDATION

That the Planning Committee: -

- (i) agrees the revised budget for 2022/23;
- (ii) agrees the base budget for 2023/24;
- (iii) agrees the revised discretionary planning charges for 2023/24 as set out at Appendix B; and
- (iv) recommends the budget to Full Council for approval.

INTRODUCTION

1. The Council has a co-ordinated strategic service and financial planning process and this report allows the committee to consider in detail these plans for the provision of the Planning Committee services during the next financial year.
2. This report and the revenue budgets have been prepared in accordance with the Medium-Term Finance Strategy that was approved by the Executive on 9th January 2023 and will cover the fees and charges and the revenue budget.

FEES AND CHARGES

3. The Planning Committee charges that are shown in the budget figures are mainly statutory and therefore not under the control of the committee.
4. The current level of Planning fees were set by Central Government and came into force on 17 January 2018.
5. The revised discretionary planning charges under the control of the Planning Committee for consideration are shown in Appendix B.
6. Inflation(CPI) is currently running at 10.7% and the increase in charges reflects this and the costs of providing the service.

REVENUE BUDGET

7. Appendix A analyses the overall budget total for the individual Planning Committee services and by the different types of expenditure and income.

BASE BUDGET 2022/23

8. The base budgets for 2022/23 were considered by this committee in January 2022 and were confirmed by Full Council in February 2022. The base budget for 2022/23 amounted to £439,500.

REVISED BUDGET 2022/23

9. The revised budget for 2022/23 is £729,400 which represents an increase of £289,900 or 66% from the base budget.
10. The main change to the revised budgets is due to a reduction in planning application income, pre application advice and S106 legal fees. In addition, employee costs have increased due to the pay award which in turn has increased internal recharges. There is also an increase in legal and consultancy costs due to planning applications and appeals.

BASE BUDGET 2023/24

11. The base budget for 2023/24 is £694,300 an increase of £254,800 or 58.0% from the base budget in 2022/23.
12. Appendix A of this report shows the analysis of expenditure and income for individual services and the following paragraphs of this report set out issues affecting individual services that have arisen in the current year in order to explain

the variations between base 2022/23 budgets and the 2023/24 base budget.

SERVICE ISSUES

13. In preparing the budget there have been changes to the way the employee budgets have been calculated which have also reflected the national pay award.
14. These changes are reflected in the figures in this report and therefore have resulted in some variances across this committee.
15. Internal Recharges costs provided for this committee include ICT, HR, Finance and Audit, Customer Services and accommodation recharges.
16. In addition the recharges from various partnerships which support the committee include Southampton Legal Partnership, Environmental Health Partnership and Building Control Partnership are shown under Third Party Payments heading.
17. The changes to these two areas have been small when compared to the Base Budget for 2022/23.

PROCESSING APPLICATIONS

18. There has been an overall increase in the 2023/24 base budget for this service of £226,400. The majority of the increase is due to reduced planned income from planning applications due to economic market conditions. There have been increases in employee costs due to the annual pay award.

PLANNING ADVICE

19. There has been an increase in the 2023/24 base budget for this service of £29,300. This is mainly due to increases in employee costs due to the annual pay award and a reduction in Pre planning advice fees.

20. PLANNING ENFORCEMENT

21. There has been a small reduction in the 2023/24 base budget for this service of £5,700. This is mainly due to a small reduction in employees budget.

PLANNING APPEALS

22. There has been a small increase in the 2023/24 base budget for this service of £4,800. This is mainly due to a small increase in employees budget.

RISK ASSESSMENT

23. The council notes the ongoing costs of appeals. This is being monitored and managed within existing council resources.

CONCLUSION

24. A number of Planning Committee services are partly funded from fees and charges and other types of income. After taking service income into account

investment income and the Council's share of business rate income reduce the remainder of the overall cost of services is met by council tax payers.

25. These sources of income are generally outside the Council's control and do not reflect the changes in the overall level of spending on local services.
26. With these sources of income effectively "fixed", members need to be aware that, unless it can be matched by increased service income, additional spending on services has to be fully funded by council tax payers.
27. It follows that Members must give full weight of the Council's overall position and future council tax levels when the revenue budgets for 2023/24 are considered.

Appendix A – Revenue Budget 2022/23 revised and 2023/24 Base Budget.

Appendix B – Discretionary Planning Fees 2023/24.

Background Papers:

Reference Papers:

Enquiries:

For further information on this report please contact Neil Wood. (Ext 4506)

PLANNING COMMITTEE

ESTIMATE OF EXPENDITURE AND INCOME FOR THE COUNCIL TAX 2023/24

	Base Estimate 2022/23	Revised Estimate 2022/23	Base Estimate 2023/24
	£	£	£
PROCESSING APPLICATIONS	17,300	235,800	243,700
PLANNING ADVICE	190,200	212,900	219,500
PLANNING ENFORCEMENT	137,100	126,000	131,400
PLANNING APPEALS	94,900	154,700	99,700
	439,500	729,400	694,300

SUBJECTIVE ANALYSIS

	Base Estimate 2022/23	Revised Estimate 2022/23	Base Estimate 2023/24
	£	£	£
EMPLOYEES	797,900	821,800	858,000
TRANSPORT EXPENDITURE	10,900	10,900	10,900
SUPPLIES AND SERVICES	104,100	166,700	110,700
THIRD PARTY PAYMENTS	110,300	98,000	101,500
INTERNAL RECHARGES	186,300	219,700	200,900
GROSS EXPENDITURE	1,209,500	1,317,100	1,282,000
OTHER INCOME	-57,600	-20,000	-20,000
FEES AND CHARGES	-712,400	-567,700	-567,700
GROSS INCOME	-770,000	-587,700	-587,700
NET EXPENDITURE	439,500	729,400	694,300

	Base Estimate 2022/23	Revised Estimate 2022/23	Base Estimate 2023/24
	£	£	£
<u>PROCESSING APPLICATIONS</u>			
EMPLOYEES	512,500	530,400	554,100
TRANSPORT EXPENDITURE	7,000	7,000	7,000
SUPPLIES AND SERVICES	30,500	36,100	36,100
THIRD PARTY PAYMENTS	86,100	83,900	87,400
INTERNAL RECHARGES	121,500	150,100	130,800
GROSS EXPENDITURE	757,600	807,500	815,400
OTHER INCOME	-57,600	-20,000	-20,000
FEES AND CHARGES	-682,700	-551,700	-551,700
GROSS INCOME	-740,300	-571,700	-571,700
NET EXPENDITURE	17,300	235,800	243,700

	Base Estimate 2022/23	Revised Estimate 2022/23	Base Estimate 2023/24
	£	£	£
<u>PLANNING ADVICE</u>			
EMPLOYEES	155,500	168,800	175,200
TRANSPORT EXPENDITURE	1,300	1,300	1,300
SUPPLIES AND SERVICES	5,800	6,400	6,400
THIRD PARTY PAYMENTS	17,100	9,400	9,400
INTERNAL RECHARGES	40,200	43,000	43,200
GROSS EXPENDITURE	219,900	228,900	235,500
FEES AND CHARGES	-29,700	-16,000	-16,000
GROSS INCOME	-29,700	-16,000	-16,000
NET EXPENDITURE	190,200	212,900	219,500

	Base Estimate 2022/23	Revised Estimate 2022/23	Base Estimate 2023/24
	£	£	£
<u>PLANNING ENFORCEMENT</u>			
EMPLOYEES	105,800	95,700	100900
TRANSPORT EXPENDITURE	2,600	2,600	2600
SUPPLIES AND SERVICES	2,700	2,900	2900
THIRD PARTY PAYMENTS	7,100	4,700	4700
INTERNAL RECHARGES	18,900	20,100	20300
NET EXPENDITURE	137,100	126,000	131,400

	Base Estimate 2022/23	Revised Estimate 2022/23	Base Estimate 2023/24
	£	£	£
<u>PLANNING APPEALS</u>			
EMPLOYEES	24,100	26,900	27800
SUPPLIES AND SERVICES	65,100	121,300	65300
INTERNAL RECHARGES	5,700	6,500	6600
NET EXPENDITURE	94,900	154,700	99,700

TOTAL PLANNING COMMITTEE	439,500	729,400	694,300
---------------------------------	----------------	----------------	----------------



PLANNING FEES

The majority of Planning Fees are set by central government and are updated from time to time. The current fees apply from 17 January 2018 and can be found on planningportal.co.uk or the fee will calculate when you fill in your application online.

Alternatively the current fees are available on application to the Head of Development Management.

The following fees are discretionary

Planning Advice - Residential	Fee payable 2022/23 £	Fee payable 2022/23 £	% Increase
Extensions or other alterations to an existing dwelling including ancillary development within its curtilage	Free	Free	NIL
1 – 9 dwellings*	£260 for first dwelling + £50 for every additional dwelling thereafter	£285 for first dwelling + £55 for every additional dwelling thereafter	9.6 10
10 – 49 dwellings*	£785 for first ten dwellings + £10 for every additional dwelling thereafter	£785 for first ten dwellings + £11 for every additional dwelling thereafter	10.2 NIL
50+ dwellings*	£POA	£POA	NIL
New dwellings but where numbers not known	£POA	£POA	NIL
Elderly persons accommodation, retirement living developments, sheltered apartments, residential care homes falling within Use Class C2, - 1-9 bedspaces	 £260	 £285	 9.6

- 10 – 50 bedspaces	£525	£575	9.5
- More than 50 bedspaces	£785	£865	10.2
Other residential uses <i>(including hotels, residential institutions, houses in multiple occupation, etc)</i>	£POA	£POA	NIL
* = including change of use of existing floorspace			

Planning Advice – Non-residential	Fee payable 2022/23 £	Fee payable 2023/24 £	% Increase
Provision of floorspace (gross internal area), change of use of existing floorspace (gross internal area) or change of use of land (gross area):			
- Up to 100 m2	£210	£230	9.5
- 101 – 499 m2	£260	£285	9.6
- 500 – 999 m2	£525	£575	9.5
- More than 1,000 m2 where it relates to proposed uses with Classes B1, B2, B8, or a mix of these uses	£735	£805	9.5
- More than 1,000 m2 where it relates to any uses outside of Classes B1, B2 or B8	£POA	£POA	NIL

Planning Advice – Other	Fee payable 2022/23 £	Fee payable 2023/24 £	% Increase
Small scale development not falling into any of the above categories <i>(for example: engineering works, new shop fronts, moorings, means of enclosure, renewable energy plant on existing business premises)</i>	£210	£230	9.5

Installation or replacement of telecommunications mast	£210 per site	£230 per site	9.5
Minor amendments to an extant planning permission	£105	£115	9.5
Advertisements / signage:			
- For the purposes of a community use which is non-profit making (not including education providers)	Free	Free	NIL
- On business premises less than 100 m2 gross internal floor area	Free	Free	NIL
- All other adverts	£155	£170	9.7
Any development or works being carried out by a community use which is non-profit making (not including education providers)	Free	Free	NIL
Follow up advice	50% of the original pre-application planning advice fee/ £POA		

Notes:

1. £POA (Price on Application) indicates that a fee will be calculated on a case-by-case basis, based on a schedule of rates published by the Council and updated annually.
2. Where advice is sought in relation to mixed use proposals, the fee for each element of the scheme should be calculated using the table above and then added together.
3. Where advice is required from external consultants or consultees to whom a payment must be made, the applicant will be expected to meet these costs and they will be in addition to the pre-application advice fee set out above.

Pre Application Advice – Listed Buildings and heritage Advice	Fee payable 2022/23 £	Fee payable 2023/24 £	% Increase
Pre-application planning advice charges for listed buildings and heritage advice	£155 per initial enquiry plus VAT	£170 per initial enquiry plus VAT	9.7

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 15 February 2023

Report of: Director of Planning and Regeneration

Subject: LOCAL INFORMATION REQUIREMENTS

SUMMARY

A report was presented to the Planning Committee on 14th December 2022 which set out proposed changes to Local Information Requirements for the validation of planning applications. A six-week period of consultation was undertaken on the proposed changes which concluded on the 31 January 2023.

This report sets out the results of the consultation and the assessment by officers of the responses received. Further changes to the Local Information Requirements List are summarised in the following report and set out in full in the accompanying Appendix.

RECOMMENDATION

Members are recommended to agree the proposed changes to the Local Information Requirements which have been carefully considered in the context of the consultation responses received. The proposed changes to the Local Information Requirements will take effect on the 1 March 2023 and will be applied to all applications received on or after that date.

INTRODUCTION

1. A report was presented to the Planning Committee on 14th December 2022 reviewing the levels of information required by this Council before it will validate planning applications. The report presented proposed changes to:
 - i) Require a Biodiversity Gain Plan that demonstrates how biodiversity net gain will be achieved, implemented, managed, monitored and funded.
 - ii) Require Landscape Assessments in areas within Areas of Special Landscape Quality.
 - iii) Confirmation on the location of any electric vehicle charging points on the site layout plan
 - iv) For Self and Custom Build Developments a checklist confirming the location and phasing of self and custom build plots, method of delivery, a design code confirming how the development will integrate with the character of the area and plot passports summarising the design parameters for each plot.
 - v) A more detailed Heritage statement outlining the potential impact of the proposals on the special architectural and historic interest of the building and its historic fabric.
2. At that meeting members resolved that the proposed changes to Fareham Borough Council's Local Information Requirements, shown in Appendix A to that report, be approved for public consultation. A six week period was allowed for consultation with statutory and local consultees, and with regular planning agents.
3. As a result of that consultation, eight responses have been received; they are from Gosport Borough Council, National Grid, National Highways, Flood and Water Management at Hampshire County Council, Historic England, Public Health Hampshire and Countryside Access and one response from a planning agent (Julian Livingstone)
4. The following is a summary of the consultee responses together with a section setting out officers' recommendations.

SUMMARY OF RESPONSES

Public Health Hampshire

5. No comments

Julian Livingstone Architects

6. It needs to be made clear what BNG stands for. Further clarity on how to prove and enforce an increase of 10% BNG which is probably too little.

National Grid Gas Assets

7. No objection- There are no gas assets affected

Gosport Borough Council

8. No comments.

National Highways

9. No comments

Flood and Water Management Hampshire County Council

10. At present the narrative only refers to a flood risk assessment which would not include the majority of information require to assess surface water drainage provision as a Statutory Consultee. We would recommend that this is amended to read 'Flood Risk Assessment and Drainage Strategy' to include the relevant documentation as listed on the Lead Local Flood Authority checklist. Please note this is only for major applications but would be required for all major applications regardless of flood zone. Additionally wording of when a flood risk is required should be in accordance with the requirements specified in footnote 55 of the NPPF.

Historic England

11. We note the proposed wording when describing a heritage statement could imply that conservation areas are not a type of heritage asset and that listed buildings, locally listed buildings and scheduled ancient monuments are in some way a subset of conservation areas. We suggest clarification is needed. Also, the wording on analysis of significance could be clarified, noting it is currently focused on listed buildings, in contrast to the more general introduction.

Hampshire Countryside Service

12. Hampshire Countryside Service request that an Access Assessment is submitted where there is a Public Right of Way in close proximity to a proposal site and there may be implications from the proposed development for public walking, cycling and horse riding access on any Public Right of Way, or their maintenance .An assessment of this access should be specifically undertaken, either within a Design and Access Statement as already prescribed or a separate Access Statement (as opposed to a Transport Assessment). The level of detail should reflect the scale of the development and the extent of the access implications of the proposal. Larger sites must prepare a specific Public Rights of Way Assessment. This should be applicable to both full and outline planning applications.

COMMENTS ON CONSULTEE RESPONSES AND PROPOSED FURTHER AMENDMENTS TO LOCAL INFORMATION REQUIREMENTS ARISING FROM CONSULTATIONS

13. Julian Livingstone (Architect) has requested further clarification on how to improve and enforce the provision of BNG, this is not something that can be addressed within the Local Information Requirements. Julian Livingstone also raised concerns that it is not always clear what BNG stands for. The wording has been amended clarifying what BNG (Biodiversity Net Gain) stands for.
14. The Flood and Water Management at Hampshire County Council have commented stating that the narrative only refers to a flood risk assessment and does not make reference to drainage provision. There is already a requirement within the existing Local Information Requirements for a Drainage Strategy to be submitted with all major

applications. They have also suggested that the wording of when a flood risk assessment is required should be in accordance with the requirements specified in footnote 55 of the NPPF. The wording of this requirement has been amended to reflect the wording of the NPPF.

15. Historic England have raised concerns regarding the current wording of the description of the heritage statement by stating that it could imply that conservation areas are not a type of heritage asset. The wording has been amended to address the concerns raised by Historic England.
16. Hampshire Countryside Service have requested that an Access Statement is submitted where a Public Right of Way is within close proximity to an application site and there may be implications for the proposed development for public walking, cycling and horse-riding access. Officers consider that major applications within close proximity to Public Rights of Way should provide an Access Statement to address the impact of a proposed development on a nearby Public Right of Way.

RISK ASSESSMENT

17. There are no significant risk considerations in relation to this report.

RECOMMENDATION

18. Members are invited to agree the proposed changes to the Local Information Requirements set out in paragraphs 13 to 16 above. The proposed changes are incorporated into Appendix A and the changes are shown in *italics*.
19. Members are further invited to approve the changes to the Local Information Requirements so that they become effective from 1st March 2023.

Background Papers:

- Town and Country Planning (Development Management Procedure) (England) (Order) 2015
- Town and Country Planning Act 1990 (amended by the Growth and Infrastructure Act 2013)
- National Planning Policy Framework
- Planning Practice Guidance – Validation requirements

Enquiries:

For further information on this report please contact Katherine Alger, Senior Planner Development Management (01329 824666)

Appendix A - Local Information Requirements

Local list of additional information that must be submitted to Fareham Borough Council with certain types and scales of applications, or in particular locations.

Access Statement

Required for the following types of major applications*

- Full planning applications
- Outline planning applications

When

- There is a Public Right of Way in close proximity to an application site and there may be implications resulting from the proposed development for public walking, cycling and horse-riding access.

Affordable Housing Statement

Required for:

- Full planning applications
- Outline planning applications

In the event that the proposal is not fully policy compliant, then a viability assessment must be submitted with the application.

When

- Residential schemes of 10 units and above or which have a site area of 0.5 hectares or more a maximum combined gross floorspace of more than 1000 square metres (gross internal) or if the site is part of an allocated site or a larger area capable of development.

Air Quality Assessment

Required for the following types of major applications*

- Full planning applications
- Outline planning applications

When

- Where the development would be likely to result in a significant increase in traffic on the following routes:


A27, between Downend Road to the east of Delme Roundabout and Redlands Lane to the west of Station Roundabout, (inclusive of Delme Roundabout, Quay St Roundabout and Station Roundabout); and the A32 Gosport Road Air Quality Management Area.

Archaeological Desk-Based Assessment

Required for the following types of applications:

- Full planning applications
- Outline planning applications
- Full planning application with listed building consent
- ~~Listed building consent~~

When:

- When the development involves the disturbance of ground within an area of archaeological significance as shown on Hampshire County Council's [Historic Environment Record](#) .

Biodiversity Gain Plan

Required for the following types of applications:

- *Full planning applications*
- *Outline planning applications*
- *Reserved matters applications*

When:

- *Net increase of 1 or more dwellings*
- *New commercial/leisure buildings*

Community Involvement

Required for the following types of major applications*

- Full planning applications
- Outline planning applications
- Reserved matters**

**Community Involvement should take place on reserved matters submissions where local interest in them is known to exist or is reasonably foreseeable.

When a revised planning application is submitted following a refusal, or an amended planning application is submitted making substantial changes to a previously approved scheme, further community involvement must be undertaken.

Contamination Assessment

Required for the following types of major applications*

20. Full planning applications
21. Outline planning applications

When

- All sites within 250 metres of a currently [licensed or historic landfill site](#) or where former uses may have contaminated land and/or the land is known to be contaminated.

Drainage Strategy

Required for the following types of applications:

- All major applications

And

- Householder applications
- Full planning applications
- Outline planning applications

When

- The site is located within a critical drainage area

Ecological Assessment

Required for the following types of applications*

- Householder applications
- Full planning applications
- Outline planning applications

When*:

- any development that may affect a nationally designated habitat. You can see these sites on the website of [Natural England](#)
- any development that may affect a locally designated nature conservation habitat. You can see these sites in the Fareham Borough Local Plan Proposals map at the [planning portal](#).
- any development that may have an impact on a protected species.

Visit [Hampshire biodiversity information centre](#) for information and help.

*The [Hampshire Biodiversity Information Centre checklist](#) can be used to ascertain whether ecological/ protected species assessments need to be undertaken.

If a phase 1 survey (also referred to as a preliminary ecological assessment) is undertaken and identifies that a further survey is necessary, then this must be carried out and submitted with the application.

Flood Risk Assessment

Required for

- Householder applications

When:

- Development is at ground level in Flood Risk Zones 2 and 3

Required for

- Full planning applications for major development
- Outline planning applications for major development

When:

- All sites within Flood Risk Zones 2 & 3
- *Sites of 1 hectare or more in area in Flood Risk Zone 1*
- *Land which is been identified by the Environment Agency as having critical drainage problems*
- *Land identified in a strategic flood risk assessment as being at increased flood risk in the future*
- *Land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use*

Foul Sewage and Utilities Assessment

Required for the following types of major applications*

- Full planning applications

When:

- If the proposed development results in any changes or replacement to an existing system or the creation of a new one. All applications in areas where existing sewage flooding takes place.

Heritage Statement (including historical, archaeological features and scheduled ancient monuments)

Required for the following types of major applications*

- Full planning applications
- Outline planning applications
- Full planning application with listed building consent
- Listed building consent

When:

- *Where historical features may be affected; or*
- *Development within a Conservation Area; or*
- *Development affecting a Listed Building either directly or its setting*

Landscaping Assessment

Required for the following types of major applications*:

- *Full planning applications*

- *Outline planning applications*
- *Reserved Matters*

When

- *In areas identified in the local plan as being of special landscape quality*

Landscaping Scheme (Detailed)

Required for the following types of major applications*

- Full planning applications
- Outline planning applications where landscaping to be considered

Lighting Assessment

Required for the following types of *major applications

- Full planning applications

When:

- Only where significant external lighting is proposed, i.e. flood lighting, lit areas of car parking, new street lighting.

Nitrate Mitigation Statement

Required for the following types of applications

- Full planning applications
- Outline planning applications
- Reserved Matters

When:

- The applications will result in a net gain in overnight accommodation

Noise Assessment

Required for the following types of *major applications

- Full planning applications
- Outline planning applications

When:

- Noise generating development such as Class B2 Uses are located near to noise sensitive areas i.e. residential; and all noise sensitive developments e.g. housing, nursing home etc., located near to a potential sources of noise e.g. licensed premises, busy urban road, motorway, industrial site.

Open Space Assessment

Required for the following types of applications

- Full planning applications including change of use
- Outline planning applications

When:

- Where the proposed development is on existing public open space.

Parking Provision

Required for the following types of *major applications

- Full planning applications
- Reserved matter applications for layout

When:

- Where new dwellings and/ or floorspace is proposed; where a loss of existing car parking is involved.

Planning Statements

Required for the following types of major applications

- Full planning applications
- Outline applications

Playing Field Checklist

Required for the following types of applications

- Full planning applications
- Outline applications

When


- The application involves the loss/partial loss of playing fields

Retail Impact Assessment

Required for the following types of applications where main town centre uses are proposed and the floor exceeds 500 square metres

- Full planning applications (including change of use)
- Outline planning applications

When

- Where proposed at edge of centres and out of centre locations [National Planning Policy Framework](#) 

Refuse and Recycling Plan

Required for the following applications:

- Detailed Planning applications for residential development including applications for changes of use

Self & Custom Build Checklist

Required for the following applications:

- *Full planning applications*
- *Outline planning applications*
- *Reserved Matter applications*
- *Change of use applications*

When

- *All new residential development with a net increase of 40 or more dwellings or sites that feature as part of a cluster of adjoining development sites which shall be considered cumulatively.*

Space Standards Checklist

Required for the following applications:

- Full planning applications
- Reserved Matter applications
- Change of use applications

When

- All new residential development

Transport Assessment (TA)

Required for the following types of major applications*

- Full planning applications
- Outline planning applications

When

- Where the development has significant transport implications. The detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal.

Travel Plan

Required for the following types of *major applications

- Full planning applications
- Outline planning applications

When

- Where the development has significant transport implications, subject to following thresholds ([National Planning Policy Framework](#)):

Tree Survey/Arboricultural Assessment

Required for the following types of applications

- Householder applications
- Full planning applications
- Outline planning applications

When

- There are trees on the site or immediately adjacent that are subject to a TPO or within a Conservation Area and may be affected by the proposed development.

Ventilation/Extraction (impact) report

Required for

- Full planning applications including Change of Use
- Reserved matter applications for layout and appearance

When

- ~~All A3/A4/A5 and B2 uses~~ *All applications for cafes, restaurants, pubs, take aways or industrial premises.*

*Major applications are those which involve: 10 or more dwellings; where the site has an area of 0.5 hectares or more and the number of dwellings is unknown; the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; development carried out on a site having an area of 1 hectare or more.

For all residential, commercial and community related planning applications submitted within the policy boundary of Welborne (as shown on the Policies Map in Appendix B.2 of the Welborne Plan), the following Local Information Requirements apply in addition to those set out above

Comprehensive Masterplans

Required for:

- Initial planning application(s) for Welborne

Ecological Assessment

Required for:

- Initial planning application(s) for Welborne

Employment and Training Plan

Required for:

- Initial planning application(s) for Welborne

Energy Strategy

Required for:

- All planning application(s) for Welborne

Flood Risk Assessment

Required for:

- Initial planning application(s) for Welborne

Framework Travel Plan

Required for:

- Planning application(s) for all or part of Welborne

Heritage Strategy

Required for:

- Initial planning application(s) for Welborne

Infrastructure Delivery Plan

Required for:

- Initial planning application(s) for Welborne

Landscaping Scheme (detailed)

Required for:

- Detailed Planning application(s) and Reserved Matter submissions for all or part of Welborne

Landscaping Scheme (Structural)

Required for:

- Initial planning application(s) for Welborne

Open Space and Green Infrastructure strategy

Required for:

- Initial planning application(s) for Welborne

Phasing Plan

Required for:

- Initial planning application(s) for Welborne

Site wide Viability assessment

Required for:

- Any application(s) for Welborne that include a reduced or delayed provision of infrastructure

Strategic Design Codes or Design Principles Documents

Required for:

- Initial planning application(s) for Welborne

Structuring Plan (including parameter plans)

Required for:

- Initial planning application(s) for Welborne

Transport Framework and Transport Assessment

Required for:

- Planning application(s) for all or part of Welborne

Waste Water Strategy

Required for:

- All planning applications for Welborne

Definitions:

Access Statement

Where there is a Public Right of Way within close proximity to an application site an assessment of the Right of Way should be undertaken. The level of detail should reflect the scale of the development and the extent of the access implications of the proposal. The statement must identify the location of the Public Right of Way in relation to the application site, the impact the development could have and what mitigation can be delivered.

Affordable Housing Statement

Affordable Housing is an aim of the National Planning Policy Framework and is required through Policy CS18 of the Fareham Borough Core Strategy *and Policy HP5 of the emerging Local Plan*, which is further amplified through the [Affordable Housing Supplementary](#)

Planning Document. We may need information about both the affordable housing and any market housing for example, the numbers of residential units, the mix of units with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential units, plans showing the location of units and their number of habitable rooms and/or bedrooms, and/or the floor space of the units. If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained. The affordable housing statement should include details of any registered social landlords acting as partners in the development.

In the event that the proposal is not fully policy compliant, then a viability assessment needs to be provided with the planning application.

Air Quality Statement

An air quality statement should be proportionate to the scale of the development. For minor development the statement should demonstrate how the development will reduce its impact on air quality. For major development the statement should demonstrate how emissions will be minimised and the way in which the local air quality will be improved. It should explain the measures proposed to minimise the impact of the development on air quality in the following area: A27, between Downend Road to the east of Delme Roundabout and Redlands Lane to the west of Station Roundabout (inclusive of Delme Roundabout, Quay Street Roundabout and Statin Roundabout) and the A32 Gosport Road Air Quality Management Area.

In the case of large-scale developments which are likely to result in a significant increase in traffic movements, it may be necessary to assess the predicted concentration of pollutants of concern at appropriate dates and sensitive locations, the predicted change in air quality and the extent of the area affected.

Guidance is available:

Planning for Air Quality

<http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf> 

Air Quality Management Areas

https://www.fareham.gov.uk/licensing_and_inspections/air_quality/aqmapage.aspx

Biodiversity Gain Plan

The Biodiversity Gain Plan must:

- *Quantify the pre and post development biodiversity value of the site using either the DEFRA biodiversity metric or if appropriate the Small Sites Biodiversity Metric with an explanation of the condition scores set out in the DEFRA guidance. Plans of the site (and of any areas on which off-site mitigation is proposed) must be provided together*

with Excel copies of the completed relevant metrics to demonstrate how the metric conclusions were reached.

- Identify how a gain of at least 10% Biodiversity Net Gain can be achieved ensuring that the proposed habitat is provided onsite in the first instance followed by either a combination of onsite and partial offsite or completely offsite and that the proposed habitat is on a 'like for like' basis and avoids the 'trading down' e.g., replacing rare habitat with much more common habitat.*
- Demonstrate that proposals have followed the 'mitigation hierarchy': avoiding habitat loss where possible; minimising the extent of negative impacts that can't be avoided; restoring degraded ecosystems where negative impacts can't be avoided or minimised; compensating for any residual negative impacts and ensuring at least 10% net gain.*
- Demonstrate that proposals maximise the connectivity of the proposed habitat with habitat in the wider area to avoid fragmented or isolated habitat.*
- Confirm how the proposed Biodiversity Net Gain habitats will be implemented, managed, maintained, monitored and funded for a minimum of 30-years.*

Brownfield De-Minimis Sites

If the site is exempt from having to provide a biodiversity net gain of 10% the Biodiversity Gain Plan must instead demonstrate that:

- The site does not contain any priority habitat*
- The provision of 10% biodiversity net gain would not be viable*
- Where possible, appropriate measures have been incorporated into the proposed development to enhance biodiversity*

Community Involvement

Prior to submitting any major planning applications, applicants must write to and consult with the local community. The extent of consultation will need to be determined on a case-by-case basis having regard to the scale of the proposals and the likely extent of local interest.

In addition to this, and subject to the prevailing national advice on holding public meetings, exhibitions would be appropriate in publicly accessible local locations setting out proposals for the community to be able to view and comment upon. There is an expectation that exhibitions will be arranged for all major applications unless it has been agreed with Fareham Borough Council in advance that there is not likely to be sufficient public interest in the proposals.

These exhibitions should be staffed by developers/ their representatives and/or consultants in order to assist the community with their questions upon the proposals. Fareham Borough Council recognises that where exhibitions are undertaken over a long period of time it may not be possible to staff the exhibition for the whole period. In these cases, the applicant should endeavour to staff the exhibition at least in part, at times which are likely to attract the greatest level of interest from the community.

The Council also recognises that in some instances it may be appropriate for applicants to create websites which display key plans and documents and enable interested parties to ask questions and provide comments on proposals.

Major planning applications will need to be supported by a statement setting out how the applicant has consulted with the local community, details of the views expressed by the local community and demonstrating how their views have been taken into account in the formulation of development proposals.

Comprehensive Masterplans (Welborne)

Comprehensive Master Plans propose the layout and location of land uses, buildings, public and private spaces, streets, pedestrian and cyclist routes. A Comprehensive Master Plan adds a further level of detail to the Structuring Plan.

The Comprehensive Master Plans must:

- Define the distribution of land-uses and activities;
- Define the heights, massing and bulk of buildings including average densities and maximum building heights;
- Define the public spaces, including the streets and open spaces;
- Define the nature of the relationships between buildings and public spaces (i.e. nature of boundaries between private and public spaces);
- Identify the network of streets and routes for people moving by foot, cycle, car or public transport, service and refuse vehicles, as well as access points and connections off-site;
- Identify the provision of key infrastructure elements, such as supply of electricity and disposal of foul water, sustainable drainage measures, green infrastructure, structural landscaping etc;
- Demonstrate an understanding of how well the new community is integrated with the surrounding landscape context and how this is reflected in the character areas of the development.


Contamination Assessment

Sufficient information should be provided to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level. Where contamination is known or suspected or the proposed

use would be particularly vulnerable, the applicant should provide such information with the application as is necessary to determine whether the proposed development can proceed. To identify whether a site could be affected by contaminants in the ground it will be necessary to consider the following;

All submissions should include an assessment of the risks to humans, buildings and services, ground and surface water and the environment based upon preliminary findings. Commercial property searches that identify environmental risk are available over the internet, although it should be noted that these may not have access or refer to all available information relating to the previous use of a site and may not assess the site in the context of a new planning use. The pollution section of Environmental Health may be able to provide advice and help. Please contact us to discuss this in more detail.

Drainage Strategy



The drainage strategy should provide the level of information and detail specified in the [Lead Local Flood Authority's checklist](#) .

Further guidance is available from:

[The Lead Local Flood Authority](#) 
[Building Regulations Approved document](#)  H Drainage and Waste Disposal

Ecological Assessment

Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of them. Where proposals are being made for mitigation and/or compensation measures information to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2010 or the Protection of Badgers Act 1992.

Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an environmental statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts. Government planning policies for biodiversity are set out in [National Planning Policy Framework](#) . The Council has developed a biodiversity [checklist](#)  to give detailed validation requirements for biodiversity and geological conservation.

Energy Strategy (Welborne)

The Energy Strategy must demonstrate how the development will:

- i. Optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials;
- ii. Achieve high energy efficiency standards for all buildings, including meeting the Passivhaus Standard if appropriate; and
- iii. Secure energy supply, maximising the use of low or zero carbon technologies including district energy networks

Flood Risk Assessment

The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including sustainable drainage systems (SUDs) and address the need for safe access to and from the development in areas at risk of flooding. The FRA should be prepared by an applicant in consultation with the local planning authority with reference to their published local development documents and any strategic flood risk assessment.

The FRA should form part of an environmental statement when one is required by The [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011](#). [National Planning Policy Framework](#) provides guidance for both local planning authorities and applicants in relation to the undertaking of FRAs and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere.

Flood Risk Assessment (Welborne)

In addition to the above guidance:

Initial or outline planning applications for Welborne must include a site-specific flood risk assessment for the development site, to demonstrate that the proposed development will not increase flood risk on the Welborne site or elsewhere.

The development of Welborne shall manage flood risk, in accordance with the findings of the site-specific flood risk assessment through the integration of Sustainable Drainage Systems (SuDS). A comprehensive SuDS Strategy showing the principles of delivery, future management and maintenance across Welborne, shall be prepared and submitted with the initial planning applications.

Foul Sewage and Utilities Assessment

All new buildings need separate connections to foul and storm water sewers. If your application proposes to connect a development to the existing drainage system, you should show details of the existing system on the application drawing(s). It should be noted that in

most circumstances surface water is not permitted to be connected to the public foul sewers¹. Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer, then a fuller foul drainage assessment will be required including details of the method of storage, treatment and disposal. A foul drainage assessment should include a full assessment of the site, its location and suitability for storing, transporting and treating sewage. Where connection to the mains sewer is not practical, then the foul/non-mains drainage assessment will be required to demonstrate why the development cannot connect to the public mains sewer system and show that the alternative means of disposal are satisfactory.

An application should indicate how the development connects to existing utility infrastructure systems. Most new development requires connection to existing utility services, including electricity and gas supplies, telecommunications and water supply, and also needs connection to foul and surface water drainage and disposal.

Framework Travel Plan (Welborne)

An area wide Framework Travel Plan in accordance with Highway Authority Guidance agreed between the Council, Highway Authority and the developers which will demonstrate how modal shares by walking, cycling and public transport and the encouragement of more sustainable transport will be achieved.

Heritage Statement (including historical, archaeological features and scheduled ancient monuments)


The scope and degree of detail needed in a heritage statement *to accompany a formal planning or listed application* will vary depending on the *exact scope and* circumstances of each application. ~~You Applicants~~ are advised to discuss proposals *in advance* with either a planning officer or a conservation officer before making an application. ~~The following is a guide to the sort of information that we may need for different types of application~~ *The Council also offers a pre-application advice service that we encourage applicants to use in advance of the submission of a formal application.*

For applications for listed building consent (*or applications affecting locally listed buildings*), a written statement *outlining the potential impact of the proposals on the special architectural and historic interest of the building and its historic fabric will be required in support of any application. This should include that includes a detailed schedule of proposed works to the listed building(s), relevant historical information and an assessment of the impact on the overall character of the building or structure.* ~~history and character of the building/structure~~ The principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings may be required. *For purposes physically affecting historic properties a structural survey may be required in support of an application for listed building consent and planning permission.*

For *proposals that have the potential to affect designated and/or non-designated heritage assets or their setting* ~~applications either related to or impacting on the setting of heritage assets and Conservation Areas (including listed buildings, locally listed buildings and scheduled ancient monuments)~~ a written statement on the significance of affected assets is

required, supported by that includes plans *and photographs* showing historic features that may exist on or adjacent to the application site ~~will be required~~. *This includes including* listed buildings and structures, historic parks and gardens, ~~historic battlefields~~ scheduled ancient monuments, *conservation areas, protected wrecks, locally listed buildings and other non-designated heritage assets*. *The written statement should include an analysis of the significance of the affected asset(s), including the contribution their setting makes to their significance* ~~archaeology, history and character of the building/structure~~, the principles of and justification for the proposed works and their impact *of the proposed works on the significance of the affected asset(s) on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings*. ~~may be required~~.

For applications within or adjacent to a conservation area, an assessment of the impact of the development on the character and appearance of the area may be required. *Reference should also be made to the Conservation Area Appraisal*.

Guidance on Planning and Heritage Assets is available as part of the National Planning Policy Framework and advice on formulating a Heritage Statement is provided by [Historic England](#) .

[Heritage Strategy and Historic Environment Management Plan \(Welborne\)](#)

Initial or outline planning applications shall be accompanied by a heritage strategy and an historic environment management plan, which sets out the broad principles and options for how the following might be addressed:

- i. How the heritage assets will be assessed and identified;
- ii. The significance of the known heritage assets and their setting;
- iii. How the heritage assets will be preserved and enhanced;
- iv. The positive contribution that the conservation of heritage assets will make to a sustainable new community;
- v. How the heritage assets have influenced the layout and design of the development should be clearly set out in the supporting documentation;
- vi. The methodology for recording and storing any archaeological finds of lesser importance;
- vii. How the results of any archaeological investigations and the retained heritage assets will be presented to the public.

[Infrastructure Delivery Plan \(Welborne\)](#)

The Infrastructure Delivery Plan will set out what infrastructure is required to support the scale of development envisaged at Welborne, and at what point that infrastructure will need to be delivered or completed by.

The applicants will be expected to base their Infrastructure Delivery Plan on the Plan produced by Fareham Borough Council as part of the evidence for the Welborne Plan. The IDP must be produced to at least the same level of detail as that produced by this Council.

[Landscaping Assessment and Enhancement Scheme](#)

Assessment

Applications within Areas of Special Landscape Quality (as set out in Policy DS3 of the emerging Local Plan) are expected to submit a proportionate Landscape Assessment, that demonstrates the proposal satisfies the specific development criteria contained within the Council's Landscape Sensitivity Assessment for the character area in which the development is located.

In referring to the Council's Landscape Sensitivity Assessment, this relates to Part 2 of the Landscape Assessment where each Landscape Character Area (LCA) is further broken down into Local Landscape Character Areas (LLCA) and described in terms of sensitivity to development and ability to accommodate change. This sensitivity relates to four elements:

- 1) The area as part of the Borough's landscape resources*
- 2) The area as part of the visual environment enjoyed within the Borough (it's visual amenity)*
- 3) The area as part of the setting and identity of urban areas within the Borough*
- 4) The areas as part of the Green Infrastructure Network within the Borough*

Enhancement

After providing a sensitivity assessment for each LLCA in the four categories enhancement opportunities should be provided.

A comprehensive mitigation and enhancement scheme should be provided to ensure that the development is able to successfully integrate with the landscape and its surroundings. The Landscape scheme should be proportionate to the development proposed and shall be in accordance with the enhancement opportunities specified in the Council's Landscape Sensitivity Assessment.

Landscaping Scheme (Detailed)

Applications may be accompanied by landscaping details and include proposals for long term maintenance and landscape management. There should be reference to landscaping and detailed landscaping proposals which follow from the design concept in the design and access statement, if required. Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development.

Landscaping Scheme (Structural) (Welborne)

Structural landscaping schemes must identify how the existing landscape features on and around the site can be strengthened and used to create a unique 21st century model for a new garden community.

Structural landscaping schemes will show how they respond positively to areas of high landscape quality to the north and east of the site and take into account any material impact upon long distance views of the site from Portsdown Hill to the east and across the site from the south.

All structural landscaping schemes should include a detailed phasing and management plan, with the emphasis on bringing forward the structural planting elements in the early phases of the development.

Lighting Assessment

Proposals involving provision of publicly accessible developments, in the vicinity of residential property, a listed building or a conservation area, or open countryside, where external lighting would be provided or made necessary by the development, should be accompanied by details of external lighting and the proposed hours when the lighting would be switched on. These details shall include a layout plan with beam orientation and a schedule of the equipment in the design. [Lighting in the countryside: towards good practice \(1997\)](#) and The Institution of Lighting Engineers '[Guidance Notes For The Reduction of Obtrusive Light](#)' are valuable guides for local planning authorities, planners, highway engineers and members of the public. It demonstrates what can be done to lessen the effects of external lighting, including street lighting and security lighting. The advice is applicable in towns as well as the countryside.

Nitrate Mitigation Statement


The Solent coastline provides feeding grounds for internationally protected populations of overwintering waders and wildfowl. Natural England has advised that there is likely to be adverse effects on the integrity of European Protected Sites resulting from new housing around the Solent unless mitigation is carried out. Applications for residential development within the Borough therefore need to identify the measures to mitigate the direct impacts of their development upon the European Protected Sites in The Solent.

The following key pieces of information should be submitted as part of any Nitrate Mitigation Statement:

- Confirmation of the way in which the site has been used during the 10 years preceding the submission of the application. If the land has had more than one land use (as specified in [Natural England's guidance](#)) a plan is required to confirm the location of each land use. Each parcel of land must have the area annotated and be provided with a detailed chronology confirming when each parcel of land was used for each separate use.
- The land uses and areas must be used to complete a Nutrient Budget using [Natural England's Nutrient Calculator](#)

- The mitigation statement should also confirm the form of mitigation proposed for example the provision of a financial contribution towards a strategic project off-site or on-site mitigation. Full details of the mitigation are not required for validation purposes but will be required for the case officer to undertake an appropriate assessment prior to the determination of the application.

Noise Assessment

Applications for developments that raise issues of disturbance by noise to the occupants of nearby existing buildings, and for developments that are considered to be noise sensitive and which are close to existing sources of noise should be supported by a noise assessment prepared by a suitably qualified acoustician. Further guidance is provided in the [National Planning Policy Framework](#) 

Open Space Assessment


For development within open spaces, application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements. Any such evidence should accompany the planning application.

Open Space and Green Infrastructure Strategy (Welborne)

The strategy shall identify the exact location, quantity, nature and quality standards of each type of on-site green infrastructure required, together with adequate changing, storage and parking facilities, where appropriate.

Specifications for the layout and construction of the relevant facilities together with details of the required level of parking and floodlighting (where appropriate), and boundary treatment shall be included.

Parking Provision

Applications must provide details of existing and proposed parking provision *together with confirmation of the location of any electric vehicle charging points*. These details should be shown on a site layout plan. Advice on residential car parking requirements is set out in [Residential Car & Cycle Parking Standards Supplementary Planning Document November 2009](#)  (732 KB). Non-residential car parking requirements are set out in [Fareham Borough Council's Non-Residential Parking Standards Supplementary Parking Document](#) adopted in September 2015.

[Phasing Plan \(Welborne\)](#)

The Phasing Plan will set out what areas of land within Welborne will be developed and in what order. The way in which development comes forward at the site will have a direct link to what infrastructure needs to be delivered and when.


The applicants will be expected to base their Phasing Plan on the Plan produced by Fareham Borough Council as part of the evidence for the Welborne Plan. The Phasing Plan must be produced to at least the same level of detail as that produced by this Council.

[Playing Field Checklist](#)

The Playing Field Checklist must contain all of the information required by Sport England's Playing Fields Policy and Guidance Annex B Information Requirements:


[Playing Fields Policy and Guidance Annex B Information Requirements](#) 

[Retail Impact Assessment](#)

[National Planning Policy Framework](#)  provides up to date advice concerning the application of the sequential test for town centre uses. The level and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.

[Refuse and Recycling Plan](#)

A refuse and recycling plan needs to show the proposed route (tracked) for the refuse vehicle (if appropriate) together with bin collection and storage points.

For information relating to the detailed access and refuse storage requirements see the [Refuse Storage Design Guidance](#)  (11 MB) (Contained within the Technical Annex of the Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne))

[Self & Custom Build Checklist](#)

The self and custom build checklist must include:

- *A plan showing the location and phased provision of the self/custom build plots together with the access to the self/custom build plots.*
- *A Delivery Statement confirming the way in which the development will be provided e.g. the sale of plots to private individuals; the sale of plots to private individuals with a 'design and build' contract; the sale of land to a developer to sell to a third party; or a partnership with an enabling developer. (Required so that it can be ascertained*

whether the development accords with the Housing and Planning Act's (2016) definition of a custom or self-build dwelling.)

- A Design Code setting out the design philosophy and how the development will integrate with the character and visual appearance of the locality. The following table provides an example of the parameters that a Design Code may address:

Design Parameters	Example Considerations
<i>Density</i>	<i>Site coverage/plot ratio, dwellings per hectare, higher/lower density phases/areas</i>
<i>Street network</i>	<i>Street and building pattern and connectivity</i>
<i>Views, vistas and outlook</i>	<i>Relationship to heritage assets, topography, corridors and backdrops</i>
<i>Landscape</i>	<i>Purpose and function, trees: species, numbers and placement</i>
<i>Streetscape and building lines</i>	<i>External materials and boundary treatments, eaves and rooflines, corner treatments, focal points, set-backs boundary treatments. Frequency, pattern and scale of building features such as windows, doors, porches, balconies and other architectural features, including material and colour.</i>
<i>Building and active frontages</i>	<i>Set back distance, front gardens and threshold space, active frontage purpose and orientation.</i>
<i>Building types</i>	<i>Detached, semi-detached, terraced/town house flats.</i>
<i>Plot form</i>	<i>Proportion, plot size (m²), plot width and depth, minimum garden size, maximum proportion of plot that may be developed, parameters of dwelling position on plot, minimum distances from boundaries.</i>
<i>Building form and orientation</i>	<i>Storey heights, building mass, building orientation, position on plot, frontage and outlook.</i>

- Confirmation of how and when the development will be marketed (a marketing strategy.)

- *A Plot Passport summarising the design parameters for each plot. Plot passports are a useful way of helping private home builders understand what they can build on their plot. They are also used to market the plots.*

Plot passports should confirm: the plot location; plot size, back to back distances; building lines; scale, servicing, utilities, building height, gross internal area parameters, proximity to neighbouring buildings, developable footprint, boundary treatments, parking and cycle storage and side space requirements.

Space Standards Checklist

The [Fareham Borough Design Guidance SPD](#) and *Policy D5 of the emerging Local Plan* recommends that the internal dimensions of dwellings meet the minimum sizes set out in the [Nationally described space standards](#).

The space standards checklist needs to confirm and demonstrate that all proposed dwellings comply with the Nationally described space standards. The checklist needs to include the gross internal floor area of all rooms and built in storage together with the floor to ceiling height.

Strategic Design Codes or Design Principles Document (Welborne)

Strategic Design Codes are technical documents that illustrate the detailed design rules and requirements for the area of Welborne, which they control.

Strategic Design Codes will provide details of the nature of the overarching and consistent character of the whole Welborne site, within which character areas sit. They provide details of each character area, where they are located and how they vary to reflect the site conditions, the different use(s) and spaces proposed. They will include an explanation of each character area and how it relates to the overall character of Welborne. The rationale for the design will be supported by an analysis of the site and surrounding area to demonstrate how the character of the landscape and surrounding area has influenced the design options within the code. Each Strategic Design Code will contain a plan showing where each character area applies, and which sections of the code (i.e. the rules) apply. For each character area covered by the code, an illustrative design with supporting text explaining the type of place proposed will be provided.

For each character area, the Strategic Design Codes will illustrate:

Typical street design including how highway, footpaths, cycling routes, servicing/refuse, boundaries, planting, lighting and 'on street' parking will be provided;

Typical housing types with boundary treatments, parking, bin/cycle provision and storage (including corner plots);

Typical planting species for trees, shrubs and ground cover;

Treatment of areas of public space;
Treatment of key views and non residential buildings; and
Palette of main materials

The Strategic Design Codes should include elevations of the front or side view of a building, and cross sections that slice through a building and the entire street which services the property. They must also clearly show how necessary green and physical infrastructure and utilities can be accommodated, such as underground servicing.

If no Strategic Design Codes are submitted with initial outline planning application(s), then High-Level Development Principles to be submitted with the Structuring Plan, in accordance with this SPD. High-Level Development Principles (which accompany the Structuring Plan) will set out what the design objectives for Welborne will be; the Design Codes will provide detailed instructions on how these principles will be delivered.

Structuring Plan (including parameter plans) (Welborne)

The Structuring Plan is a plan with a supporting evidence base that both shows and explains how the development can come forward on a comprehensive basis at Welborne. It will need to reflect the phasing and delivery guidelines set out in the adopted Plan.

The purpose of the Structuring Plan is to ensure that Welborne is developed comprehensively and the design process is co-ordinated across site ownership boundaries. It is essential that a Structuring Plan is prepared for all of the land within the Welborne Plan policy boundary as shown on the 'Policies Map'.

The Structuring Plan must show and justify the following:

The disposition of the main land-uses, the location of Welborne's schools, the District and Local Centres and the Community Hub (with a rationale for the location, distribution and amount of different land uses, as well as average densities and maximum building heights shown), together with an agreed land budget (i.e. breakdown of each land use by measured area);

The main pedestrian and cycle routes throughout Welborne, the access points and primary road network, including the Bus Rapid Transit (BRT) route (with a rationale for the transport network and hierarchy, including street design/dimensions details to ensure consistency throughout the development);

The areas proposed for SANGs (Suitable Alternative Natural Greenspaces) and strategic green infrastructure, including the green corridors linking them (with a rationale for the location, distribution, type and amount of green infrastructure, including structural landscaping); and

The location of strategic utilities, infrastructure, including for the supply of electricity and disposal of foul water (with a rationale for the location, utility network and nature of provision).

Parameter plans should support the Structuring Plan for the Welborne site; they should also be accompanied by a written explanation of the rationale behind the plans.

Further details and guidance on these elements are contained within pages 11-17 of the adopted Welborne Design Guidance SPD.

Transport Assessment

[National Planning Policy Framework](#) provides up to date advice concerning the status of Transport Assessments. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.

Transport Framework (incorporating a Public Transport Plan) and Transport Assessment for Welborne

Demonstration of how the following will be achieved:

- i. The delivery of high quality sustainable public transport system, including the extension of the existing Bus Rapid Transit network to serve the new community;
- ii. Implementation of Travel planning to reduce the reliance on the private car;
- iii. A development which is southwards-facing in transport terms through the masterplan layout and delivery of access via the A32 and an improved junction 10 of the M27;
- iv. The rate of development linked to the funding and provision of necessary transport infrastructure;
- v. The incorporation of transport interventions to mitigate traffic impacts on the local and strategic road network and to mitigate any environmental impacts.

Travel Plan

A travel plan should be submitted alongside planning applications which are likely to have significant transport implications. The need for a travel plan is based upon the scale of the proposed development as set out above. Initially a Framework Travel Plan may need to be submitted, as the detail will be subject to agreement with Hampshire County Council as Highway Authority.

Tree Survey/ Arboricultural Implications

Where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees), information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a qualified arboriculturist. Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837:2012; Trees in relation to design, demolition and construction - Recommendations. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.

Ventilation/Extraction Statement

Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the use of premises for purposes within use classes A3 (i.e. restaurants and cafes – use for the sale of food and drink for consumption on the premises), A4 (i.e. drinking establishments – use as a public house, wine-bar or other drinking establishment), A5 (i.e. hot food takeaways – use for the sale of hot food for consumption off the premises), B1 (general business) and B2 (general industrial). This information (excluding odour abatement techniques unless specifically required) will be required for significant retail, business, industrial, leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.

Viability Assessment

In the event that applicants consider infrastructure should be reduced or delayed, this will need to be fully justified through a viability assessment undertaken by a suitably qualified person. The scope and methodology of the viability assessment must be agreed with the Council before the assessment is undertaken and submitted.

In line with National Planning Practice Guidance advice, any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Even in those circumstances an executive summary should be made publicly available. In circumstances where it is deemed that specific details of an assessment are commercially sensitive, the information should be aggregated in published viability assessments and executive summaries, and included as part of total costs figures. Where an exemption from publication is sought, this Council must be satisfied that the information to be excluded is commercially sensitive.

As a minimum, the government recommends that the executive summary sets out the gross development value, benchmark land value including landowner premium, costs, as set out in this guidance where applicable, and return to developer. Where a viability assessment is submitted to accompany a planning application, the executive summary should refer back to the viability assessment that informed the plan and summarise what has changed since then.

It should also set out the proposed developer contributions and how this compares with policy requirements.

Waste Water Strategy (Welborne)

Planning application(s) for development will be accompanied by details of a comprehensive wastewater conveyance and treatment solution for Welborne, including details on the phasing of new wastewater infrastructure.

Agenda Item 9



Report to Planning Committee

Date:

Report of: Director of Planning and Regeneration

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications.

RECOMMENDATION

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

AGENDA

The meeting will take place on Wednesday 15th February 2023 in the Collingwood Room, Civic Offices, Civic Way, Fareham, PO16 7AZ. Items for Zone 1 (Sarisbury, Warsash, Park Gate, Titchfield, Titchfield Common and Locks Heath wards) will start at 2.30pm. Items for Zone 3 (Stubbington, Hill Head, Portchester East and Portchester West wards) will start no earlier than 3pm.

<p>ZONE 1 – WESTERN WARDS</p> <p>Park Gate</p> <p>Titchfield</p> <p>Sarisbury</p> <p>Locks Heath</p> <p>Warsash</p> <p>Titchfield Common</p>

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/22/1560/FP LOCKS HEATH	69 RALEY ROAD LOCKS HEATH SOUTHAMPTON SO31 6PB TWO/SINGLE STOREY FRONT EXTENSION, SINGLE STOREY SIDE STORE EXTENSION, FRONT BOUNDARY WALL WITH SLIDING GATE	1 PERMISSION
P/22/1172/VC TITCHFIELD COMMON	166 SOUTHAMPTON ROAD TITCHFIELD FAREHAM PO14 4QL VARIATION OF CONDITION 1 OF P/96/0838/VC (TO ENABLE THE CONTINUED AUTHORISED USE OF THE PREMISES FOR NON-FOOD RETAIL PURPOSES WITH THE INTRODUCTION OF THE ANCILLARY SALE OF FOOD/DRINK GOODS FROM UP TO 560SQM AND CLOTHES/FOOTWEAR FROM UP TO 100SQM OF THE SALES DISPLAY AREA)	2 PERMISSION
P/22/1271/FP TITCHFIELD COMMON	166 SOUTHAMPTON ROAD TITCHFIELD FAREHAM PO14 4QL USE OF LAND AS EXTERNAL GARDEN CENTRE & ERECTION OF 5.2 METRE HIGH ENCLOSURE	3 PERMISSION

OFFICER REPORT FOR COMMITTEE

DATE: 15/02/2023

P/22/1560/FP
CARRIE HOPKINS-DAY

LOCKS HEATH
APPLECORE PDM LTD

TWO/SINGLE STOREY FRONT EXTENSION, SINGLE STOREY SIDE STORE
EXTENSION, FRONT BOUNDARY WALL WITH SLIDING GATE

69 RALEY ROAD, LOCKS HEATH, SOUTHAMPTON

Report By

Emma Marks – direct dial 01329 824756

1.0 Introduction

1.1 This application is being reported to the Planning Committee for determination, due to the number of third-party representations received.

2.0 Site Description

2.1 This application relates to a detached dwelling located on the western side of Raley Road, north of Crescent Road.

2.2 The property is within the designated urban area.

3.0 Description of Proposal

3.1 Planning permission is sought for the erection of a two /single storey front extension, single storey side store extension and a front boundary wall with sliding gate.

3.2 The two-storey front extension will measure 5 metres in depth, 6 metres width, 4.75 metres to the eaves and 7.1 metres to the ridge.

3.3 The single storey front extension will measure 5 metres in depth, 2 metres in width with an eaves height of 2.3 metres and ridge height of 3.4 metres.

3.4 The single storey side store will measure 7.1 metres deep, 2.5 metres wide with an eaves height of 2.3 metres and ridge height of 3.7 metres.

3.5 The front boundary wall and front gate are proposed to be 1.2 metres high.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS17: High Quality Design

Adopted Local Plan Part 2: Development Sites and Policies

DSP3: Impact on living conditions

Fareham Local Plan 2037(emerging)

4.2 The Fareham Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector requested a number of main modifications to the Plan. Subject to full Council approval, the proposed main modifications will be the subject of public consultation from 31st October until 12th December. The Council's Local Development Scheme suggests that the new plan will be adopted in Winter 2022. On adoption the Local Plan will have full weight and at this stage is a material consideration for the determination of planning applications.

D1: High Quality Design and Placemaking

D2: Ensuring Good Environmental Conditions

5.0 Relevant Planning History

5.1 None

6.0 Representations

6.1 Eleven representations have been received, seven in support and four objecting, raising the following main issues:

- Large out of character extension
- Too drastic an alteration and needs to be scaled down and rethought
- Long overbearing flank wall of considerable mass and bulk including a lower roof, the guttering of which is shown overhanging the indicated boundary line.
- The extension at ground and roof level does not meet the 45-degree criteria as set out in Council's Supplementary Design Guide
- The amendment has added disadvantage of roof solar panels which will be 'in our face' from upper windows
- The Supplementary Design Guide refers to new ridge/roof lines being lower or subservient to the existing roof line
- Houses and extension built between No 55 and 75 have had to comply with the building line established approximately 60 years ago.
- If the extension is approved in its current form the building line will be destroyed and the 45-degree rule ignored in contravention to Council's Supplementary Design Guide. This in turn will set a precedence for future owners and developers to be able to extend their properties

closer to the highway to the detriment of houses still set back, completely changing the street scene.

- Loss of morning sun light casting a shadow on the front right-hand bedroom
- The material chosen in this strong design are overpowering and out of character with other existing properties in the immediate area

7.0 Consultations

None

8.0 Planning Considerations

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

- a) Impact on neighbouring properties
- b) Design of the proposal
- c) Other matters

a) Impact on neighbouring properties

- 8.2 Policy DSP3 of the Fareham Local Plan Part 2 and draft policy DS2 of the Fareham Local Plan 2037 advises 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 nor environmental conditions.
- 8.3 Concern has been raised that the development will be overbearing to the neighbouring property, reducing the sunlight to a bedroom window and casting a shadow. Officers have carefully considered the development in relation to the neighbouring properties either side.
- 8.4 The property to the north of the application site is staggered approximately seven metres further forward of the house at number 69. The neighbouring property has a landing/ stairwell window within its south facing elevation. Whilst the extension would affect the outlook from and the light available to the neighbouring landing window, the window does not serve a habitable room. Under the Council's policies and guidance, such a change to the outlook and light to a window serving a non-habitable room would not represent grounds for refusing a planning application.
- 8.5 The main property of the neighbour to the south is set approximately four metres further back and due to the relationship of the extension with that neighbour, the 45-degree consideration has been applied. The extension

breaches the 45-degree line, but at a distance of 8 metres to the single storey element and 10 metres to the two-storey element. Officers are of the view that due to the orientation of the proposal (to the north of the neighbour) and the distance achieved, the development would not create an unacceptable adverse impact upon the amenities of the adjoining property.

- 8.6 Officers are of the view that that the proposal complies with policies DSP3 of the Fareham Borough Local Plan Part 2 and draft Policy DS2 of the emerging Fareham Local Plan 2037.

b) Design of the proposal

- 8.7 Policy CS17 of the adopted Core Strategy and draft Policy D1 of the emerging Fareham Local Plan 2037 states that development should be of a high quality and respond positively to and be respectful of the key characteristics of the area, whilst also having regard to the key principles of urban design.
- 8.8 Some local residents have raised the concern that the development breaches the building line. The term 'building line' is normally used to describe how the property sits in relation to the road; Officers consider that it is appropriate to consider the 'building line' in respect of the broader street rather than just those immediately adjoining houses.
- 8.9 The majority of the properties along this part of Raley Road are set closer to the road than the existing application property, creating a strong, defensible building line which Officers have considered as part of this application proposal. Whilst it is acknowledged that some properties to the south of the application site are set back further from the road, the overarching character derived from the established building line is that these properties are the exception to the building line.
- 8.10 The two-storey front extension is proposed at a depth of 5 metres, which will bring the property in line with the neighbour to the north. As the dwelling will not be projecting further forward than other properties within the road, Officers are of the view that the position of the extension within the street scene is acceptable.
- 8.11 Concern has also been raised that the design of the extension and proposed external materials are out of keeping with other properties within the immediate area.
- 8.12 Raley Road is made up of various different house types and sizes. The proposed two-storey front extension has been designed with a front gable which is similar to other properties within Raley Road. Whilst there are no

other properties with a rendered finish immediate adjacent to this site, there are other properties further along in Raley Road which have been rendered. Officers consider that the proposed materials would not have an adverse impact and are reflective of the varied palette of materials used within the street.

- 8.13 The design of the extension has been assessed against the Fareham Borough Design Guidance (excluding Welborne) Supplementary Planning Document. The two-storey front extension will have a ridge line running at 90 degrees to the existing ridge on the main house. This design is considered appropriate and therefore it is not essential for the front addition to be subservient. The extension reflects design features of other properties within the road and is acceptable within its setting.
- 8.14 A front boundary wall and sliding gate is proposed along the frontage of the site. There are other properties within Raley Road which have similar height boundary treatment and Officers consider this element of the proposal acceptable.

c) Other matters

- 8.15 It has been raised that part of the development may overhang the boundary and encroach onto the neighbour property. The information that has been submitted with this application advises that all the development is within the applicant's ownership. If there are concerns that this information is incorrect, then this is a private legal matter. The grant of planning permission does not infer ownership rights over third party land.

Summary:

- 8.16 Officers consider that the proposed development would not materially harm the character or the appearance of the area nor would it have an unacceptable adverse impact on the living conditions of residents living in neighbouring properties by way of loss of sunlight, daylight, outlook or privacy.
- 8.17 The proposal would accord with the policies of the adopted and emerging Local Plans and the relevant Design Guidance.
- 8.18 Officers recommend that planning permission should be granted.

9.0 *Recommendation*

- 9.1 GRANT PLANNING PERMISSION, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of a period of three years from the date of this decision notice.

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

2. The development shall be carried out in accordance with the following approved documents:
 - a) Proposed Floorplans – Drg No. PG 7133.22.02 Rev I
 - b) Proposed Roof Plan and Elevations – Drg No. PG.7133.22.03 Rev K
 - c) Proposed External Visual and Site Plan – Drg No7133.22.04 Rev. PG. F

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

Then

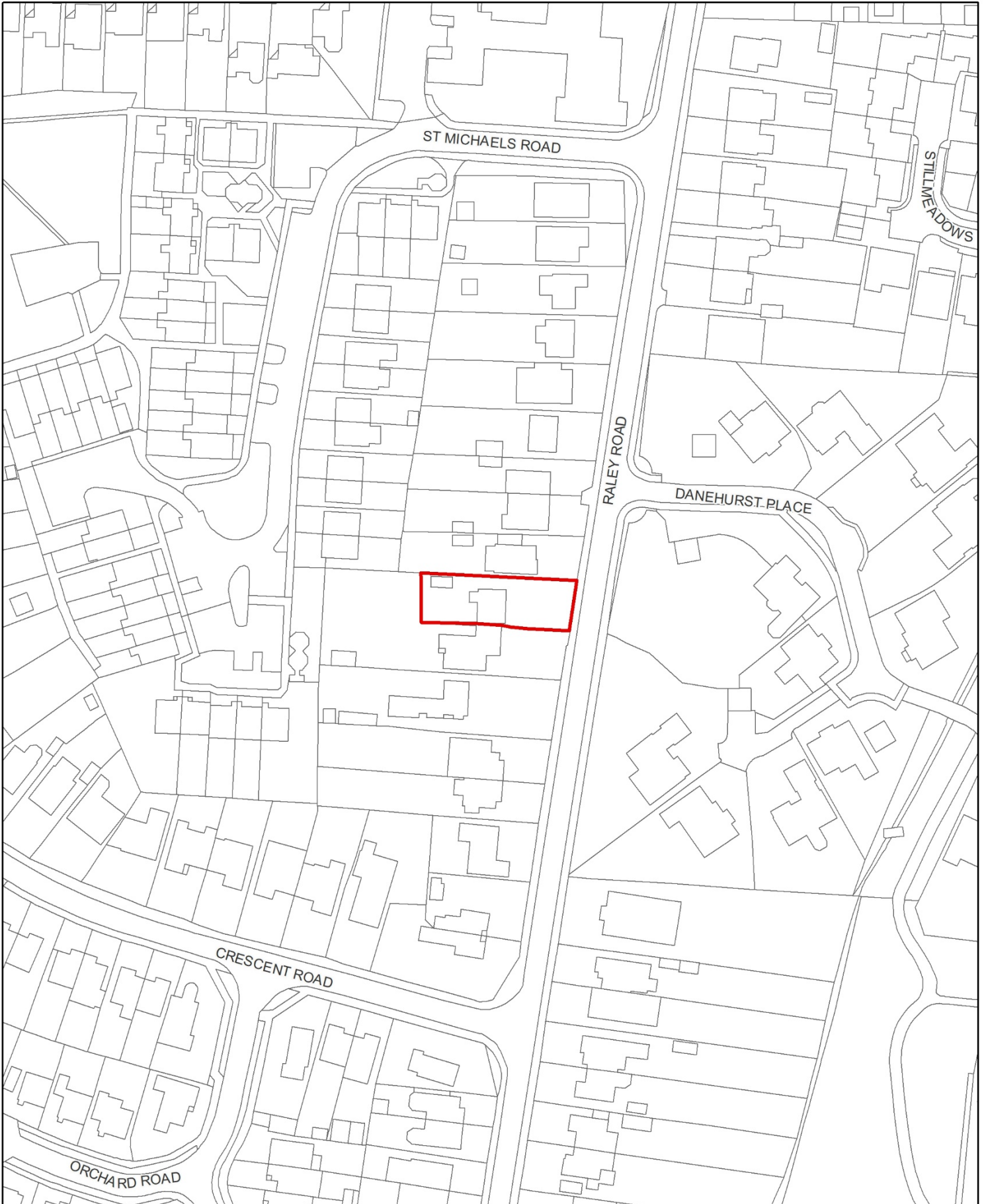
- 9.2 DELEGATE authority to the Head of Development Management to:
 - a) agree any necessary modifications to the proposed development; and
 - b) make any necessary modification, deletion or addition to the proposed conditions.

10.0 Background Papers

- 10.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



69 Raley Road
Locks Heath

Scale 1:1,250



Agenda Item 9(2)

OFFICER REPORT FOR COMMITTEE

DATE: 15/02/2023

P/22/1172/VC
B&M RETAIL LTD

TITCHFIELD COMMON
AGENT: MWA

VARIATION OF CONDITION 1 OF P/96/0838/VC (TO ENABLE THE CONTINUED AUTHORISED USE OF THE PREMESIS FOR NON-FOOD RETAIL PURPOSES WITH THE INTRODUCTION OF THE ANCILLARY SALE OF FOOD/DRINK FROM UP TO 560SQM AND CLOTHES/FOOTWEAR FROM UP TO 100SQM OF THE SALES DISPLAY AREA)

166 SOUTHAMPTON ROAD, TITCHFIELD, PO14 4QL

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

1.1 This application is being presented to the Planning Committee as the building is within the ownership of Fareham Borough Council.

2.0 Site Description

2.1 The application site is located within the urban area and is occupied by a large detached commercial retail building (measuring 3725 sqm in area). The building lies between Prelate Way to the west and Southampton Road (A27) to the east.

2.2 The building is currently vacant but was previously occupied by Argos and Carpet Barn.

2.3 The site is accessed from Lower Church Road at the northern end of the site. The building shares a car park with the Dunelm store which sits within the same retail park to the south.

2.4 To the north of the building is a service yard which is accessible from Prelate Way.

3.0 Description of Proposal

3.1 It is proposed to amalgamate the two vacant retail units to form one larger unit within the same building. The intended occupant of the combined retail units is B&M who occupy other retail units within the Borough within Fareham Town Centre and at Speedfields Park, Newgate Lane.

- 3.2 The existing building could currently be occupied by a single retailer without the need for planning consent provided the range of goods sold did not include food, drink, footwear, clothing or fashion goods.
- 3.3 The current restrictions on the units would not however enable B&M to operate from the premises with their existing business model which includes for the sale of an ancillary range of food and drink goods and also a limited clothing range.
- 3.4 Condition 2 of P/92/0906/VC relates to the former Carpet Barn store. It states;
- ‘The premises shall only be used for non-food retail purposes (excluding the sale of footwear, clothing and fashion goods) and for no other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order’*
- 3.5 The former carpet barn store is therefore permitted to be used for non-food retail purposes (excluding footwear, clothing and fashion goods). The current planning application seeks approval for the variation of this condition to allow the sale of food and drink as well as clothes and footwear.
- 3.6 Condition 1 of P/96/0838/VC relates to the former Argos store and states;
- ‘The premises shall only be used for non-food retail purposes and for no other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order’*
- 3.7 Whilst the sale of footwear, clothing and fashion goods from the Argos store was not restricted by this planning condition a Section 106 legal agreement (dated 29th July 1998) was entered into to restrict the sale of such goods to those displayed within the Argos catalogue only and this agreement is still in effect.
- 3.8 The planning application seeks approval for the variation of this condition to allow food and drink to be sold from the premises.
- 3.9 At the same time the applicant requests the Section 106 is formally discharged by deed of discharge which would enable the limited sale of clothing/footwear from the B&M store. Members are requested to formally

authorise the deed of discharge as part of the resolution to permit the variation of condition.

- 3.10 The applicant proposes that both the sale of clothing/footwear and food/drink products from the B&M store (or any subsequent occupant) would be controlled by planning condition and limited to being displayed within 100sqm and 560sqm of the total floor sales area respectively.
- 3.11 A further planning application (P/22/1271/FP) has been submitted for a 436sqm enclosed garden centre to the north side of the units within part of the service yard area and this is subject to a separate report on this agenda.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS3	Vitality and Viability of Centres
CS5	Transport Strategy & Infrastructure
CS6	The Development Strategy
CS17	High Quality Design

Adopted Development Sites and Policies

DSP1	Sustainable Development
DSP2	Environmental Impact
DSP37	Out of Town Shopping

Fareham Local Plan 2037 (Emerging)

The Fareham Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector has requested a number of modifications to the Plan. The proposed modifications were the subject of public consultation from 31st October until 12th December. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022/2023. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

R1	Retail Hierarchy and Protecting the Vitality and Viability of Centres
R2	Out-of-Town Proposals for Town Centre Uses
TIN1	Sustainable Transport
TIN2	Highway Safety & Road Network
TIN4	Infrastructure Delivery

D2 Ensuring Good Environmental Conditions

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015

Fareham Borough Council Non-Residential Parking Standards Supplementary Planning Document (September 2015)

5.0 Relevant Planning History

5.1 The following planning history is relevant:

FBC.2823/1	Erection of Two Retail Sales Buildings with Car Parking Permission 3 November 1983
P/92/0906/VC	Retain & Continue the Use of 2 Shops Without Compliance with Condition 3 of FBC.2823/1 Permission 4 September 1992
P/96/0838/VC	Variation of Condition 2 of P/92/0906/VC which varied Condition 3 of FBC.2823/1 (To enable the sale of Footwear, Clothing & Fashion Goods from the Area Outlined in Red) Permission 14 September 1998
P/22/1271/FP	Use of Land as External Garden Centre & Erection of 5.2 Metre High Enclosure Under consideration

6.0 Representations

6.1 One representation has been received raising the following concerns;

- Timing of deliveries and waste collection
- Adequate car parking should be provided

One letter of support has also been received.

7.0 Consultations

EXTERNAL

Hampshire County Council (Highways)

7.1 No objection

INTERNAL

Environmental Health

7.2 No objection

8.0 Planning Considerations

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

- a) Principle of Development
- b) The Sequential Test
- c) Retail Impact Assessment
- d) Highway Implications & Car Parking Provision
- e) Impact on Living Conditions of Neighbouring Properties

a) Principle of Development

8.2 The site is located within the urban settlement boundary however it is not within an allocated retail centre as shown on the proposals map of the adopted Local Plan. The Southampton Road retail park is identified as one of the few areas within the Borough that provides larger scale retail units which are difficult to accommodate in central locations, particularly with the required level of surface parking. Given the out-of-centre location the use of these units has historically been restricted to exclude or limit food/drink and clothing sales to protect the retail hierarchy of centres within the Borough.

8.3 The sale of a range of ancillary food/drinks is an integral part of the applicant's business model, although the range and scale of such products remains complementary and ancillary to the principal non-food products sold. Whilst the food sales from the store would be small in scale, it is advised that they are vital to the overall success of the company's operation. The floor area given over to the sale of clothing, footwear would be minimal.

8.4 Policy CS3 of the adopted Fareham Borough Core Strategy seeks to focus new retail floorspace within the Borough's retail centres maintaining the current hierarchy (i.e.. town centre, district centres, local centres). It is recognised that retail development outside of the Borough's centres can cause unsustainable shopping patterns and adversely impact on the health and vibrancy of nearby centres, by drawing away trade.

8.5 Policy DSP37 of the adopted Fareham Borough Council Local Plan Part 2: Development Sites & Policies relates to 'Out of Town Shopping'. Policy DSP37 states that:

"Proposals for main town centre uses outside of the Borough's centres or parades will only be permitted where:

- i. *A full sequential test has been carried out demonstrating that there are no more centrally located sites that are available, suitable or viable;*
- ii. *Appropriate levels of parking are provided;*
- iii. *The site is not located outside the defined urban settlement boundaries and is accessible, particularly by public transport;*
- iv. *The scale and design of buildings are appropriate to their surroundings; and*
- v. *The proposal would not have any unacceptable environmental, amenity or traffic implications.*

Where a development for main town centre uses is proposed over 500 sq. m, an impact assessment must be carried out to demonstrate that the proposal will not have an adverse effect on the vitality or viability of nearby centres, nor on any planned centre expansions. Conditions may be attached to permissions for new out-of-town shopping units to restrict the range of goods sold, and to control the size of units.”

8.6 Whilst the authorised use of the units is currently already for retailing, the proposal would result in the introduction of over 500sqm of food/drink and clothing/footwear sales floor space which should typically be concentrated within the Borough’s retail centres. Policy DSP37 requires that where a development for a main town centre use is proposed over 500sqm, an impact assessment must be carried out to demonstrate that the proposal will not have an adverse effect on the vitality or viability of nearby centres, nor on any planning centre expansions. A sequential test should also be carried out demonstrating that there are no more centrally located sites that are available, suitable or viable. Both assessments have been submitted and are discussed in more detail within the following relevant sections of this report.

8.7 Members’ attention is also drawn to planning application P/15/1107/VC relating to the Home Bargains store which is also located at the Southampton Road Retail Park. This application concerned a variation of Condition 1 of P/91/1184/VC to permit the sale of food and drink and the sale of footwear, fashion clothing and fashion goods occupying no more than 30% of the gross sales floorspace. The permission was granted subject to the following planning condition;

“The total sales area of the building shall be limited to 1,499 square metres, of which no more than 375 square metres shall be used for the sale of food and drink, and 75 square metres for the sale of

footwear/fashion clothing, unless otherwise agreed in writing by the Local Planning Authority.

REASON: For the avoidance of doubt and to protect the vitality and viability of existing retail centres within the Borough.”

b) The Sequential Test

8.8 Having regard to sequential and impact tests ensures that any proposed main town centre uses which are not in an existing town centre are in appropriate locations and that there would be no material adverse effect on existing retail centres. As set out above Policy DSP37 requires that where proposals for main town centre uses are proposed outside of the Borough’s centres or parades they will only be permitted where a full sequential test has been carried out demonstrating that there are no more centrally located sites that are available, suitable or viable.

8.9 The sequential approach to site selection for main town centre uses is set out in paragraphs 87 and 88 of the National Planning Policy Framework (NPPF).

8.10 Paragraph 87 of the NPPF states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

8.11 Paragraph 88 states:

“When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”

8.12 The proposed B&M store is expected to attract most of its trade/custom from the western half of Fareham Borough. As such sequentially preferable sites within or on the edge of the Locks Heath District Centre and the local centres to the western side of the Borough along with Whiteley should be considered as sequentially preferable in the first instance. The applicant’s sequential

assessment also considers sites within Fareham town centre. The key requirements for a B&M store are a minimum floor area of 3,500 sq.m gross with an ability to provide an external garden centre. Ideally the sales area should be provided on one floor with car parking provided adjacent to the store.

- 8.13 A total of eleven other available premises were considered and discounted for various reasons. There are allocated development sites within Fareham town centre that are physically capable of accommodating the proposed store, but none of these opportunities are currently assembled and available for development within a reasonable period of time. Sequentially preferable sites/premises within Fareham town centre would not serve the primary catchment area and therefore would not be suitable for the proposed development. There is also an existing B&M store within the town centre. Vacant units and potential development sites in local centres were considered to be too small to accommodate the proposed development.
- 8.14 The applicant's sequential assessment has been independently reviewed by Lichfields consultants on behalf of the Borough Council. This review concludes that, based on the information provided, the sequential test has been satisfied for a discount store of the size and nature proposed.

c) Retail Impact Assessment

- 8.15 The floorspace affected by the proposed condition (660 sq.m) is above the locally set impact threshold of 500 sqm set out within Policy DSP37 which therefore requires the submission of a retail impact assessment to demonstrate that the proposal would not have an adverse effect on the vitality or viability of nearby centres, or any planned expansions.
- 8.16 Policy R2 of the emerging Fareham Local Plan 2037 also requires a retail impact assessment to be carried out but states that proposals for main town centres uses outside of the Borough's centres or parades will be permitted where they can demonstrate there is no significant harm, to the centres and parades.
- 8.17 The NPPF (para 90) advises that where a proposal is likely to have a significant adverse impact either on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal or on town centre vitality and viability it should be refused. Policy R2 of the emerging Local Plan and Para 90 of the NPPF both indicate that the more relevant test in relation to retail impact is that there should be no 'significant' effect or impact on existing centres.

- 8.18 The applicant's retail impact assessment has been independently reviewed by Lichfields consultants on behalf of the Council. Retail impact is considered in relation to the proposed increase in comparison goods floorspace resulting from the garden centre and a limited amount of clothing/footwear and also in relation to the proposed convenience (food/drink) goods sale floorspace.
- 8.19 It is considered that the occupation of the store by B&M is unlikely to result in a higher impact on comparison goods retailers within centres, when compared with the potential impact caused by another comparison goods retailer that could occupy the premises without planning permission. However, a comparison goods retailer selling predominantly clothing and fashion goods would be considered likely to divert more trade from town centres. If restricted in floor area to only 100sqm, as proposed, it is considered unlikely that the introduction of a small amount of clothing/footwear would have a significant adverse impact on any designated centre.
- 8.20 In terms of convenience goods Lichfields' assessment of retail impact suggests trade or custom will be drawn predominantly away from the large food stores and other discount retailers in the Borough. Lichfields estimates of this diversion away from existing retailers and the impact on designated centres are not significant and it is not considered that the proposal would harm their vitality and viability.
- 8.21 The retail impact assessment review highlighted a potential significant impact on Fareham town centre would be the closure of the existing B&M store, which would leave a large void within the Fareham Shopping Centre. Whilst there is no indication of an intention to close the town centre store, the applicants have agreed to the completion of a Section 106 legal agreement to secure the retention of the town centre store for a minimum of 5 years.
- 8.22 In conclusion, it is not considered that the proposal would result in any significant adverse effect on the vitality or viability of nearby centres, nor on any planned centre expansions. It is considered that the proposal complies with Policy DSP37 of the Local Plan Part 2, Emerging Policy R2 and the NPPF.

d) Highway Implications & Car Parking Provision

- 8.23 The site is considered to be in an accessible and sustainable location and can be accessed by non-car modes such as walking, cycling and public transport. The closest bus stop to the site is approximately 180 metres to the south on Primate Road. This stop is served by the X4 and X5 bus services which provide a link between Southampton, Portsmouth and Gosport, via Stubbington, Fareham, Titchfield, Locks Heath and Warsash.

- 8.24 A walking and cycling audit has been carried out by the applicant to identify any infrastructure deficits in and around the vicinity of the site which could be addressed to encourage sustainable modes of travel. The applicant has identified the requirement to improve pedestrian connectivity and access at the main site access from Lower Church Road. It is proposed to upgrade existing dropped kerb crossings with tactile paving. There is also an informal pedestrian footpath to the south-east of the site which links through to Southampton Road and it is proposed to formalise this footpath.
- 8.25 The impact of the proposal on the local highway network has been considered. The applicant's highway consultant has used data from the TRICS database to determine the anticipated trip generation figures for a retailer falling within the category of 'mixed bargain retail'. These figures have been compared with the trip generation figures for a non-food retail use. It is accepted that not all trips associated with the proposed development would likely be new to the highway network and a proportion would be linked trips or 'pass-by' trips associated with other uses. The Highway Authority have reviewed the submitted trip generation figures and it has been concluded that in comparison to the existing trip generation figures, the additional vehicle movements generated by the proposal would not be detrimental to the operation and safety of the local highway network. The impact of the development on the Segensworth and St Margaret's Lane roundabouts is considered to be minor based on the baseline existing conditions.
- 8.26 In terms of car parking provision the site is served by a total of 255 car parking spaces which are shared with the Dunelm store. Whilst the Council's adopted Non Residential Parking Standards Supplementary Planning Document (SPD) suggests that 524 car parking spaces should be provided for the combined floor area of the units this shortfall already exists. The SPD states that the standard for parking should be interpreted as a 'requirement' rather than a maximum or minimum figure, with variations permitted where these can be supported by evidence contained within a Transport Assessment or other compelling evidence.
- 8.27 The applicant has commissioned parking surveys at the site to ascertain the existing level of parking demand in connection with the Dunelm store. An area of the car park extending to the north of the application building containing 59 spaces has been closed off to the public but would be brought back into use as a result of the proposal increasing the current capacity of the car park. The results of the parking surveys demonstrated a maximum occupancy on a Saturday of 33% and on a typical weekday of 24%. Based on the provision of 255 spaces (including the area of car park to the north which would be brought back into use), this would suggest a minimum of 172 car parking

spaces would be available at any given time. The Highway Authority consider the existing parking provision to be acceptable to accommodate the demands of the proposed development.

- 8.28 Swept path analysis has been presented to illustrate how HGV vehicles can access and egress the service yard in a forward gear.
- 8.29 In terms of cycle parking the applicant will be required to provide 12 cycle parking spaces on-site to encourage more sustainable modes of transport. Submission of further details of this store will be secured by planning condition.

e) Impact on Living Conditions of Neighbouring Properties

- 8.30 The nearest residential properties to the application site lie to the west of Prelate Way approximately 35 metres away. It is not considered that the introduction of an element of food/drink/ and clothing/footwear sales within the retail units would result in any material increase in adverse impact to the living conditions of neighbouring residential properties.
- 8.31 Due to the potential increase in the number of deliveries to the site it is proposed to impose a planning condition restricting these between the hours of 7.00am – 9.00pm to minimise potential for disturbance to neighbouring properties.

Summary

- 8.32 It is not considered that the proposal would have a significant adverse impact on the vitality and viability of the Borough's town/district and local centres. Whilst a number of alternative sites have been explored there are no sequentially preferable sites that are available to the applicant. The site is in an accessible location and the proposal would bring two vacant retail units back into economic use, introducing only a small ancillary element of food/drink/clothing/footwear sales, without detriment to the operation of the local highway network or the living conditions of the occupants of neighbouring properties.
- 8.33 The proposal accords with the relevant policies of the adopted Core Strategy and the Local Plan Part 2: Development Sites & Policies and the emerging Local Plan and is considered acceptable.

9.0 Recommendation

9.1 AUTHORISE the deed of discharge in relation to the existing Section 106 legal agreement to allow the limited sale of clothing/footwear from the premises;

Then

9.2 GRANT PLANNING PERMISSION, subject to:

a) the applicant first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure the retention of the B&M store in Fareham Town Centre for at least five years; and

b) the following Conditions:

1. The development hereby permitted shall be begun within 3 years from the date of this decision notice.

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

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:

a) Site Location Plan (1:1250)

b) Transport Statement (Vectos, August 2022) & Update Ref: 226796/N01

c) Proposed Uncontrolled Crossing Arrangements (drwg No. 226796_PD01)

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

3. The use hereby permitted shall not commence until the existing car parking within the application site boundary including the 59 spaces to the north of the site (as identified within Figure 2 of the Transport Statement) have been made available for use by customers. These areas shall thereafter be retained and kept available for customer car parking at all times.

REASON: To ensure adequate car parking provision; In the interests of highway safety.

4. The use hereby permitted shall not commence until details of secure cycle storage for a minimum of twelve cycles has been submitted to and approved by the Local Planning Authority in writing. The secure cycle stores shall be provided in accordance with the approved details before the use first commences and shall thereafter be retained and kept available for use at all times.

REASON: To encourage cycling as an alternative mode of transport.

5. The premises shall only be used for non-food retail purposes and for no other purpose in Class E(a) 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 with the exception of the ancillary sale of the following goods from the specified maximum total sales area;
- i) food and drinks goods - 560 square metres
 - ii) clothing/footwear - 100 square metres
- REASON: To protect the retail hierarchy within the Borough.

6. The use hereby permitted shall not commence until the pedestrian access improvements at the main site access from Lower Church Road as shown on the approved plans (drwg No. 226796_PD01) have been completed.
- REASON: In the interests of pedestrian safety; To encourage sustainable modes of transport.

7. The use hereby permitted shall not commence until details of the width, alignment, gradient and type of construction proposed for the pedestrian link from the car park to the south-east of the site have been submitted to and approved by the Local Planning Authority in writing. The approved works shall subsequently be carried out in accordance with the approved details prior to the use commencing.
- REASON: In the interests of pedestrian safety; To encourage sustainable modes of transport.

8. No deliveries shall be taken at or despatched from the site outside the hours of 07:00-21:00 each day.
- REASON: To protect the occupiers of the nearby residential properties from possible disturbance.

Then

9.3 DELEGATE authority to the Head of Development Management to:

- a) agree any necessary modifications to the proposed development; and
- b) make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the Section 106 legal agreement; and
- c) make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

Note to applicant

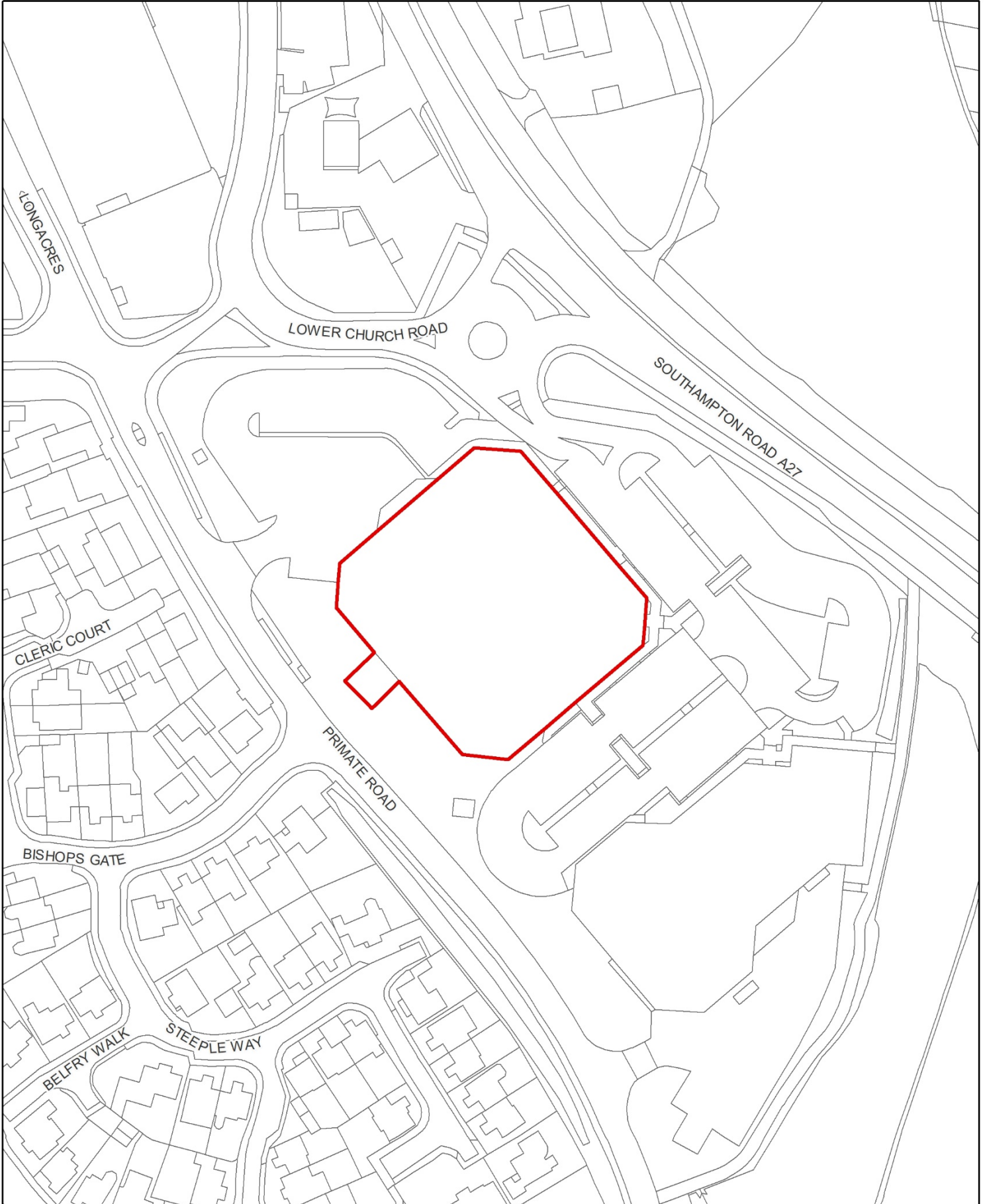
The applicant will require a licence from Hampshire County Council in order to carry out crossing and footway improvements on the highway network.

10.0 Background Papers

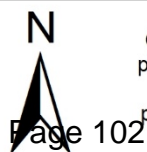
Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



166 Southampton Road
Titchfield, Fareham
Scale 1:1,250



© Crown copyright and database rights 2022 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

OFFICER REPORT FOR COMMITTEE

DATE: 15/02/23

P/22/1271/FP
B&M RETAIL

TITCHFIELD COMMON
AGENT: MWA

USE OF LAND AS EXTERNAL GARDEN CENTRE & ERECTION OF 5.2 METRE HIGH ENCLOSURE

166 SOUTHAMPTON ROAD, TITCHFIELD, FAREHAM, PO14 4QL

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

1.1 This application is being presented to the Planning Committee as the building is within the ownership of Fareham Borough Council.

2.0 Site Description

2.1 The application site is located within the urban area at the Southampton Road Retail Park and is occupied by a large detached commercial retail building (3725 sqm). The building lies between Prelate Way to the west and Southampton Road to the east.

2.2 The building is currently vacant but was previously occupied by Argos and Carpet Barn. The car parking areas extend to the east and south and are shared by the Dunelm store which lies to the south-east.

2.3 To the north of the building is a service yard which is accessible from Prelate Way.

3.0 Description of Proposal

3.1 Planning permission is sought for the erection of 5.2m high fencing to enclose an area (436sqm) within the service yard to the north of the retail unit and for its use as an external garden centre.

3.2 The fencing would consist of 2.5m of Heras Zenith galvanised mesh panels, 2.3m of galvanised welded mesh with mesh attached above galvanised panels and 0.5m of short-barbed tape on the upper portion.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS3	Vitality and Viability of Centres
CS5	Transport Strategy & Infrastructure
CS6	The Development Strategy
CS17	High Quality Design

Adopted Development Sites and Policies

DSP1	Sustainable Development
DSP2	Environmental Impact
DSP37	Out of Town Shopping

Fareham Local Plan 2037 (emerging)

The Fareham Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector requested a number of modifications to the Plan. The proposed modifications were the subject of public consultation from 31st October until 12th December. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

R1	Retail Hierarchy and Protecting the Vitality and Viability of Centres
R2	Out-of-Town Proposals for Town Centre Uses
TIN1	Sustainable Transport
TIN2	Highway Safety & Road Network
TIN4	Infrastructure Delivery
D2	Ensuring Good Environmental Conditions

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/22/1172/VC	Variation of condition 1 of P/96/0838/VC (to enable the continued authorised use of the premises for non-food retail purposes with the introduction of the ancillary sale of food/drink goods from up to 560sqm and clothes/footwear from up to 100sqm of the sales display area)
--------------	---

To be determined

P/92/0906/VC	Retain & Continue the Use of Two Shops Without Compliance with Condition 3 FBC.2823/1 Permission 4 September 1992
P/96/0838/VC	Variation of Condition 2 of P/92/0906/VC which varied Condition 3 of FBC.2823/1 (To enable the sale of footwear, clothing and fashion goods from the area outlined in red). Permission 14 September 1998
FBC 2823/1	Erection of Two Retail Sales Buildings with Car Parking Permission 3 November 1983

6.0 Representations

6.1 No representations have been received

7.0 Consultations

INTERNAL

Environmental Health

7.1 No objection

8.0 Planning Considerations

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

- a) Principle of Development
- b) Impact to Character & Appearance of the Area
- c) Highway Implications & Car Parking Provision
- d) Impact on Living Conditions of Neighbouring Properties

a) Principle of Development

8.2 The site is located within the urban settlement boundary however it is not located within an allocated retail centre as shown on the proposals map of the adopted Local Plan.

8.3 The units contained within this retail park were originally permitted in 1983 and were subject to planning conditions preventing the sale/display of goods within the open areas of the site and it was also required that the areas

provided for the loading or unloading of vehicles were retained for that purpose. Therefore, whilst the service yard falls within the same planning unit and the nature of goods sold within a garden centre would comply with the current restriction on the type of goods to be sold (i.e non-food retail) it is considered planning permission is required for the proposed garden centre extension.

- 8.4 Policy CS3 of the adopted Fareham Borough Core Strategy seeks to focus new retail floorspace within the Borough's retail centres maintaining the current hierarchy (i.e. town centre, district centres, local centres). It is recognised that retail development outside of the Borough's centres can cause unsustainable shopping patterns and adversely impact on the health and vibrancy of nearby centres, by drawing away trade.
- 8.5 Policy DSP37 of the adopted Fareham Borough Council Local Plan Part 2: Development Sites & Policies relates to 'Out of Town Shopping'. Policy DSP37 states;

“Proposals for main town centre uses outside of the Borough's centres or parades will only be permitted where:

- *A full sequential test has been carried out demonstrating that there are no more centrally located sites that are available, suitable or viable;*
- *Appropriate levels of parking are provided;*
- *The site is not located outside the defined urban settlement boundaries and is accessible, particularly by public transport;*
- *The scale and design of buildings are appropriate to their surroundings; and*
- *The proposal would not have any unacceptable environmental, amenity or traffic implications.*

Where a development for main town centre uses is proposed over 500 sq. m, an impact assessment must be carried out to demonstrate that the proposal will not have an adverse effect on the vitality or viability of nearby centres, nor on any planned centre expansions.

Conditions may be attached to permissions for new out-of-town shopping units to restrict the range of goods sold, and to control the size of units.”

It is considered that the proposal would comply with the above.

- 8.6 Policy DSP37 states that where a development for main town centre uses is proposed over 500sq.m, an impact assessment must be carried out to demonstrate that the proposal will not have an adverse effect on the vitality or viability of nearby centres, nor on any planned centre expansions. Policy R2 of the Emerging Local Plan 2037 set out the same requirement for a retail impact assessment but states that proposals for main town centres uses outside of the Borough's centres or parades will be permitted where they can demonstrate there is no significant harm, to the centres and parades. This accords with guidance contained within the National Planning Policy Framework (NPPF) (para 90).
- 8.7 Whilst when viewed in isolation the sales floor area created by the garden centre extension would fall below the threshold for submission of a retail impact assessment, its addition to the retail unit was nonetheless considered within the retail impact assessment submitted in support of planning application P/22/1172/VC (officer report included elsewhere on this agenda). Officers concluded that the use of the existing retail units by a budget retailer such as B&M with ancillary garden centre would not result in a significant adverse impact on the vitality and viability of the town centre, district or local centres and will not impact on the ability of these centres to attract appropriate future investment. It was also considered that there were no sequentially preferable sites available to the retailer. It is considered that the proposal complies with Policy DSP37 of the Local Plan Part 2, Emerging Policy R2 and the NPPF.

b) Impact to Character & Appearance of the Area

- 8.8 The site is visually contained by vegetation which extends around the perimeter of the site. It is not considered that the proposed fencing to enclose the outdoor garden centre would be detrimental to the character and appearance of the area.

c) Highway Implications & Car Parking Provision

- 8.9 The car parking provision assessment for the B&M store undertaken in respect of P/22/1172/VC included for the additional sales floor area to be created by the addition of the external garden centre. It was concluded that the site has ample capacity to accommodate the anticipated level of parking demand.
- 8.10 Whilst the garden centre would reduce the size of the existing service yard it has been demonstrated that the remainder of the service yard would be accessible for HGV's and that vehicles would be able to turn on site to enter and leave the site in forward gear.

d) Impact to Neighbouring Properties

- 8.11 The nearest residential properties to the application site are located approximately 35 metres to the west off Primate Road. Given the level of separation it is not considered that the proposal would be likely to result in a material increase in noise and disturbance to the occupants of these properties.
- 8.12 As stated above views into the site are limited and given the level of separation and lack of direct facing windows it is not considered that the proposal would have any adverse impact on the outlook from nearby residential properties. A planning condition would be imposed to secure details of any external lighting to be installed so that potential light disturbance can be fully mitigated.
- 8.13 Due to the potential increase in the number of deliveries to the site it is proposed to impose a planning condition on P/22/1172/VC restricting deliveries to between the hours of 7am-9pm to minimise potential for disturbance to neighbouring properties.

Summary

- 8.14 In summary it is not considered that the proposed garden centre would have a significant adverse impact on the vitality and viability of the Borough's town/district and local centres. Whilst a number of alternative sites have been explored by the intended occupant of the units there are no sequentially preferable sites that are available within the short term.
- 8.15 It is not considered that the proposed fencing enclosure would have any detrimental impact on the character and appearance of the area of the living conditions of neighbouring properties.
- 8.16 The proposal accords with the relevant policies of the adopted Core Strategy and the Local Plan Part 2: Development Sites & Policies and the emerging Local Plan and is considered acceptable.

9.0 Recommendation

- 9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:
1. The development hereby permitted shall be begun within 3 years from the date of this decision notice.

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

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) Site Location Plan (1:1250)
 - b) Proposed Block Plan (1:500)
 - c) Proposed Elevations – drwg No. RB-TFP-02
 - d) Proposed North-East Elevation – drwg No. RB-TFP-008
 - e) Proposed South-West Elevation – drwg No. RB-TFP-009
 - f) Proposed North-West Elevation – drwg No. RB-TFP-011
 - g) Proposed Uncontrolled Crossing Arrangements (drwg No. 226796_PD01)

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

3. The use hereby permitted shall not commence until details of any proposed floodlighting, security lighting or other means of external illumination have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and any lighting thereafter retained in the approved form.

REASON: In order to prevent light disturbance to occupiers of nearby residential properties and control light pollution.

Then

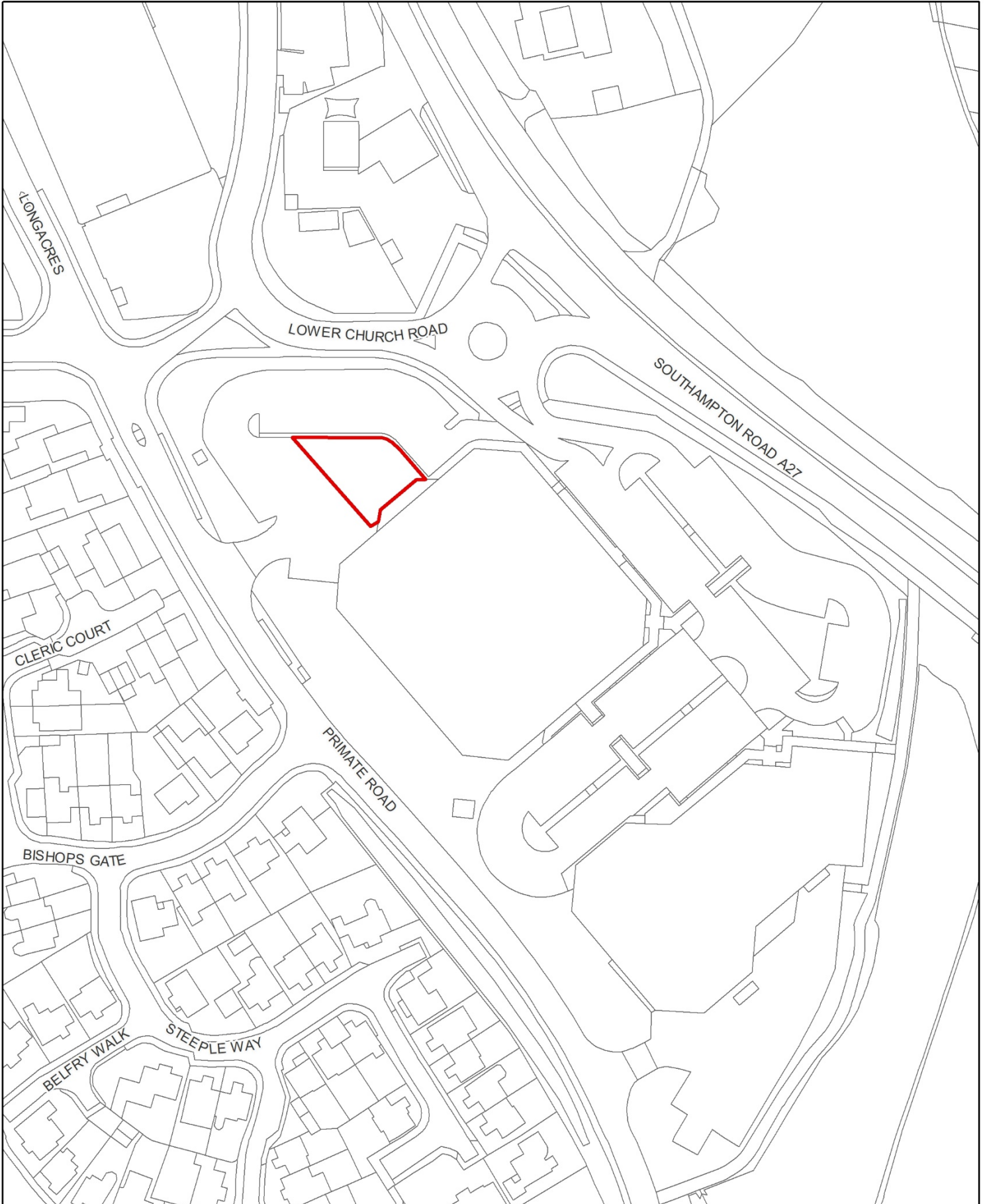
- 9.2 DELEGATE authority to the Head of Development Management to:
 - a) agree any necessary modifications to the proposed development; and
 - b) make any necessary modification, deletion or addition to the proposed conditions.

10.0 Background Papers

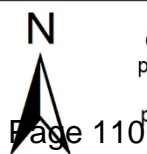
Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



166 Southampton Road
Titchfield, Fareham
Scale 1:1,250



© Crown copyright and database rights 2022 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

ZONE 2 – FAREHAM

Fareham North-West

Fareham West

Fareham North

Fareham East

Fareham South

REFERENCE SITE ADDRESS & PROPOSAL
NUMBER &
WARD

ITEM NUMBER &
RECOMMENDATION

No items in this Zone

Agenda Annex

<p>ZONE 3 – EASTERN WARDS</p> <p>Portchester West</p> <p>Hill Head</p> <p>Stubbington</p> <p>Portchester East</p>
--

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/22/1449/FP HILL HEAD	39 KNIGHTS BANK ROAD FAREHAM PO14 3HX CONSTRUCTION OF DETACHED 1-BED ANNEXE WITH MOBILITY ACCESS & RAISED TERRACE TO REAR (RETROSPECTIVE APPLICATION)	4 PERMISSION
P/23/0005/FP STUBBINGTON	10 JAY CLOSE FAREHAM PO14 3TA FIRST FLOOR SIDE EXTENSION	5 PERMISSION
Q/1777/22 STUBBINGTON	LAND TO THE EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE STUBBINGTON DEED OF VARIATION TO S106 UNILATERAL UNDERTAKING DATED 10 NOVEMBER 2021 RELATING TO APPLICATION P/20/0522/FP, ALLOWED ON APPEAL (AFFORDABLE HOUSING OBLIGATION)	6 APPROVE

OFFICER REPORT FOR COMMITTEE

DATE: 15/02/2023

P/22/1449/FP

HILL HEAD

MS L BROWN & MS D GLACKIN

CONSTRUCTION OF DETACHED 1-BED ANNEXE WITH MOBILITY ACCESS & RAISED TERRACE TO REAR (RETROSPECTIVE APPLICATION)

39 KNIGHTS BANK ROAD, FAREHAM, PO14 3HX

Report By

Susannah Emery– direct dial 01329 824526

1.0 Introduction

1.1 The application is reported to the Planning Committee for determination due to the number of third party letters of objection received.

2.0 Site Description

2.1 This application relates to a detached residential property located on the north side of Knights Bank Road opposite the junction with Little Gays.

2.2 Under the adopted Local Plan, the frontage of the site lies within the urban area, with a large part of the rear garden currently lies within the countryside. Under the emerging Local Plan the whole of the site is proposed to be designated as urban area.

2.3 The main two storey dwelling (Pond House) has a ground floor self contained residential/holiday let unit attached to the western side of the building (Still Waters) and there is also a self contained annexe (The Penthouse) in the roof space of the dwelling.

2.4 There is a large pond within the rear garden and the site abuts Titchfield Haven Nature Reserve Site of Special Scientific Interest (SSSI) to the rear. There is a mature Monterey Pine tree on the frontage which is protected by a Tree Preservation Order (TPO).

2.5 The annexe is located within Flood Zone 1 (least at risk) although parts of the site which sit at a lower level are situated within Flood Zone 2/3 and are at risk of tidal flooding.

3.0 Description of Proposal

- 3.1 Retrospective planning permission is sought for the a detached 1-bed annexe with a raised terrace to the rear and ramped mobility access to the garden area of the existing dwelling.
- 3.2 The annexe measures 6.4 metres in depth, 9 metres in width with a ridge height of 4.8m.
- 3.3 It is proposed to finish the annexe with grey fibre cement weather boarding.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

- CS5: Transport Strategy and Infrastructure
- CS15: Sustainable Development & Climate Change
- CS17: High Quality Design

Adopted Development Sites and Policies

- DSP2: Environmental Impact
- DSP3: Impact on living Conditions
- DSP46 Self Contained Annexes and Extensions

Fareham Local Plan 2037 (Emerging)

The Fareham Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector requested a number of modifications to the Plan. The proposed modifications were the subject of public consultation from 31st October until 12th December. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022/2023. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

- HP10 Ancillary Accommodation
- NE6: Trees, Woodland & Hedgerows
- D1: High Quality Design & Placemaking
- D2: Ensuring Good Environmental Conditions
- D5: Internal Space Standards
- CC2: Managing Flood Risk & Sustainable Drainage Systems
- TIN1: Sustainable Transport

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document
(excluding Welborne) December 2015
Residential Car Parking Standards 2009

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

P/18/0754/FP	Erection of Detached Double Garage & Store Permission 30 August 2018
P/18/0059/FP	Erection of Detached Dwelling Refused 22 March 2018
P/17/0548/LP	Construction of two detached single storey outbuildings Approve 18 July 2017
P/17/0042/FP	Single Storey Side Extension Approve 23 February 2017
P/11/0955/FP	Erection of Single Storey/Two Storey Side Extension, Provision of Front & Rear Dormers, Roof Terrace and Insertion of Velux Roof Lights to Form Annexe Approve 3 Jan 2012
P/11/0151/FP	Erection of Single Storey/Two Storey Side Extension, Provision of Rear Dormers & Roof Terrace & Insertion of Velux Roof Lights to Form Annexe Permission 19 May 2011
P/09/0804/FP	Erection of Single Storey & Two Storey Side Extension, Provision of Rear Dormer & Roof Terrace, and Insertion of Velux Rooflights to Form Annexe Permission 27 January 2010
P/06/1613/VC	Variation of Condition 3 of P/03/1344/FP (to enable annexe to be sub-let – retrospective application) Permission 27 September 2007
P/03/1344/FP	Erection of Two Storey Side Extension to form Self- Contained Annexe, Replace Existing Flat Roof with Pitched Roof and New Detached Single Garage (Alternative to P/03/0483/FP) Permission 27 October 2003

P/03/0483/FP Erection of Two Storey Side Extension to form Self-Contained Annexe, Replace Existing Flat Roof with Pitched Roof and New Detached Single Garage
Permission 21 May 2003

P/02/1390/OA Erection of Detached Dwelling With Garage
Outline Permission 11 December 2002

6.0 Representations

6.1 Five representations have been received raising the following issues;

- The conversion of the garage to an annexe has already taken place
- Why was nothing done to stop this when it was clear it was not the garage being built?
- The annexe is already in use on occasion
- The commercial use of the property is out of character with the quiet residential road
- An annexe is not required given the size of the existing dwelling
- The penthouse flat should be made available to the applicant's father
- Increased residents, staff and vehicle movements
- Proposed cladding is not in keeping and brick would be more appropriate
- Vehicles parked on the road
- Further building works resulting in continued noise and disruption
- Log cabin in rear garden used as a dwellinghouse
- How will garden storage/garaging be provided?

7.0 Consultations

EXTERNAL

Environment Agency

7.1 No objection subject to a condition concerning internal finished floor level.

8.0 Planning Considerations

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

- a) Principle of Development
- b) Effect upon Character & Appearance of the Area
- c) Effect upon Amenity of Neighbouring Properties
- d) Flood Risk

a) Principle of Development

- 8.1 The existing dwelling is a substantial residential property. The proposed annexe is for residential purposes and it has been fitted out internally accordingly. It contains one bedroom, an open plan kitchen/living space and a wet room.
- 8.2 Planning permission was granted in 2018 for the construction of a detached garage in the same position and of the same dimensions as the annexe now before Members. The applicant advises that the construction of the permitted garage commenced, however as a result of a delay in the supply of the purchased garage doors, a decision was made to block up the openings for security and to prevent damage to the inside of the building. It was subsequently decided to use the garage as an annexe for the applicant's disabled father who has declining health and mobility issues. Further works were undertaken internally before the Council were made aware, and following investigation invited the submission of a planning application to regularise the matter.
- 8.2 Policy DP46 (Self-Contained Annexes and Extensions) of the Local Plan Part 2: Development Sites and Policies states:

“The provision of self-contained annexes to accommodate dependant relatives will be permitted, provided that:

- i) A functional link between the principal dwelling and the annexe or extension can be demonstrated such as a relationship of the occupants of the principal dwelling and the annex;*
- ii) The annex or extension is within the curtilage of the principal dwelling;*
- iii) Adequate car parking spaces are provided for both the residents of the annex or extension and the principal dwelling;*
- iv) There is no boundary demarcation or sub-division of garden areas between the principal dwelling and the annexe or extension; and*
- v) The annex or extension conforms to the space standards and design requirements as set out in the Local Plan Part 1: Core Strategy Policy CS17: High Quality Design and the Design Supplementary Planning Document.*

Where the annexe is detached from the original dwelling, a planning condition will be applied to any planning permission to prevent the use of the annexe as a separate dwelling.”

8.3 The proposed annexe would be occupied by the applicant's father and would meet the specific needs of the intended occupant. The proposal is considered to comply with part (i). The annexe is within the curtilage of the principal dwelling and the proposal therefore complies with part (ii). There is ample car parking on the driveway for both the occupiers of the annexe and the main dwelling, the proposal complies with part (iii). There is no boundary demarcation or sub-division of garden areas proposed between the principal dwelling and the annexe. Therefore, the proposal complies with part (iv). A planning condition would be imposed to ensure that no subdivision takes place as it is considered this would potentially be harmful to the character of the area. The annex conforms to the nationally described minimum space standards and Policy CS17 and therefore complies with part (v). It is considered that the annexe would comply with Policy DSP46.

8.4 Policy HP10: (Ancillary Accommodation) of the emerging Fareham Local Plan 2037 is similar to DSP46 in that it states:

“The provision of ancillary accommodation will be permitted, provided that:

- a) It is within the curtilage of the principal dwelling; and*
- b) It is proportionate in size to the principal dwelling; and*
- c) It is of a design and structure that is in keeping with the existing dwelling and respects the character of the local area; and*
- d) There is no boundary demarcation or sub-division of curtilage areas between the principal dwelling and ancillary accommodation; and*
- e) Adequate car parking spaces are provided for both the residents of the principle dwelling and the ancillary accommodation within the dwelling curtilage, in accordance with the Policy TIN1.”*

8.5 In considering the proposal against Policy HP10, as previously stated the proposal is within the curtilage of the principal dwelling and therefore complies with part (a). The annexe is considered to be proportionate in size to the principal dwelling and therefore complies with part (b). It is of a design and structure in keeping with the existing dwelling and respects the character of the local area and therefore complies with part (c). There is no boundary demarcation or subdivision of curtilage areas between the principal dwelling and ancillary accommodation proposed and therefore the proposal complies with part (d). There would be ample car parking provided for both residents of the principal dwelling and the ancillary accommodation and therefore the proposal complies with part (e). It is considered that the proposal would comply with Policy HP10 of the emerging Local Plan.

8.6 The construction of a detached log cabin within the rear garden of the existing dwelling and its unauthorised use as a separate dwellinghouse is an entirely separate matter. An enforcement notice was served in September 2022 to require the cessation of the use of the log cabin as a dwellinghouse by 6th December 2022 which the applicant advises has been complied with.

b) Effect upon the Character & Appearance of the Area

8.7 The annexe is set further back than the existing dwelling, in excess of 20 metres from Knights Bank Road and as such is not considered to be a prominent feature within the streetscene. A detached garage was previously permitted in 2018 within the same position as the annexe with the same height and dimensions. The proposal therefore results in minimal visual change in terms of the extent of development on the site and the loss of space about the dwelling.

8.8 It is proposed that the building will be finished with light grey fibre cement weatherboarding and the roof tiles match the existing dwelling. The annexe would have a single window on the front elevation so would maintain the appearance of an ancillary outbuilding as opposed to a separate dwelling. The annexe has an access door on the side elevation and patio doors at the rear on to a raised terrace which is not visible from the road. It is not considered that the proposed materials or design of the building would result in an unacceptable impact on the character or appearance of the surrounding area.

8.9 A planning condition would be imposed to ensure that no alterations are carried out to the front elevation of the annexe in the future including the installation of additional windows or doors. It is also proposed that permitted development rights should be removed to prevent any sub-division of the shared garden area to prevent the formation of a separate plot without further planning permission first being obtained.

c) Effect upon the Living Conditions of Neighbouring Properties

8.10 Policy DSP3 of the Local Plan Part 2: Development Sites & Policies 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. Due to the separation distances involved and the spatial relationship with neighbouring properties it is not considered that the proposal has any materially detrimental impact upon the living conditions of the neighbouring properties by virtue of loss of light, outlook or privacy.

8.11 The annexe would be positioned a minimum of 2 metres from the flank wall of the neighbouring property to the south-west (No.35) and there are no habitable room windows within this elevation. The annexe does not project to the rear of the neighbouring property. The raised terrace at the rear of the annexe does not afford views into the rear garden of the adjacent property.

d) Flood Risk

8.12 The annexe lies within a raised area of the site within Flood Zone 1. The finished floor level of the annexe is set above the estimated flood level of an extreme tidal flood event with a 0.5% annual probability (1 in 200 chance each year) of being equalled or exceeded for the predicted lifetime of the development (100 years) with an allowance built in for climate change. The Environment Agency have raised no objection to the proposal subject to a planning condition securing the minimum floor level of the annexe.

Summary

8.13 In summary the proposal accords with the relevant policies of the adopted Fareham Borough Core Strategy and Fareham Local Plan Part 2: Development Sites and Policies and the emerging Fareham Local Plan 2037 and is considered acceptable.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following conditions;

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

- i) Location Plan – L01 Rev A
- ii) Site Plan – drwg No. 01 Rev D
- iii) Proposed Plans & Elevations drwg No.02 Rev C
- iv) Flood Risk Assessment & Drainage Strategy (Aqua Callidus Consulting, 14 December 2022)

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

2. The development shall be carried out in accordance with the submitted flood risk assessment (Aqua Callidus Consulting, 14 December 2022) and the following mitigation measures it details:

- i) Finished floor levels shall be set no lower than 4.4 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter

throughout the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

3. The annex accommodation hereby permitted shall be occupied only for ancillary residential purposes in conjunction with the use of the principal dwelling Pond House as a single dwelling and shall at no time be occupied separately as an independent unit of accommodation.

REASON: To retain control over the permitted development and to prevent the use of the accommodation as a single dwellinghouse without planning permission.

4. At no time shall any further windows, doors or openings other than those expressly allowed through this planning permission, be inserted into the front elevation of the annexe hereby permitted unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application.

REASON: To protect the character and appearance of the locality.

5. Notwithstanding the provisions of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the erection or construction of any means of enclosure which would sub-divide the plot of No.39 Knights Bank Road shall not be carried out unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the character and appearance of the locality.

Then

9.2 DELEGATE authority to the Head of Development Management to:

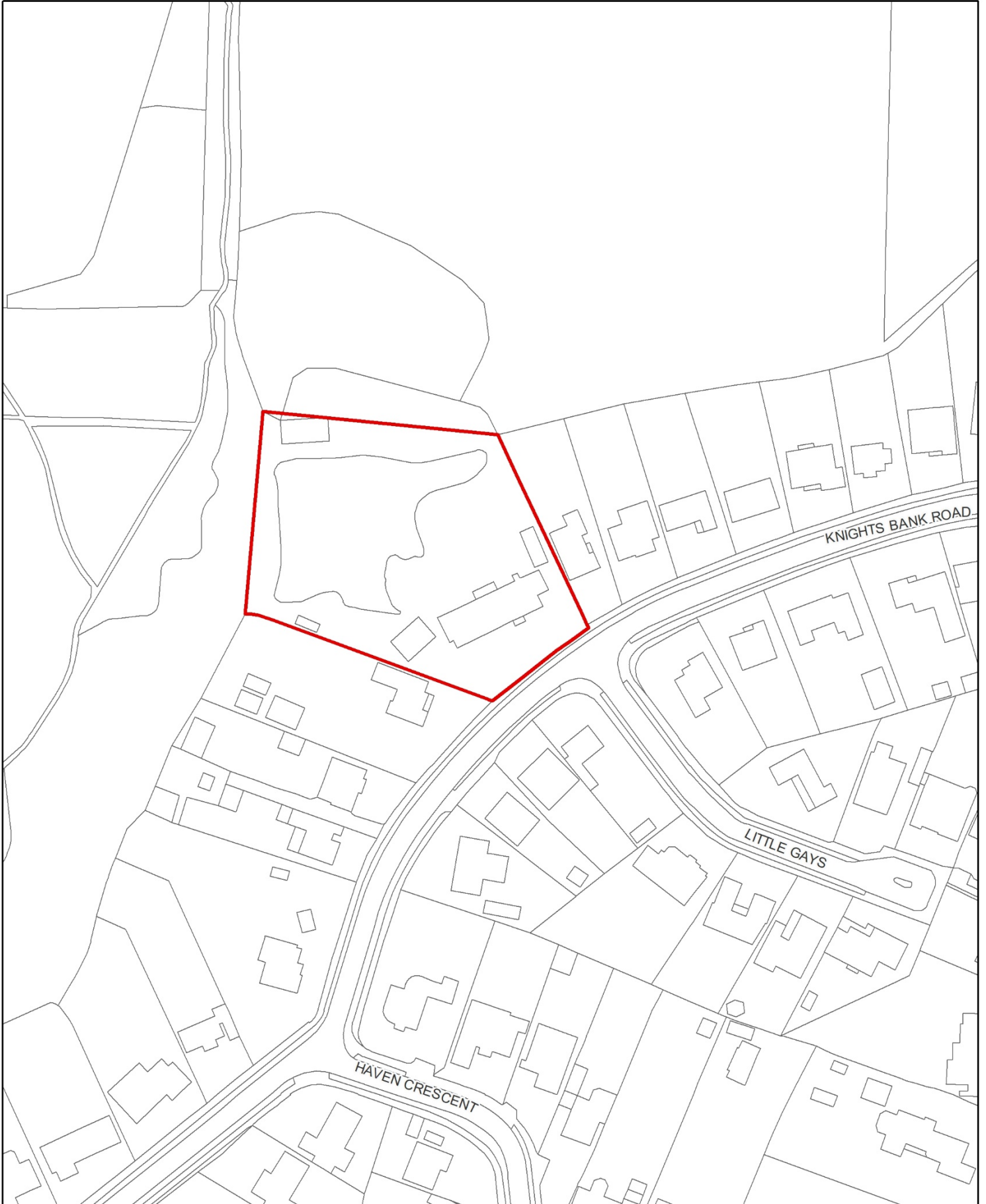
- (a) agree any necessary modifications to the proposed development; and
- (b) make any necessary modification, deletion or addition to the proposed conditions.

10.0 Background Papers

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



39 Knights Bank Road
Fareham

Scale 1:1,250



© Crown copyright and database rights 2022 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

OFFICER REPORT FOR COMMITTEE

DATE: 15/02/2023

P/23/0005/FP
MRS M CARUANA

STUBBINGTON
AGENT: PAUL GOSLING

FIRST FLOOR SIDE EXTENSION

10 JAY CLOSE, FAREHAM, PO14 3TA

Report By

Lucy Knight – direct dial 01329 824579

1.0 Introduction

1.1 This application has been reported to the Planning Committee for determination due to the applicant being related to an employee of Fareham Borough Council.

2.0 Site Description

2.1 The application property is located along a private drive serving four properties at the end of a cul-de-sac. The application property is a detached two storey, four bedroom house with an east facing rear garden and the frontage facing onto an area of public open space which is lined with trees.

3.0 Description of Proposal

3.1 This application seeks permission for a first floor extension over an existing single storey side element on the southern side of the property, to create a larger fourth bedroom.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS17 High Quality Design

Adopted Local Plan Part 2: Development Sites and Policies

DSP3 Impact upon Neighbouring Properties

Emerging Fareham Local Plan 2037

The Fareham Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector requested a number of modifications to the Plan. The proposed modifications

were the subject of public consultation from 31st October until 12th December. The Council's Local Development Scheme schedules that the new plan will be adopted in winter 2022/23. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

Emerging Publication Fareham Local Plan 2037

D1 High Quality Design and Placemaking

D2 Ensuring Good Environmental Conditions

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015

Residential Car Parking Standards 2009

5.0 *Relevant Planning History*

5.1 There is no relevant planning history.

6.0 *Representations*

6.1 No third party letters have been received.

7.0 *Consultations*

None.

8.0 *Planning Considerations*

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

- a) Impact upon neighbouring properties;
- b) Impact upon the character and appearance of the area;
- c) Parking provision

a) Impact upon neighbouring properties

8.2 Policy DSP3 of the Local Plan Part 2: Development Sites and Policies and Policy D2 of the emerging Fareham Local Plan 2037 state that proposals should not result in an unacceptable adverse impact upon neighbouring properties by way of a loss of light, outlook and/ or privacy.

8.3 The proposed extension is located on the southern side of the property adjacent to the driveway serving numbers 11 and 12 Jay Close.

- 8.4 The proposal is not directly opposite the neighbouring properties but is opposite the detached double garage serving number 12. Therefore, no windows within neighbouring properties are materially impacted by the proposed extension.
- 8.5 Both numbers 11 and 12 Jay Close are approximately 10 metres away from the proposal and to the south of it. It is not considered that the light to and outlook from the neighbouring properties will be unacceptably adversely affected.
- 8.6 For these reasons, the proposal is considered to comply with Policy DSP3 of the Local Plan Part 2: Development Sites and Policies and Policy D2 of the emerging Fareham Local Plan 2037.

b) Impact upon the character and appearance of the area

- 8.7 Policy CS17 of the Local Plan Part 1: Core Strategy and Policy D1 of the emerging Fareham Local Plan state that proposals should respect the key characteristics of the area.
- 8.8 Fareham's Design Guidance SPD states that two storey side extensions should be stepped down from the main ridge of the roof and set back from the front elevation to give a subservient appearance.
- 8.9 Due to the location of the property along a private drive it is not prominently visible when viewed from within Jay Close. The proposal will be visible from the open space through the gaps in the trees to the front of the property.
- 8.10 The proposal has been designed with its front elevation stepped back from the front elevation of the main house and the ridge height stepped down from the main ridge height of the roof resulting in a subservient appearance.
- 8.11 The proposal extends forward from an existing side projection at the property which results in a portion of flat roof; this flat roofed element is surrounded by a pitched roof which matches the pitch of the main property. If the roof had been fully pitched it would result in a much taller roof, extending above the height of the existing roof, which would not be desirable. The flat roof element is considered acceptable in design terms.
- 8.12 The external materials have been proposed to match the existing.
- 8.13 The proposal is therefore, considered to respect the key characteristics of the area and the property and complies with Policy CS17 of the Local Plan Part 1: Core Strategy, Policy D1 of the emerging Fareham Local Plan 2037 and

Fareham's Design Guidance SPD.

c) Parking provision

- 8.14 Fareham's Residential Car and Cycle Parking Standards SPD states that a four bedroom property should provide 3 off road parking space.
- 8.15 The property has four bedrooms at present and so the number of bedrooms is not increasing as a result of the proposal.
- 8.16 The site provides sufficient space for three vehicles on the existing driveway and the proposal will not reduce the existing amount of parking on site.
- 8.17 Therefore, the proposal is considered to comply with the Parking SPD.
- 8.18 In conclusion, Officers consider that the extension complies with the policies of the adopted and emerging local plan and recommend that planning permission should be granted.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be begun before the expiration of a period of three years from the date of this decision notice.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
2. The development shall be carried out in accordance with the following approved documents:
 - a) Drawing No: 001 rev A – Existing Plan
 - b) Drawing No: 002 rev B – Proposed Plans
 - c) Drawing No: 003 rev A – Proposed DetailsREASON: To avoid any doubt over what has been permitted.
3. The materials to be used in the construction of the development hereby permitted shall match as closely as possible those used on the existing building unless otherwise agreed in writing with the Local Planning Authority.
REASON: To secure the satisfactory appearance of the development.

Then

9.2 DELEGATE authority to the Head of Development Management to:

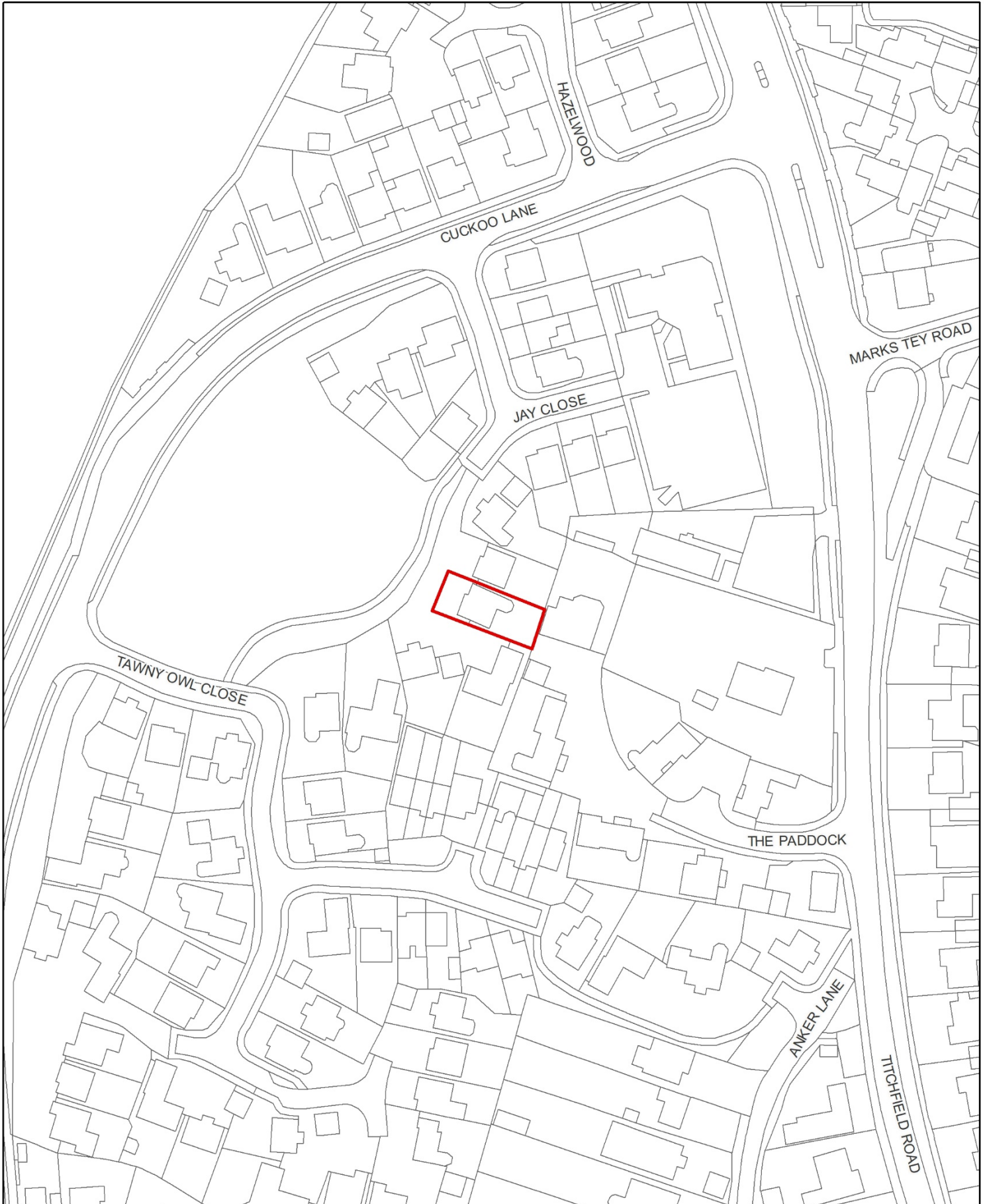
- a) agree any necessary modifications to the proposed development; and
- b) make any necessary modification, deletion or addition to the proposed conditions.

10.0 Background Papers

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



10 Jay Close
Fareham

Scale 1:1,250



Page 128

© Crown copyright and database rights 2022 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

OFFICER REPORT FOR COMMITTEE

DATE: 15/02/2023

Q/1777/22
PERSIMMON HOMES (SOUTH
COAST) LTD

STUBBINGTON
AGENT: PERSIMMON HOMES

DEED OF VARIATION TO A UNILATERAL UNDERTAKING PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 DATED 10 NOVEMBER 2021, RELATING TO APPLICATION P/20/0522/FP, ALLOWED ON APPEAL (AFFORDABLE HOUSING OBLIGATION)

LAND EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE,
STUBBINGTON, FAREHAM

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

- 1.1 In January 2022 planning permission was granted on appeal for 206 dwellings, access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to access road), with car parking, landscaping, substation, public open space and associated works (planning reference P/20/0522/FP- appeal reference APP/A1720/W/21/3275237).
- 1.2 The planning permission is subject to a Section 106 planning obligation which secures various obligations including 82 on-site affordable homes, together with a financial contribution of £23,060.00 towards off-site affordable housing.

2.0 Description of Proposal

- 2.1 Aster Group, the Registered Social Provider (RSP) looking to acquire the affordable units on this site, has requested that the mortgagee exclusion clause in the planning obligation be amended.
- 2.2 The mortgagee exclusion clause allows the mortgagee of a RSP to sell the affordable dwellings free of the affordable housing restrictions contained in the section 106 planning obligation in the event of a loan default by the RSP.
- 2.3 The wording in the current planning obligation states that, unless otherwise agreed in writing by the Council, the mortgagee of the RSP shall give not less than 1 month's prior written notice to the Council of its intention to dispose of any of the affordable housing units. If the Council responds within the 1 month period to indicate that the affordable housing properties can be

transferred in such a way as to safeguard them as affordable housing (for example by arranging for the properties to be transferred to another RSP or to the Council), then the mortgagee shall co-operate with such arrangements to secure the transfer.

- 2.4 If the Council does not serve its notice within 1 month or is unable to complete the transfer within 2 months of giving its notice in 2.3 above, the mortgagee would be entitled to dispose of the units free of the affordable housing obligations in the section 106 agreement (i.e. on the open market).
- 2.5 The proposed deed of variation amalgamates these 1 month and 2 month periods into a single 3 month block. The amended wording still requires that notice to be given to the Council of the chargee's intention to dispose of the affordable housing and requires the chargee to use reasonable endeavours over a three month period beginning with the date of the notice to complete a disposal of the affordable housing to another RSP or to the Council.

3.0 Consultations

Fareham Housing

- 3.1 No objection raised. Officers acknowledge that the change in wording allows for slightly less time that a transfer can be completed and the housing will stay affordable, so the risk to the Council increases that they may be lost. However, the risk is small and it would be difficult to resist where it accords with National Housebuilders Federation (NHF) requirements.

4.0 Planning Considerations

- 4.1 The change has been sought to bring the legal terminology in line with the agreed wording which is approved and published by the NHF and a Securitisation Working Group comprising the key valuers, funders and lawyers in the sector. Unless the mortgagee exclusion clause is in line with this NHF wording, the RSP will be unable to obtain optimum lending rates, affecting their funding arrangements to secure, deliver and retain affordable housing.
- 4.2 There would be no change to the amount of affordable housing secured, the triggers for delivery of the affordable housing or the amount and timing of the affordable housing contribution.
- 4.3 The purpose of the mortgagee exclusion clause is to allow some protection for mortgagees who wish to realise their security whilst balancing this against the aim of keeping all of the on-site affordable housing as affordable housing over the long term.

4.4 The principal consideration for Members is whether the obligation would continue to serve this purpose equally well if varied. In other words, whether the amended mortgagee exclusion clause still provides sufficient protection for the on-site affordable housing whilst recognising the need to offer flexibility to mortgagees of RSPs.

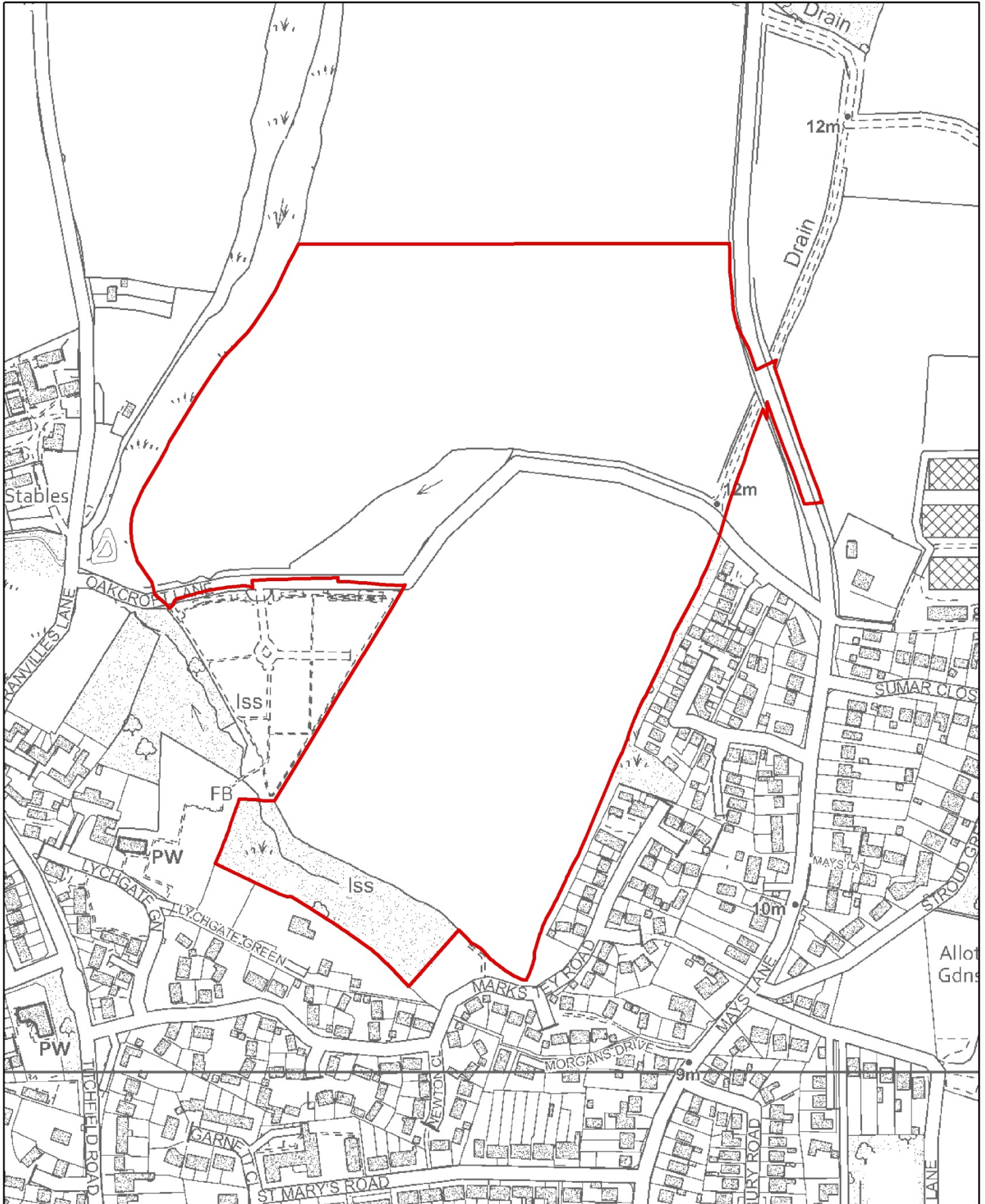
4.5 Officers are satisfied that the amended wording would still offer a good level of protection for the affordable housing, especially considering the minor nature of the amendment. If the Council were to refuse the request to vary the agreement the developer may find it significantly more difficult to find a RSP prepared to take on the affordable housing.

5.0 Recommendation

5.1 That Members authorise the completion of a deed of variation to the Section 106 planning obligation to update the mortgagee exclusion clause to reflect NHF requirements.

FAREHAM

BOROUGH COUNCIL



Land East of Crofton Cemetery
and West of Peak Lane
Scale 1:4,000



© Crown copyright and database rights 2022 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

**Report to
Planning Committee**

Date 06/02/2023
Report of Director of Planning and Regeneration
Subject PLANNING APPEALS

SUMMARY

The following report provides details of all current planning appeals, in particular the procedures under which the appeal will be considered and details of any planning appeal decisions received since the previous Planning Committee meeting.

RECOMMENDATION

That the Committee note the content of the report.

CURRENT PLANNING APPEALS

The following details set out all current planning related appeals and the procedures under which they will be dealt with

WRITTEN REPRESENTATIONS & HOUSEHOLDER

Fareham Borough Council Reference: [P/21/0994/FP](#)

Appeal site address: 56 West Street Portchester Fareham PO16 9UN

Ward: Portchester East

The appellant: Mr Bill Seager

Description of proposal: Demolition of existing single storey launderette and replacement with 3 storey 5 apartment block (4x1 bed and 1x2 bed) (revised submission of P/21/0319/FP)

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 03/10/2022

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/1458/FP](#)

Appeal site address: Kingfishers Fishers Hill Fareham PO15 5QT

Ward: Titchfield

The appellant: Mr K Smith - Principal Estates (Southern) Ltd

Description of proposal: Construction of three detached homes with associated garage and carports, access and landscaping following demolition of the existing swimming pool structure.

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 02/02/2023

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/1919/LU](#)

Appeal site address: Lake Cabin Oslands Lane Lower Swanwick SO31 7EG

Ward: Sarisbury

The appellant: Mr Andrew Goddard

Description of proposal: Lawful Development Certificate for construction of building and occupation as a residential dwellinghouse

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 02/08/2022

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/1960/FP](#)

Appeal site address: 21 Fragorum Fields Titchfield Common Fareham PO14 4TG

Ward: Titchfield Common

The appellant: Mr Qasim Niazi

Description of proposal: Convert part of the garage into a habitable room

Council decision: APPROVE

Decision maker: Officer Delegated Powers

Date appeal lodged: 07/07/2022

Reason for Appeal: Appeal against conditions imposed on approval

Fareham Borough Council Reference: [P/22/0615/FP](#)

Appeal site address: 93 The Hillway Portchester Fareham PO16 8BP

Ward: Portchester West

The appellant: Mrs K. Bennett

Description of proposal: Use of annexe as an independent dwelling

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 23/11/2022

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/0706/FP](#)

Appeal site address: 40 Portsview Avenue Portchester Hampshire PO16 8LU

Ward: Portchester East

The appellant: Mr B Kendall

Description of proposal: Construction of 2 No. 3 bed Semi-Detached chalet bungalows following demolition of existing bungalow and garage

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 23/01/2023

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/0852/PA](#)

Appeal site address: Bishopsfield Road Street Works Bishopsfield Road Fareham PO14 1ND

Ward: Fareham South

The appellant: CK Hutchison Networks (UK) Ltd

Description of proposal: Proposed 5G telecoms installation: H3G street pole and additional equipment cabinets.

Council decision: PRIOR APPROVAL REFUSED

Decision maker: Officer Delegated Powers

Date appeal lodged: 23/11/2022

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/1046/FP](#)

Appeal site address: 106 Funtley Road Fareham PO17 5EF

Ward: Fareham North

The appellant: Mr Paul MacDonald

Description of proposal: Timber garage for use as ancillary storage for the existing dwelling

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 06/12/2022

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/1071/DA](#)

Appeal site address: Land adjacent to 83 Swanwick Lane Swanwick Fareham

Ward: Sarisbury

The appellant: Mr N Assar

Description of proposal: Without planning permission, the erection of a wooden building on the

Land

Date appeal lodged: 02/08/2022

Reason for Appeal: Against serving of planning enforcement notice

Fareham Borough Council Reference: [P/22/1771/DA](#)

Appeal site address: 106 Funtley Road Funtley Fareham PO17 5EF

Ward: Fareham North

The appellant: Mr P Macdonald

Description of proposal: Erection of Detached Timber Garage

Date appeal lodged: 06/12/2022

Reason for Appeal: Against serving of planning enforcement notice

Fareham Borough Council Reference: [P/23/0077/DA](#)

Appeal site address: Land at Oaklea Farm 155 Fareham Park Road Fareham PO15 6LW

Ward: Fareham North-West

The appellant: Ms Cathryn Bowman-Wise

Description of proposal: Material change of use of the land to use for the storage of scaffolding equipment

Date appeal lodged: 18/01/2023

Reason for Appeal: Against serving of planning enforcement notice

Further information about Planning Appeals

Introduction

Under the English planning system, only the applicant has a right of appeal. There is currently no right of appeal for third parties. Planning decisions can only be challenged by third parties through the Courts. The Courts can examine whether the decision was lawfully made- the Courts' role is not to consider whether they agree with the decision itself.

When are planning appeals lodged?

A very small proportion of all planning decisions made by this Council end up being considered through the planning appeal system. When planning applications are refused, Government advice is that applicants should firstly contact the Council to see if their proposal can be modified to address the Council's concerns.

The most common type of planning appeal is against the refusal of a planning application. Planning appeals can also be made against specific conditions that have been imposed on a planning permission or where a Council has not made a decision within prescribed time periods.

Who decides planning appeals?

Planning appeals are handled and decided by the Planning Inspectorate. The Planning Inspectorate is an executive agency of the Ministry of Housing, Communities and Local Government.

Nearly all appeals are decided by Planning Inspectors from the Planning Inspectorate and in each case the Inspectors are solely responsible for their decisions. A very small percentage are decided by the Secretary of State - these tend to be the very largest or most contentious schemes.

The different types of appeal procedures

There are different types of procedures for different types of planning appeals, often depending on the complexity of the issues. The Planning Inspectorate decide which type of procedure will be used for any given appeal.

There is an 'expedited procedure' for Householder appeals, with most other appeals being determined through the written representations' procedure. Larger scale and/ or more controversial planning appeals may be dealt with by way of an Informal Hearing or by a Public Local Inquiry.

With all planning appeals, the Planning Inspector will visit the site and will notify the outcome of the planning appeal by way of a written decision. A summary of the three main procedures are set out below:

Appeal by Written Representations

Under this procedure, the Planning Inspector will decide the appeal on the basis of the written material provided by all interested parties and following a visit to the appeal site.

The key aspect of this procedure is that submissions made by the Council, the applicant or interested parties, can only be made in writing for the Planning Inspector to consider.

Appeal by Informal Hearing

The hearing is an inquisitorial process led by the Planning Inspector who identifies the issues for discussion based on the evidence received and any representations made. The hearing may include a discussion at the site.

Interested parties including residents, amenity groups and councillors can normally attend and take part in the discussion. Most hearings last a day, but more complex cases may continue over several days.

Appeal by Public Local Inquiry

Public Local inquiries are the most formal procedure and are used for complex cases where legal issues may need to be considered, or evidence needs to be taken under oath.

An Inquiry is open to the public and provides for the investigation into, and formal testing of, evidence, usually through the questioning ("cross examination") of expert witnesses and other witnesses. Parties may be formally represented by advocates.

Interested parties including residents, amenity groups and councillors can normally attend and speak if they would like to do so.

The length of an inquiry depends on the complexity of the case and can range between a day and several weeks.

Further reading

You can find out more details about the planning appeal process on the [Planning Portal](#)

A [detailed procedural guide on planning appeals](#) can be viewed on the Government website.

You can look at planning appeal decisions made by the Planning Inspectorate across England [via their website](#)

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date **15 February 2023**

Report of: **Director of Planning and Regeneration**

Subject: **TREE PRESERVATION ORDER (No 775) 2022: 35 – 42 FOSTER CLOSE,
STUBBINGTON, FAREHAM.**

SUMMARY

The report details objections to the making of a provisional order in October 2022 and provides officer comment on the points raised.

RECOMMENDATION

That Tree Preservation Order 775 is confirmed as originally made and served.

BACKGROUND

1. Section 198 of The Town and Country Planning Act 1990 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.

2. Fareham Borough Council Tree Strategy.

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.

3. A tree preservation order has been made to protect one mature oak tree at 35 – 42 Foster Close, Fareham.

INTRODUCTION

4. The tenants of 33 Foster Close, exercised the Right to Buy their property from Fareham Borough Council last year; the sale of the property was completed in early October 2022.
5. Shortly after the property sale, the owners of 33 Foster Close were advised in writing that the oak tree to the rear of their garden was not on land which has been sold to them and remains in the ownership of Fareham Brough Council. The owners of 33 Foster Close were also notified that the Council intended to serve a Tree Preservation Order in respect of the tree.
6. Because the occupiers of 33 & 34 Foster Close have expressed their desire to have the tree reduced, officers considered it expedient to serve a tree preservation order to protect the oak tree and to provide control over any future works carried out to it.
7. On 14 October 2022 a provisional tree preservation order was made in respect of one pedunculate oak tree situated at 35 – 42 Foster Close, to the rear of 33 and 34 Foster Close. The tree is a large mature specimen, which is clearly visible from several public vantage points and makes a significant contribution to the visual amenity of the area (Site plan at Appendix A).

OBJECTIONS

8. Two objections have been received following the serving of the tree preservation order from the occupiers of 33 & 34 Foster Close.

The main grounds of objection are as follows:

- The tree has been allowed to grow too wide and tall for its location.

- The tree needs to be maintained and brought down to a sensible size.
- The householder at 33 Foster Close offered to pay for the tree to be maintained but was led to believe the oak tree was already protected.
- The householder at 34 Foster Close is elderly and the falling debris and shading mean they cannot enjoy their garden safely.

PUBLIC AMENITY

9. The oak tree is visible from several public vantage points – Foster Close to the north and Green Road to the southwest. The tree by virtue of its size and prominence, make a significant contribution to the public amenity of the area (Photographs at Appendix B).

SIZE AND CONDITION OF TREE

10. The oak tree has historically been maintained by the Council and is subject to routine tree safety inspections. Recent tree works include crown lifting in 2016 and a localised reduction by 3 metres on the east side of the tree, over the rear gardens of 33 & 34 Foster Close in September 2022.
11. At the time of the last visit in September 2022 no defects or abnormalities were observed to suggest the subject oak tree poses an undue level of risk. There are no guarantees of absolute safety in the event of severe adverse weather conditions, since all assessments should be undertaken for normal conditions and not try to speculate about what might happen in the event of severe or abnormal weather.
12. It is not possible to eliminate all risk associated with trees because even those apparently free from defects can fail when the forces acting upon them exceed their inherent strength; some risk must be accepted to experience the multiple benefits trees provide our communities.

TREE RELATED DEBRIS

13. It is to be expected that large, mature trees will produce amounts of tree related debris and the periodic clearing of such material is, albeit an inconvenience, part of routine household maintenance when living near trees.
14. If a protected tree presents an immediate risk of harm to people or property, any urgent works necessary to make the tree safe, such as removing dead or broken branches, can be undertaken without consent. If a protected tree is either dead or dangerous, five days' written notice needs to be given to the local authority of any necessary tree works.
15. Officers acknowledge that for some residents, trees can be a source of frustration. However, these very same trees contribute to the pleasant appearance of Fareham and provide multiple benefits to the area.

TREE WORK APPLICATIONS

16. In dealing with applications to carry out works to protected trees the Council will consider whether the reasons given in support of an application outweigh the amenity reasons for protecting them. The Council is unlikely to support unnecessary or unsympathetic pruning that would harm a protected tree by adversely affecting its condition and appearance. Permission to prune and maintain protected trees in the context of their surroundings, species, and previous management history will not be unreasonably

withheld by the Council.

17. The existence of a TPO does not prevent works being carried out to a tree, or indeed the felling of the tree, if such a course of action is warranted by the facts. Whilst the Council's approval would be required to carry out works to the tree, there is currently no charge for making such an application to carry out works, and applications are determined quickly.

RISK ASSESSMENT

18. Based on the submitted information the Council will not be exposed to any risk associated with the confirmation of TPO 775 as made and served. Only where an application is made for consent to carry out work on trees subject to a TPO and subsequently refused does the question of compensation payable by the Council arise.

CONCLUSION

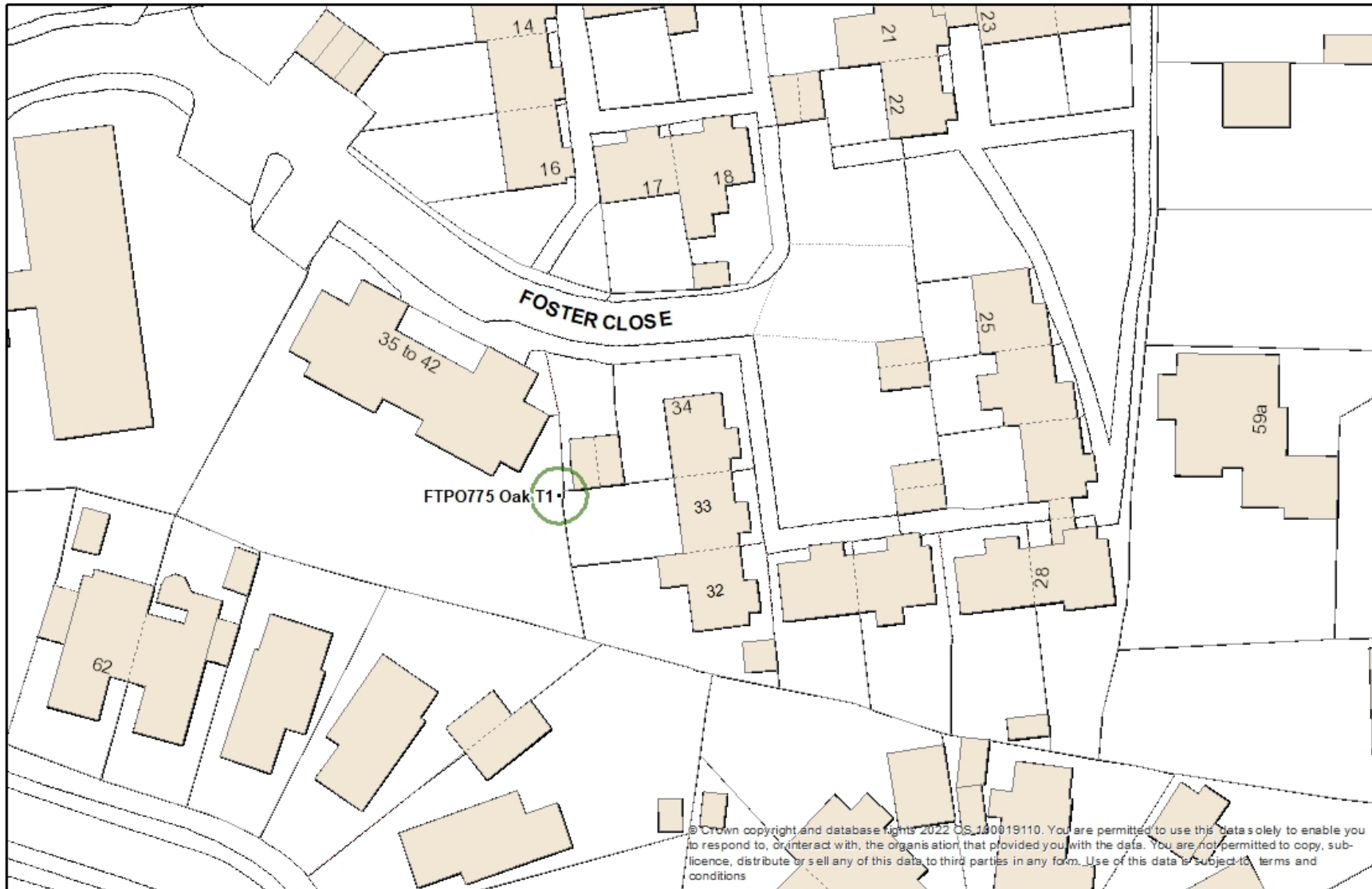
19. When making tree preservation orders the Council endeavours to consider the rights of those affected and use their powers responsibly. The rights of the individual must be balanced against public expectation that the planning system will protect trees when their amenity value justifies such protection.
20. Tree preservation orders seek to protect trees in the interest of public amenity; therefore, it follows that the exclusion of a tree from an order should only be sanctioned where its public amenity value is outweighed by other considerations.
21. In this instance Officers consider the reasons put forward for objecting to the protection of the pedunculate oak are not sufficient to outweigh its public amenity value. The tree is not of such a size and in such a restricted location, that it has a major impact upon the amenity of adjacent properties. It is open to adjacent occupiers to apply to carry out works to the tree and each request will be carefully considered on their merits.
22. Officers therefore recommend that Tree Preservation Order 775 is confirmed as originally made and served.

Background Papers: TPO 775.

Reference Papers: Forestry Commission: The Case for Trees – 2010. Planning Practice Guidance - Tree Preservation Orders (2014) and The Law of Trees, Forests and Hedges (second edition) – *Charles Mynors*.

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

APPENDIX A – SITE PLAN



© Crown copyright and database rights 2022 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form. Use of this data is subject to terms and conditions

<p>Tree Preservation Order No. 775 (T1) <i>East Boundary of 35 - 42 Foster Close, Stubbington</i></p>	<p>FAREHAM BOROUGH COUNCIL</p>	<p>Date: 15 February 2023</p>	<p>Ref: 1 Scale: 1:500</p>	
---	---	-------------------------------	---	--



Tree Preservation Order No. 775 (T1)
East Boundary of 35 - 42 Foster Close, Stubbington

FAREHAM
BOROUGH COUNCIL

Date: 15 February 2023

Ref: 2

Scale: 1:500

Reproduced from Ordnance Survey material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes copyright and may lead to prosecution or civil proceedings. Licence Number 100019110. 2023



APPENDIX B – PHOTOGRAPHS



1. View of oak from Foster Close looking south



2. View of oak from Foster Close looking south



3. View of oak (centre tree) from Green Road looking north-east



4. View of oak (centre tree) from Green Road looking north-east